



NEW AGENDA

SOUTH AFRICAN JOURNAL OF SOCIAL AND ECONOMIC POLICY

What's Next for Zondo Report?

Will Parliament Step Up To The Challenge?

FREEDOM AND DEMOCRACY

EQUALITY AND DIVERSITY

UNITY AND RECONCILIATION

OPENNESS AND PARTICIPATION

OVERSIGHT AND ACCOUNTABILITY

RECONSTRUCTION AND DEVELOPMENT

COOPERATIVE GOVERNANCE

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Zondo: an appeal to the President from IFAA

Food security: What might a comprehensive policy look like?

Corruption is a growth strategy for China – why not for South Africa?

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Seeking an alternative

Conventional, mainstream economics has championed growth for its own sake, and its negative effects on human beings and natural systems are considered collateral. As the effects of this model of development have become evident, calls for sustainable development have grown louder and more urgent and new ideas are beginning to emerge about the purpose of growth.

There is growing consensus that the assumptions underlying neoclassical and neoliberal economic thought are at odds with life in the 21st century. New Economic thinking offers an alternative view of the pressing issues of today -- growth, environmental sustainability, climate change, decolonisation of developing economies, inequality and unfair distribution of economic gains.

IFAA ran a six-week training programme on New Economics in July and August. Participants were mainly unemployed youth from the Cape Flats who have a matric qualification.

Visiting facilitators covered day-long sessions on the following:

- Impact of climate change on water, energy and food
- The blue economy
- The green economy
- The circular economy
- The social & solidarity economy
- The care economy
- Social enterprises
- Doughnut economics

The course ended with a half-day festival where grassroots organisations introduced participants to local renewable energy projects, employment possibilities and entrepreneurial opportunities.

“

Ever since this course I'm filled with excitement that I didn't have for as long as I can remember, so much so that I've even started making short-term goals.

It has been a wonderful learning journey to share [with] those that were not part of us and to make change now [rather] than Waiting for the Disaster to Happen.

Every morning was filled with educational minutes. I enjoyed every moment and all the people I met were so friendly and kind. To everyone that stood in front of me to teach me I am grateful.

[After participating in a protest march against climate change] I just wanted to say thank you so much because without this economics program I wouldn't have been able to connect with societies like this.



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ONWARD AND UPWARD: The steps leading up to the National Assembly building in the parliamentary precinct carry a powerful message. (Photo taken before the January 2022 fire at Parliament.) Credit: Mike Hutchings

Contents

Issue 86



Editorial

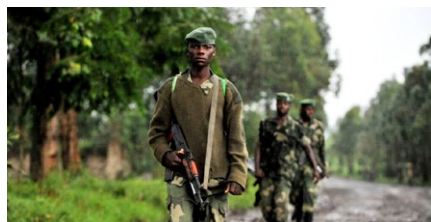
- 3 **FIX PARLIAMENT'S COMMITTEES**
We can't afford to ignore the Zondo Commission report
By Martin Nicol

Zondo on Parliament

- 4 **DEAR COMRADE PRESIDENT RAMAPHOSA**
By Institute for African Alternatives
- 6 **HOW PARLIAMENT FAILED – and Zondo's respectful advice to our legislators**
By Moira Levy

Civil service corruption

- 12 **WHY HAS SA STATE CAPTURE not led to growth and development, as it did in China?**
By Ivor Chipkin



Amnesty and state capture

- 20 **WHAT TO DO WITH THE OFFENDERS?**
Unpacking South Africa's state capture amnesty debate
By Karam Singh and Tharin Pillay

Household food insecurity

- 26 **REVISED FOOD SECURITY POLICY**
needed to reshape SA food system
By Jane Battersby
- 31 **NO-ONE CAN BE LEFT BEHIND**
Building resilient food systems in Africa
By Sifiso Ntombela
- 36 **OVER HALF SA HOUSEHOLDS ARE FOOD INSECURE**
Women must first pay for transport, electricity, debt
By Mervyn Abrahams



- 40 **'TOO LITTLE FOR TOO MUCH':**
The story of Uganda's growing hunger, and its shrinking 'Rolex'
By Nakisanze Segawa

News from the continent

- 42 **DATeline AFRICA**
High- (and low-) lights on the continent, May-August

Xenophobia

- 45 **SCAPEGOATING 'ILLEGAL FOREIGNERS':**
No answer to South Africa's home-grown crises
By Dale T. McKinley

Book Review

- 47 **PRISON NOTEBOOK V2957/88**
Book review by Moira Levy
- 49 **UNFORGIVEN FACE TO FACE WITH MY FATHER'S KILLER**
Book review by Moira Levy

Fix Parliament's committees

We can't afford to ignore the Zondo Commission report

By Martin Nicol

In this issue of *New Agenda* we focus on the final instalment of the [Zondo Commission](#) report in which Chief Justice Raymond Zondo asserts unequivocally that state capture was the result of the failure of the Portfolio Committee system in Parliament to hold the executive to account. He makes it clear that fixing Parliament's Portfolio Committee system is urgent and of the utmost importance.

IFAA believes this finding of the Zondo Commission into state capture is the most consequential of all its recommendations for the future of our democracy. So much so, that we publish in this issue of *New Agenda* a letter that we have sent to the President, appealing to him to intervene by calling on Committees to take Zondo's words to heart and to read, if nothing else, pages 283-465 of Volume VI Part 2 on "Parliamentary Oversight"!

IFAA's particular interest in the Zondo Commission's report stems from a research project we began in 2019 called "Checks and Balances" that was initiated by IFAA's founder, the late former MP, Professor Ben Turok, shortly before he passed away. It set out to examine why the checks and balances written into the South African Constitution have failed when it comes to acting on the recommendations of the Auditor-General to reduce irregular, unauthorised and fruitless and wasteful expenditure in the public sector. We at IFAA have wasted long months since we released our research findings, before any Zondo reports, trying to get Parliament to engage fully with the recommendations and urgings of the Auditor-General, with no response.

We should be used to getting no response. We have had recommendations from Chapter Nine Institutions such as the AG; Commissions of Inquiry – outrageously expensive, long and drawn out, raising major issues of concern – such as Truth and Reconciliation, Marikana, Baloyi, Life Esidimeni – and many reports on how Parliament could do better ... and no action has been taken.

But we cannot afford to ignore the Zondo Commission report, not this time when the country is in crisis. State capture and corruption is one of the themes we pursue in this issue.

We consider the recommendations made by Zondo concerning Parliament and its failure to carry out its mandate to conduct oversight. We endorse a strong article from Corruption Watch which explains why the amnesty proposed for those fingered by Zondo as culpable in state capture is unlikely to deliver justice.

We present a provocative comparison between South Africa and China, where widespread, decentralised corruption and systematic looting of state-owned property actually reinforced rocketing economic growth. Author Ivor Chipkin does not ever endorse corruption – and we don't forget that China's significant growth had ugly downsides: environmental devastation, the depopulation of the countryside, a staggering gap between rich and poor and brutal internal repression. Chipkin reviews some of the evidence considered by the Zondo Commission and asks "Why did state capture not produce growth and development in South Africa like it has in China?"

A second emphasis in this issue deals with food insecurity – polite words for hunger, malnutrition and starvation – that is gripping the continent and threatening the livelihoods and lives of so many.

According to the Food and Agriculture Organisation (FAO), the specialised agency of the United Nations that leads international efforts to defeat hunger, the global prevalence of moderate or severe food insecurity has been on the rise since 2014. This is well before the shocks of COVID. Nearly one in three people in the world (2.37 billion) did not have access to adequate food in 2020 – with Africa as a whole being subject to the sharpest increases in the most extreme measures of food insecurity.

Sifiso Ntombela summarises practical measures to improve food security in Africa, even as climate challenges and the effects of the war in Ukraine compound the effects of existing bottlenecks in the continent's food systems. One of his points – on the weaknesses in policy implementation – is illustrated by Jane Battersby who argues that in South Africa the national policy on food and nutrition is poorly framed. She gives examples of how emergent civil society networks are working to increase agency so that people are assisted to manage their diets. Mervyn Abrahams is the initiator of a monthly survey that tracks the impact of food prices on the poor in various towns and cities of South Africa. He describes current household food insecurity as a crisis that requires change at the level of political-economic transformation. **NA**

Dear Comrade President Ramaphosa,

We at the Institute for African Alternatives (IFAA) are writing to you, with the greatest respect, to appeal to you to use your authority to send an important message to Parliament. We ask you to encourage every member of the Portfolio Committees to read the last 200 pages of part VI of the Zondo report.

We are fully aware that this is a controversial request because it is you who is supposed to account to Parliament – on behalf of the executive. Yet here we are, South Africans committed to our Constitution, urging you to just this once disregard principles around the separation of powers to tell Parliament what it needs to do, as a matter of urgency.

IFAA's particular interest in the Zondo Commission's report stems from a research project we began in 2019 called "Checks and Balances". The project was initiated by IFAA's founder, the late former MP, Professor Ben Turok, shortly before he passed away. It set out to examine why the checks and balances written into the South African Constitution have failed when it comes to acting on the recommendations of the Auditor-General to reduce "irregular, unauthorized and fruitless and wasteful expenditure" in the public sector.

IFAA notes with keen interest the Zondo Commission's uncompromising statement that Parliament's Portfolio Committees are key to parliamentary oversight over the executive. The

report states, "The evidence before the Commission is overwhelmingly in support of the view that the institution that is key to the performance of parliamentary oversight over the executive in South Africa is the Portfolio Committee" (RSA, VI(II): para 755).

If oversight failed in the case of state capture – as manifestly it did – the locus of that failure is the Portfolio Committee. The Zondo Commission firmly asserts that state capture was the result of the failure of the Portfolio Committee system in Parliament and makes it clear that fixing Parliament's Portfolio Committee system is urgent and of utmost importance.

Parliament – and its Portfolio Committees – for over two decades now, have signally failed to hold the executive to account for its abuse of public funds and assets. There are no consequences for the corrupt, the incompetent, the feckless, the careless accounting officers and executive authorities that are culpable in the waste of resources. These are the precious and scarce means that our people have asked the government they elected to muster for national development and improvements in the lives of citizens. Yet these resources have been plundered and are still being wasted – and nothing is done about it.

We at IFAA have wasted long months since we released our research findings, some time before any Zondo reports, trying to get Parliament to engage fully with the recommendations and urgings of the Auditor-General.

We were very lucky to get input and support for our research from the current chairperson of SCOPA, Mr Mkhuleko Hlengwa of the Inkatha Freedom Party, the Auditor-General at the time, the late Mr Kimi Makwetu, and a number of opposition MPs, but we have been singularly unlucky in



securing the assistance of the Speaker, the former Speaker, the Deputy Speaker and the House Chairperson of Committees, Mr Cedric Frolick, despite our repeated attempts.

IFAA is not calling on the Hawks and the National Prosecuting Authority, the war rooms and the command councils. We are simply calling for elected MPs, in their Portfolio Committees, to read Part Six, Volume 2, pages 287 to 483 of the Zondo report – and to, as Committees, agree on what to recommend to the National Assembly on the way forward.

One of the features of the Zondo Report is the way it outlines deep and ongoing problems since the very start of the democratic era in holding the executive to account. Paragraph 937 of the sixth instalment covers how the Mbeki Parliament prevented oversight over the arms deal from 1999, and goes on to the most egregious abuse of Parliament ever, in 2016, when the Constitutional Court, most embarrassingly, had to tell Parliament it was not doing its job. This was the Nkandla judgment.

Zondo shows in painstaking detail



“

The Zondo Commission firmly asserts that state capture was the result of the failure of the Portfolio Committee system in Parliament ...

how state capture unfolded as Portfolio Committees' checks and balances broke down. In its meticulous analysis of the Portfolio Committee system the Zondo report holds up a mirror to Parliament that exposes weaknesses in a new and graphic way.

The Zondo report is respectful of Parliament's key role in our system of checks and balances. A Commission can only operate according to the mandate given to it by the President. It cannot force the President (or Parliament) to do anything specific. The judiciary cannot tell Parliament how to do its job – it is only allowed to tell Parliament when it has acted in defiance of the Constitution and that it must fix the problem. (Unfortunately this has happened a lot!) The executive, similarly, cannot tell Parliament what to do. It can propose laws and ask Parliament to consider them. It can report to Parliament and invite comments. It can (indeed must) respond to questions that are posed in Parliament.

Since the start of democracy in South Africa we have believed the Portfolio Committees are the “engine room” of Parliament. They go through every clause in every law before they approve it. They look at the annual budgets, plans and reports of departments and state-owned companies that are attached

to the Minister whose “portfolio” they oversee. Portfolio Committees have very considerable powers to get information from the executive – but they do not wield these powers effectively in many instances, as the Zondo analysis outlines.

Problems with the performance of Portfolio Committees are not new. Parliament has itself commissioned at least four studies that have made concrete recommendations on how Committees, and Parliament broadly, could improve their oversight work. The first report was in 1999 at the end of the first term of parliamentary democracy. This was the “Corder report” which is frequently referenced, and praised, in the Zondo report. Other reports – each initiated by the National Assembly itself or its Speaker – came out in 2007, 2009 and 2018.

After Corder, came the Asmal *Ad Hoc* Committee on how Chapter Nine institutions could work better with Portfolio Committees. Parliament implemented only one recommendation. Then came the Independent Review of Parliament in 2009, which endorsed the decade-long effort to craft an effective Oversight and Accountability (OVAC) model for Parliament. It was put on the shelf after the most minor changes were made to the parliamentary rules. And you will remember that Comrade Kgalema Motlanthe chaired a “High Level Panel” – funded by Parliament – to make recommendations on what Parliament should do so that more of the old freedom promises were addressed by our democracy. The Panel held expensive hearings all over the country. They told Parliament what they found. They made constructive suggestions – and Parliament did ... NOTHING.

The Zondo report called on Parliament to revisit the Corder report and to review its own rules, its operating “traditions” (many of which were developed by parliamentary bureaucrats, not by Members), and the proposed OVAC model for Parliament.

Comrade President, as an ex-MP – and as a negotiator of our Constitution – you know that since 1994 every Portfolio Committee has had a majority of ANC MPs. So one could blame the ANC (which is easy, and what everyone does, including Zondo) – or you could say that true responsibility for state capture lies with the Portfolio Committees of Parliament, which have failed to exert checks and balances over the executive.

We are not telling Parliament *how* to respond. We are under no illusions how challenging it will be to get a response from the Portfolio Committees – but we know it can be done. In what the Zondo report refers to as “The Frolick Letters” we are presented with a clear demonstration of both Parliament's successes and failures in this regard.

As you know, in mid-2017, Mr Frolick in consultation with his ANC colleagues, addressed the stories emerging in the media based on leaked emails from the Gupta business empire. He wrote to four Portfolio Committees – Home Affairs, Mineral Resources, Public Enterprises and Transport – asking them to urgently probe “recent accusations of state capture linked to alleged emails involving a number of Ministers”. The committees were told to ensure “immediate engagement with the concerned Ministers to ensure that Parliament gets to the bottom of the allegations”. The committees were told to report back to the National Assembly.

Only one committee, Public Enterprises, did so and the Zondo report looks in detail at why and how it succeeded while the other three failed. In so doing, it exposes the reasons why MPs of the majority ANC were “disincentivised” by parliamentary rules, by the ANC itself and by the electoral system from scrutinising the actions of the executive, government departments and state-owned entities. The report explains why it was so difficult for Portfolio Committees ever to hold the executive to account on key ➤

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... the Zondo Commission makes it abundantly clear that fixing Parliament's Portfolio Committee system is of the utmost importance.

failings, which ultimately led to wide-scale state capture. This was all to the disadvantage of our people and to the disgrace of the liberation movement.

The Zondo report tells a compelling story of parliamentary malfunction that every Member of Parliament needs to understand because it is current MPs who will implement any recommendations of the Zondo report on parliamentary oversight.

Portfolio Committees lie at the root of why Parliament “dropped the ball” and the Zondo Commission makes it abundantly clear that fixing Parliament's Portfolio Committee system is of the utmost importance.

IFAA believes this finding of the Zondo Commission into state capture is the most consequential of all its recommendations for the future of our democracy.

In our view, the Zondo report Part VI(II) on Parliamentary Oversight is a truly excellent piece of work. We must make sure we use it to build a better future for our people and our democratic system of government.

In solidarity,

IFAA

A version of this letter from IFAA to President Cyril Ramaphosa appeared in Daily Maverick on 1 September 2022. Please [click here to read more](#). 

How Parliament failed – and Zondo's respectful advice to our legislators

By Moira Levy

Moira Levy is Production Editor of [New Agenda: South African Journal of Social and Economic Policy](#), the flagship journal of the [Institute for African Alternatives \(IFAA\)](#).

Parliament was exposed to state capture as it unfolded before its eyes, and for a long time did nothing about it. The last part of the Zondo Report exposes why Parliament failed to act for so long. MOIRA LEVY outlines the reasons Zondo gives for this and some of his recommendations, including the need for electoral reform – and the introduction

of constituency-based (but still proportionally-based) representation.

Kudos to those who made their way through all 5,437 pages of the *Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State Report*, otherwise known as the “Zondo report”.

The rest of us can go straight to the last chapters of the final instalment, *Part VI, Vol II, Parliamentary Oversight*, released in June 2022 – pages 287 to 483 to be exact. It is here that Chief Justice

Raymond Zondo and his team explain how Parliament failed us.

These pages are highly readable, the findings are succinct and uncompromising. The Commission spells it out: Parliament's failure to fulfil its cardinal, and constitutional, duty of oversight over the executive allowed state capture to occur. The actual site of Parliament's failure was the Portfolio Committee system.

Parliament likes to refer to its Committee system as “the engine” of the legislature, but the way Zondo sees it, this engine packed up. Part VI:2 pp 287-483 is both an attempt to explain this malfunction in the mechanisms

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“The truth of the matter, it seems, is that the ANC ... was unwilling before mid-2017 to initiate or to support a parliamentary inquiry or inquiries into the allegations [of state capture].”

and machinery of Parliament and an attempt to drive our politicians to set it right.

Zondo’s analysis of this crisis in our democracy is premised on the understanding that the ruling party comprises two distinct factions at war with each other. He understands Parliament’s inconsistent and lacklustre response to the Gupta-isation of South Africa in terms of the shifting balance of power within the ruling party.

The Commission’s leading concern in this section of the report is to tackle the question: Why did the ANC take so long to agree to a parliamentary investigation into state capture? He refers to “those allegedly implicated [in state capture] together with their supporters” on the one hand and “those who supported proper parliamentary investigation of the [state capture] allegations” on the other to tease out the consequences of the tension between the two sides, and backs this up with evidence from a number of witnesses, including President Cyril Ramaphosa.

In the report, Zondo quotes the affidavit submitted by President Ramaphosa which stated, “The ability



of any organisation, but especially a political formation to act on allegations of malfeasance relies not only on its formal rules and procedures, but also on the balance of power within its structures.” He also quotes oral evidence by the President in which Ramaphosa said he accepted that the balance of power within ANC structures was the true explanation for Parliament’s apparent hesitation to commit to a full-scale investigation. “Yes, I would say so, this is precisely the point I was making to you, Chairperson,” he told the Commission, and added that he regretted those delays.

At this point Zondo agreed that South Africa would have been spared a lot of anguish – and saved a lot of money – if the legislature had complied with the specifications in the Constitution that spell out its oversight duty and if the Portfolio Committees had done their job.

“The truth of the matter, it seems, is that the ANC ... was unwilling before mid-2017 to initiate or to support a parliamentary inquiry or inquiries into the allegations concerned. The allegations implicated senior ANC leaders, right up to the President, as well as others regarded by the ANC as its cadres and deployees. The leadership of the ANC remained committed to

support President Zuma and these cadres or deployees and was unwilling to expose the allegations of malfeasance to transparent public scrutiny.”

So what happened during 2017 that changed things? The Commission suggests the release of the “Gupta leaks” flipped the balance of power in the party. The faction that supported the need for an investigation was “emboldened,” the term used in oral evidence by then National Assembly Speaker Baleke Mbete.

Zondo takes this further: “If the delay in Parliament taking the decision to institute inquiries into allegations of state capture was attributable to the balance of power within the ANC, then it must mean that the balance of power initially favoured those in the ANC who did not want such inquiries to be held and that there was a change in the balance of power in the ANC in 2017 which favoured those who wanted such inquiries to be held. The two views were held, respectively, by those within the ANC who supported Mr Jacob Zuma and those who supported Mr Ramaphosa.”

He adds that the Gupta leaks may not have been the only factor in the shift in the balance of power. Another important issue was probably the ANC’s pending December elective conference in 2017 in which a new president of ➤

the organisation would be elected. Ramaphosa, as the Deputy President of the ANC, was a likely contender, which was “enough for many within the ANC to seek to position themselves favourably on Mr Ramaphosa’s side”.

As anyone knows if you try to lead a donkey in different directions it probably won’t move at all, and that is exactly what eventually happened with Parliament’s investigation into the allegations of state capture.

PARLIAMENT DECLINES INQUIRY INTO STATE CAPTURE IN SOES

The Zondo report meticulously traces the legislature’s internal struggle over its role in any parliamentary investigation and the shifting balance of power that caused the changes in political direction.

Parliament’s entry into the fracas began back in April 2016 with a suggestion by opposition member of the Portfolio Committee on Public Enterprises (PCPE), Ms Natasha Mazzone, that the PCPE conduct an inquiry “into the capture of SOE’s by the Guptas”.

Committee chairperson at the time (and former Minister of State Security) Ms Dipuo Letsatsi-Duba declined, asserting that in terms of National Assembly Rule 138 only the House could authorise such an investigation. Mazzone hit back with National Assembly Rules 138 and 201, pointing out that read with section 56 of the Constitution they empowered the Committee to summon members of the Gupta family to answer its questions without any need of a National Assembly resolution.

Section 56 of the Constitution provides that “the National Assembly or any of its committees may (a) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents; (b) require any person or institution to report to it; (c) compel, in terms of national legislation or the rules and orders, any person or

institution to comply with a summons or requirement in terms of paragraph (a) or (b); and (d) receive petitions, representations or submissions from any interested persons or institutions.”

In her oral submission to a hearing of the Zondo Commission Letsatsi-Duba back peddled furiously. Yes, she agreed the Committee had the power to summon whoever it wished, added that perhaps she had been misunderstood by the legal advisors, and anyway she didn’t agree with the legal advice she had received. In fact, according to the Zondo report, “she agreed with Ms Mazzone that the inquiry she had requested did not happen because the majority of members on the PCPE did not support it”. The report then goes on to state, in parentheses, “It must of course be borne in mind that the majority of the PCPE, like the majority of every parliamentary committee, comprise ANC MPs” (RSA VI II, 2022: para 710).

And just like that, by implication, Zondo introduces the notion that there were at the time certain members of the ANC who were dead set on avoiding an investigation of this sort. It is this point that he builds his argument on.

At that hearing Commission evidence leader Advocate Alec Freund went for the gap. In the report, the exchange that followed went like this:

“ADV FREUND SC: Yes, because I take it, Ms Letsatsi-Duba that you, as a citizen, like me as a citizen, had been reading in the newspapers for years from 2011 onwards a series of quite serious allegations about the manner in which the SOEs were being run and the series of allegations that there was improper influence being exercised over the leadership of those SOEs. Am I correct? You were aware of those allegations

MS LETSATSI-DUBA: We were aware of those allegations.

ADV FREUND SC: And would it be correct to say that in your own opinion the Portfolio Committee on Public Enterprises did not effectively exercise

its oversight powers with a view to trying to probe those allegations and trying to ensure that the appropriate necessary remedial measures were taken?

MS LETSATSI-DUBA: That I fully agree with that statement. *We failed to exercise our oversight.”*

That was on day 349 of the Commission hearings and there it was, in the words of the Committee Chairperson: the Portfolio Committee had failed to deliver on its constitutional mandate.

But as we now know that wasn’t the end of it. In fact it was just the start, because only months later Letsatsi-Duba was replaced as Committee Chairperson by Ms Zukiswa Rantho and in a surprise move the PCPE suddenly announced that it was going to launch an investigation after all, at least into Eskom.

The Zondo report describes this as “a complete *volte face* by the PCPE from its previous position and a welcome development” (RSA VI II, 2022: para 728).

Rantho told the Commission she knew at the time that this “would probably be a career limiting move” (RSA VI II, 2022: para 748). In time she was proved correct; she was removed from the ANC party list in the next election, thus losing her seat in the House. Only two of the ANC’s 2014-2019 PCPE study group members are still MPs.

“Whilst members of the ANC’s PCPE ‘study group’ supported the idea of instituting an inquiry, there was a push to scupper the inquiry from a substantial number of members in the ANC parliamentary caucus, who argued that the inquiry would cause divisions and would taint the integrity of the ANC. Of particular concern to some members of the caucus was the risk to the reputation of the party. These views were openly communicated to me in clear and emphatic terms,” Rantho told the Commission (para 750).

Mazzone made the following observation about the Committee’s decision in her evidence to the Commission: “In my view the

explanation for this lies in the shifting balance of factional forces within the ANC. The faction opposed to President Zuma seized this opportunity to expose the corruption and impropriety that they knew to be going on, believing that they finally had enough support to carry this off” (RSA VI II, 2022: para 729).

THE ‘FROLICK LETTERS’

It is well worth reading the section of the Zondo report headlined “the Gupta leaks and the ‘Frolick letters’” – a reference to an intervention on or about 15 June 2017 by ANC MP Cedric Frolick, the Chairperson of Committees. (Here it is worth a mention that Frolick, who still holds this position in July 2022, has been fingered in the Zondo report for taking bribes linked to state capture. He may face charges of corruption, tax fraud and money laundering. Mr Frolick has denied any wrong-doing.)

Frolick was instructed to send a letter to four Portfolio Committees – Home Affairs, Mineral Resources, Public Enterprises and Transport – requesting them to urgently probe the allegations of state capture linked to emails involving a number of Ministers. The Committees were told to follow up with the Ministers concerned and to report back to the National Assembly.

What isn’t clear to the Commission is exactly who gave these instructions. According to Frolick, he was away dealing with constituency matters when the decision was made. We do know that the opposition Democratic Alliance (DA) had been persistently calling for a parliamentary intervention, including the establishment of an Ad Hoc Committee. On 12 May 2017 the indomitable Mazzone addressed a letter to Frolick in which she motivated, and asked him to approve, the launch of a full-scale parliamentary inquiry by the PCPE into Eskom. The DA’s efforts unsurprisingly came to naught, so we are left to assume that the ruling party’s decision had to have come from whoever was in the ascendant in the

ANC at that time.

In paragraph 340 of the report it appears Zondo agrees: “[T]his tends to suggest that the decision to direct portfolio committees to inquire into the state capture allegations was a matter of no small political moment. It seems unlikely, to say the least, that such a decision would have been taken without political support at a high level.”

Be that as it may, Zondo reports at length on the outcome of the Frolick letters. After whingeing – briefly – about the Committee’s lack of resources and capacity to conduct an investigation of this magnitude, the PCPE kicked into gear. In an unusual move for parliamentary committees it mobilised extra-parliamentary legal, academic and civil society expertise and, showing unprecedented cross-party unity, launched into a protracted investigation that only stalled when Messrs Duduzane Zuma, Rajesh “Tony” Gupta, Atul Gupta and Ajay Gupta ignored invitations served on them requesting that they testify before the Committee.

But by then the PCPE investigation had amassed impressive evidence that it handed over to the official independent Zondo Commission, which was starting up at the time, giving it a significant head start – for which the Chief Justice in his report extended his warm appreciation.

Of the other three Portfolio Committees, the Zondo report had this to say in its summing up:

“The Portfolio Committee on Transport failed to conduct any inquiry. It may not even have been informed by its chairperson of Mr Frolick’s letter.

“The Portfolio Committee on Home Affairs did not demonstrate much willingness to proceed with due expedition. Although it did ultimately conduct an effective enquiry, it acted far too slowly (RSA VI II, 2022: para 459).

“The Portfolio Committee on Mineral Resources failed to hold an adequate inquiry, initially due to evasive conduct on the part of Minister [Mosebenzi] Zwane and thereafter

because of (i) a failure [by Parliament itself] to provide required resources when the committee finally decided that it wanted to hold a formal inquiry ... Terms of reference for this inquiry were finalized at a meeting on 25 April 2018. It was agreed that the inquiry would focus, *inter alia*, on ... an alleged conflict of interest on the part of the Minister; and whether officials had been subject to outside influence.

“This inquiry never got off the ground ... This also raises a concern as to how committed Mr Frolick and the ANC’s parliamentary leadership really were to the investigative process sought in Mr Frolick’s letters of June 2017 ... the ‘bottom line’ is that very little of substance occurred within the PCM by way of parliamentary oversight as a consequence of the letter of 15 June 2017” (RSA VI II, 2022: paras 920-926).

From this we learn two things: firstly, that the Portfolio Committee system can indeed work; and, secondly, that more often than not it doesn’t.

For example, the Zondo report draws attention to the following features of our electoral and parliamentary system that discourage oversight by Parliament:

- In terms of South Africa’s party list, proportional representation system, Members are accountable to their parties, not to constituencies. Zondo quoted several witnesses who attested to “fear” of what the ruling party could do if they took an independent stance, not least of which was the concern of losing their seats. We know what happened to PCPE Chairperson Rantho, and she is by no means the only one. Rantho and members of her family received anonymous threats and lived in fear during the investigation, she told Zondo.
- The ANC members of Portfolio Committees are members of ANC “study groups” that ➤

discuss Portfolio Committee matters in advance of their meetings. Ministers (and government officials) may attend these private gatherings, which open the way for executive interference in the Committees. They may also be seen as forums for lobbying and reaching party consensus in advance of Committee debates.

- The ANC's parliamentary majority means all Portfolio Committees have a majority of ANC members. They can use their majority power to stop other MPs from pursuing inquiries into executive action.
- Zondo stresses the potential conflict for Members between the demands of party discipline and the oversight obligations of MPs determined by the Constitution. "Members are required to swear or affirm faithfulness to the Republic and obedience to the Constitution and laws. Nowhere does the supreme law provide for them to swear allegiance to their political parties ... The difficulty is that MPs can find themselves in a situation where, in their own judgement, their loyalty to their party – and their duty to comply with decisions by the party – conflicts with their duty, in terms of their oath or affirmation of office, to 'be faithful to the Republic of South Africa' and to 'obey, respect and uphold the Constitution and all other law of the Republic'" (RSA VI II, 2022: paras 863-864).
- Portfolio Committees and their Members are under-skilled and under-resourced. The then Speaker of the National Assembly, Ms Thandi Modise, explained: "Chair, if I could, I would really get resources to

enable a member of parliament to really understand the portfolios they are overseeing ... because of our history, in other countries they do not have the disadvantage of education that we have ... So if I could, I would increase capacity around the member, enable this member to have at their fingertips the things that would enable them to understand and to apply their mind. We are unable to do this ..."

- A constant refrain in the evidence of MPs was that Parliament's budget for conducting oversight is inadequate. The Commission was told that, out of its total budget of more than R2 billion Parliament allocates R50-R60 million for all the financial requirements of Portfolio Committees, including their regular meetings, advertisements, invitations for public comment on legislation (30-40 bills are considered per year with each advertisement costing at least a quarter of a million rand), oversight visits (including travel and accommodation costs, hall hire and refreshments), etc (RSA VI II, 2022: paras 1009-1010).

Then there is the principle that is fundamental to South African law, and to democracy generally, of the separation of powers between the legislative and executive branches of government. This implies the legislative branch must refrain from exercising executive authority, the report states. "[A]ll that Parliament can do is to raise the concern in its report to the National Assembly. Under the current practice, Parliament and/or the legislature can only persuade and not instruct nor micromanage the department or the

Executive Authority" (RSA VI II, 2022: paras 991-994). The report quotes Frolick's testimony that, "there is this view in terms of the separation of powers between the judiciary, the executive and the legislature, that the legislature has a more junior role to those other two arms of state," a view that the report makes clear is not shared by the Commission (RSA VI II, 2022: para 911).

If the above leaves us with no idea of how the Portfolio Committees can even be expected to perform their constitutional duty, nor indeed how this can be addressed, we need to turn to Zondo's recommendations. After all, we know there are good and competent people in the Committees, although perhaps not enough of them. But even the finest Members cannot make the Portfolio Committee system work as long as the ANC asserts its majority in Parliament and its authority over its party Members.

Recommendations for Parliament's consideration

Among the Commission's recommendations for consideration is whether more chairpersons should be selected from opposition parties. Traditionally only the Standing Committee on Public Accounts (SCOPA) is chaired by an opposition MP. Several witnesses suggested that chairpersons should be appointed from the different parties according to the proportion of party representation.

One of the chief concerns that comes up repeatedly in the report is that the ANC has held the majority in Parliament since 1994. "This is a fact of fundamental importance when analysing the practical implementation of parliamentary oversight, since the ANC has, throughout the democratic era, had the power to determine the stance adopted by every structure of Parliament, including the National Assembly, portfolio committees, joint

committees, and *ad hoc* committees” (RSA VI II, 2022: para 762).

The Commission recommends that Parliament should consider passing legislation that protects Members of Parliament from losing their party membership (and therefore their seats in Parliament) “merely for exercising their oversight duties reasonably and in good faith” (RSA VI II, 2022: para 380).

It favourably cites the 1999 “Corder Report on Parliamentary Oversight and Accountability” and the evidence to the Commission of its lead author, Professor Hugh Corder. He said legislative reform is needed to “flesh out the skeleton” of the provisions in the Constitution for parliamentary oversight and accountability and suggested the legislation should provide for “amendatory accountability”, which “refers to the duty, inherent in the concept of accountability, to rectify or make good any shortcoming or mistake that is uncovered.

“This Act should give strong effect to the constitutional requirements of accountability. Presently there is no effective machinery by which Parliament can compel the executive or an organ of state to answer to it” (RSA VI II, 2022: para 434).

The Commission further recommends that should Parliament decline to enact new legislation, or revise existing law, it could instead amend its own rules, for example, to sanction Cabinet members for lack of punctuality or absence from Committee meetings and general non-compliance. It further says Committees should refuse to accept shoddy or late reports from the executive and cautions against “overdependence on material produced by the overseen entity [which] is one of the reasons why better training of MPs and better resourced and trained research and technical assistance is necessary.

“A repeated refrain heard from frustrated MP’s is that presentations are often submitted late, not infrequently

at the very meeting at which they are then presented. That obviously makes it impossible for the MPs to read and consider the reports and is clearly unsatisfactory. The apparent frequency with which this occurs makes one wonder whether it is sometimes done deliberately, precisely in order to obstruct proper oversight” (RSA VI II, 2022: paras 444).

The Commission urges Parliament to make it clear that this type of practice will not be tolerated and asserts, “It is up to the portfolio committees to choose how they want to be treated” (RSA VI II, 2022: para 444).

If necessary, argues the Commission, Parliament should consider legislating on the issue of reporting by the executive and the non-appearance of Ministers scheduled to attend committee meetings.

These are all very fine recommendations, but in the end the Zondo Commission appears to agree that Parliament’s failure to assert effective oversight comes down to a lack of political will and strong, ethical leadership within the ruling party.

It quotes University of Cape Town’s Associate Professor Richard Calland who argued in his submission that, “Instead of encouraging obsequious political fidelity and blind loyalty from MPs deployed to positions of parliamentary responsibility, the political leadership needs to encourage a culture of independent-mindedness not in an ‘oppositional paradigm’ but in the spirit of ensuring that the executive remains loyal to the mandate given to it by the electorate. This requires real leadership and a profound commitment to the Constitution and its system of accountability.

“First of all, there is the overarching disposition of the ruling party – does the party leadership create an ‘atmosphere’ in which oversight is encouraged or at least not actively discouraged or obstructed?”

Calland’s submission is worth quoting at some length. “To my mind, this is the primary, pivotal challenge to confront and address: how best to insulate a backbench MP of a ruling party from partisan political pressure, applied in general by the leadership of his or her own party? One short answer is: leadership. Where the leaders of the political party concerned are willing to set the tone and define a set of principles of accountability that parliamentarians, including backbench members of his or her own party, can freely enjoy. Such leadership will provide the political space for individual MPs to ask difficult questions of the executive without prejudice, and in the realistic expectation that they will be taken seriously and answered by the executive branch of government” (RSA VI II, 2022: paras 1004-1005).

The Commission agreed with the professor. “Sound leadership facilitates proper oversight and accountability. Conversely, where the leadership of a governing party is threatening or unsupportive, this cannot but discourage Members of Parliament who are subordinate to party structures dominated by the leadership from carrying out their constitutionally mandated task of holding the executive to account” (RSA VI II, 2022: para 1008).

The Zondo Report concludes that structural reform in the parliamentary system is needed to ensure that Portfolio Committees effectively hold the executive accountable and execute their constitutional oversight duty. Structural reform in this context refers to electoral reform, specifically the introduction of constituency-based (but still proportionally-based) representation.

REFERENCE

RSA, 2022. *Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State Report*, Part VI, Vol 2.

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Why has SA state capture not led to growth and development, as it did in China?

By Ivor Chipkin

Dr Ivor Chipkin is the director of the Government and Public Policy Think Tank (GAPP) in South Africa, which is dedicated to delivering meaningful and realistic policy on reforming government.

IVOR CHIPKIN presents a provocative contention that corruption of a certain kind can facilitate development. He asks why this has not been the case in South Africa, which has shown similar patterns of corruption to those in China – his main example. While never endorsing corruption, Chipkin turns the discussion towards the need to properly professionalise the civil service in South Africa.

INTRODUCTION^{1, 2}

Since the late 1980s writers on development have drawn attention to the importance of bureaucracy for economic growth and development (Evans and Rauch, 1999). A hierarchical, merit-based organisation with appropriate insulation from politicians was deemed a precondition for realising state goals. Evans and Rauch nuanced this position, however, by arguing that in developmental states industrial policy was under the direction of “embedded” ministries that could build wide coalitions across the

economy and in the state. Corruption was deemed a major spanner in the works. Recent, new scholarship has unsettled this consensus, however, while simultaneously confirming its fundamental claim. In particular and controversially Yueng Yueng Ang, a professor of political science at the University of Michigan, has proposed that development can happen not so much when effective planning and social compacting is supported by bureaucracy, but when a certain kind of corruption comes to dominate the government. Rather than an unmitigated constraint on development, this kind of corruption is sometimes development’s catalyst. Drawing on this provocation, the crisis in South Africa requires a different kind of explanation to that which puts everything at the door of an inherently corrupt political class.

THE STATE SINCE 1994

After 1994 the ANC inherited both a highly fragmented government administration and a politicised public service. Recruitment had never been conducted on the basis of merit, such that the senior echelons of the public service were overwhelmingly dominated by white men. The organisation was largely stable until the 1980s when high-ranking positions were deliberately loaded with people

either drawn from or trusted by the military and intelligence communities. In the former homelands, the situation was not much better. Many senior roles were occupied by white officials deployed to the so-called independent states or local officials were frequently also bearers of titles and positions in the system of chiefly government.

Instead of taking measures to professionalise the post-apartheid public service the ANC chose rather to further politicise it. This remains one of the fundamental continuities between the past and the present today. Distrustful of the preparedness of apartheid-era officials to implement ANC policies, and unable to fire them because of “sunset clauses” in the negotiated settlement, successive ANC governments chose to bring their own people into government as a check on incumbents. This happened informally through “deployment committees” and also formally in the design of the public service itself. For example, recruits to the public service did not have to pass an entrance exam, nor was their selection conducted or vetted by an independent government commission. Instead, recruitment was done through departmental interviews, and the selection panel either consisted of the relevant minister or was appointed by the minister, though in more performance oriented departments



this power was sometimes delegated to senior officials.

The influence of the New Public Management in the original design of the post-apartheid public service and its specific elaboration after 2000, created a cohort of “senior managers” in government departments with both discretion and institutional power, including over public procurement. Whereas elsewhere in the world, such arrangements seemed to promise a more entrepreneurial culture in government, in South Africa the senior management service became the site of very rapid “transformation” and the privileged location where politicians were deployed.

The results of such measures were uneven across the government sphere. In those departments and agencies where ministers and/or the ANC deployed suitable candidates, they performed adequately and sometimes excellently. The National Treasury was a case in point. The senior leadership was made up of people with ties to the ANC, though they were very often also outstanding professionals. Something similar happened in the newly created tax agency, the South African Revenue Service. Its first commissioner, Pravin Gordhan, was an ANC activist and a member of the South African Communist Party.

Elsewhere in government, the re-politicisation of government administrations did not turn out as well. The extent of talent in ANC networks was simply not wide or deep enough to properly restaff the state. In municipalities, for example, highly politicised recruitment practices and political control over operational matters saw unqualified or under-qualified people brought into key roles, including even specialised financial or engineering roles. Predictably, these organisations have struggled to perform their most basic functions, as roads deteriorated, public infrastructure collapsed and water purification

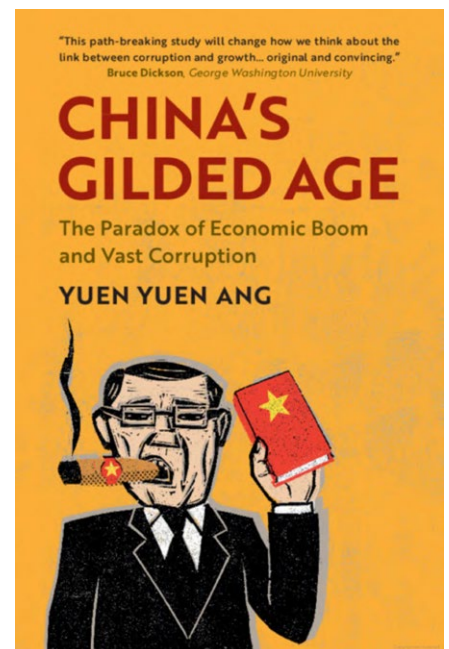
works came to a halt. Combined with the crisis in Eskom, the state power company, many towns and cities have become dark and dilapidated spaces. They are also chronically unsafe as the politicisation of the police after 2000 saw the focus shift away from fighting crime and dealing with social emergencies to managing contestation in the ruling party (Chipkin, forthcoming:1-19).

If in the late 1990s and early 2000s there were strong though embattled tendencies towards the rationalisation of the state and the professionalisation of government, after the election of Jacob Zuma as president they largely dissipated. What has come to be known as “state capture” in South Africa saw the former President use his political discretion to bring friends and political allies into senior positions in government and state-owned companies. Individually and collectively, they repurposed organisations, displacing them away from their official mandates to serve private interests and, more importantly, to channel huge resources for party-political purposes. The wide discretion of presidents and senior politicians in the appointment of officials in other branches of government is not an unusual feature of presidentialism in many new democracies, especially in Africa. In South Africa the weak separation of powers between the executive and the administrative branches of government – the judiciary is better insulated from inappropriate political interference, though it too is under pressure – makes public office especially open to abuse.

Yueng Yueng Ang, in her remarkable book *China's Gilded Age* (2020: 9-33) “unbundles” corruption into four types: petty theft, grand theft, speed money and access money. She shows that in China access money is the dominant type. This is a form of corruption that sees “rewards offered by elite capitalists to powerful officials in exchange for exclusive, lucrative privileges”. This comes close to describing how Hellman,

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Rather than an unmitigated constraint on development, a certain kind of corruption is sometimes development's catalyst.



Jones and Kaufmann (2000) define state capture, except that for them capitalists and their firms shape the laws and regulations of the country to their advantage.³ Essentially, they manage to legalise corruption.

Ang has an unexpected take on such arrangements. Whereas the other kinds of corruption have debilitating effects on government performance and development, Ang argues that in China access money has been highly ➤

conducive to growth and the building of infrastructure. This is partly because of the state's power over the allocation of land, partly a result of the fact that the ambitions of Chinese politicians are weighed against their economic performance and also because there is competition between regions for investment. Corruption is about access to investment opportunities and incentives, not about steering overpriced tenders to political allies or friends for kickbacks. In short, the incentive environment for Chinese politicians and senior officials is aligned with growth. This explains the different economic trajectories of China and India, for example, where speed money is pervasive in the latter. Speed money refers to money paid to officials to accelerate or slow down the granting of licences for this or that activity. It is pernicious for growth and development.

Amongst the countries Ang researched is South Africa. She proposes South African corruption, like that in China, is dominated by access money. Why has this situation in South Africa not led to growth and development, like it has in China? Why, that is, does South Africa resemble countries where theft, grand theft and speed money are the dominant forms of corruption?

An answer lies in the failure of the South African state after the end of apartheid to properly bureaucratised. Even if infrastructure projects are awarded corruptly, China can still rely on autonomous and professional administrations to bring them to fruition. This is not the case in South Africa, where executive interference in the administrative branch of government has destabilised many departments, agencies and state companies and burdened them with unsuitable, frequently incompetent senior managers and staff. Hence, corruptly awarded contracts are also poorly implemented or not implemented at all. There are many startling examples, though some of

the most glaring are in the energy and transport sectors. The new power stations that were commissioned in 2007 have been wracked by delays and failures (poorly welded boilers, explosions, sabotage) such that Medupi, the largest, only came fully on line in 2021, 14 years after being commissioned. In the passenger rail sector, the Passenger Rail Agency of South Africa (PRASA), the state company responsible for procuring new trains and locomotives, bought stock that was too large to run on South African's rail network.

After 2011, the effects of a politicised civil service worsened. As long as the ANC as the ruling party was able to maintain unity and enforce internal discipline decisions about who to deploy into government were sometimes made with operational considerations in mind. As mentioned earlier, when this happened talented people were placed in key roles. However, as the party ripped itself apart in the early 2000s between groups aligned to Jacob Zuma and groups aligned to then President Thabo Mbeki, internal discipline collapsed. Candidates supported by one grouping were as quickly opposed and undermined by another grouping so that the appointment and deployment process increasingly came to express crude power plays. Access money and state capture served not to facilitate development but to generate rents that went into fighting factional political battles in the ANC.

Unlike in China, where corruption concerned the extraction of private rents while leaving the underlying administration largely intact and professional, in South Africa access money requires the subversion of the entire political-administrative nexus. Why? Unlike China, South Africa is a democracy where political leaders, even those whose office affords them power and wide discretion, are subject to all sorts of constitutional, regulatory and

legal constraints. In this respect, South Africa is more like India than China. For powerful political leaders to accept bribes or access money from ambitious capitalists to facilitate projects they have no option but to break and subvert the very administrations that they must later count on to work effectively. So we have a variety of state capture in South Africa that might be more typical of fragile democracies. Access capital, far from leaving the bureaucracy intact, necessarily subverts it, undermining the very infrastructure and development projects that it facilitates. Either little or nothing results from the expenditure, or it results in assets that become financial burdens with little development benefit (stranded assets).

The South African case allows us to further nuance the notion of state capture, distinguishing between its form in *authoritarian* contexts and in (formally) *democratic* ones. In the former, state capture resembles what Ang calls access money. It describes a situation of collusion between powerful political leaders and capitalists. In contexts where there is some nominal rule of law, such collusion is legitimated through legislative and regulatory fiat. This is the situation that Hellman, Jones and Kaufmann called "state capture". It delivers a local oligarchy. This is the normal state of affairs in authoritarian regimes, though the identity of the oligarchs in specific local and regional situations might not be those formally recognised by the ruling dictator or they might begin to represent a challenge to the incumbent or even a counter-power to the regime. The struggle in Russia between Putin and the Yeltsin-era "oligarchs" seems to be of this pattern as does the anti-corruption drive launched by Xi Jinping in China. Yet as Ang shows, oligarchy also delivers plutocrats, that is people of great wealth. In places like China, such "oligarchs" (they are more correctly plutocrats) have been catalysts of development. In Russia and across Eastern Europe in the post-socialist



period, plutocrats have had a more mixed record viz. growth and development.

In South Africa, democratic institutions constrain the move towards oligarchy. State capture under these conditions is driven into the civil service itself where it is less in the public eye, eating away at the very integrity of the state like an acid and weakening the administrative capacity of government departments and agencies. Hence It better resembles a *coup d'état* in the bureaucracy than a situation of corruption.

INSTITUTIONAL COLLAPSE

The crisis of government is so general in South Africa that its causes are unlikely local or idiosyncratic. Outside the Western Cape there are very few public institutions that are not in distress, either wracked by internal conflict, corruption or without adequate technical staff or resources to do much more than reproduce themselves.

The reports of the State Capture Commission are riddled with examples. A typical one concerns the supply of coal to power stations run and owned by the national power monopoly, Eskom. In 2011, representatives from Brakfontein coal mine in Mpumalanga approached Eskom representatives to supply coal to the power utility. The mine, however, was not compliant with environmental regulations and these approaches were rejected until 2015 when a new board chairperson arrived on the scene. Berating executives for “frustrating black-owned transporters” and “emerging miners”⁴, a contract was ultimately concluded for the supply of nearly 14 million tons of coal over a period of 10 years. The contract was worth R3.7 billion. The Gupta business associates and friends of President Zuma, who owned the mine through an entity called Tegeta, had brought pressure on the Chief Operating Officer to facilitate the contract.⁵ This is a situation that more closely resembles what Ang calls access money than what

Hellman, Jones and Kaufmann call state capture. In particular, no new laws or regulations were passed to make the Tegeta deal possible.

Quite the opposite. Eskom’s own regulations stipulated strict criteria for the evaluation of coal supply contracts. Not only did the mine in question have to demonstrate that it could provide the volumes required over the contract term, but the coal needed to be of suitable quality for the power station that would use it. Independent tests cast serious doubts about whether the mine could meet the first criterion. More importantly, the coal was found to be unsuitable for the Majuba Power Station where it was destined. The contract went ahead despite these glaring breaches of the rules.

The State Capture Commission noted that:

Eskom, acting in patent breach of the Coal Supply Agreement, allowed Tegeta to make deliveries of blend coal without prior confirmation that the coal was compliant with Eskom’s quality specifications. The full combustion test that would have determined the quality of the coal and its suitability to the Majuba Power Station was not done, as required by clause 10.2 of the Coal Supply Agreement.⁶

Here is where the situation in South Africa seems to differ so starkly with that in China. For the contract to go ahead, Eskom managers and directors needed to side-line and remove competent, experienced and honest officials. There were attempts to interfere with the technical teams doing the coal sampling. Dr van der Riet, a coal special scientist working for Eskom’s Research, Testing and Development (RT&D) division, as well as Eskom’s geologist and two other managers were suspended. The head of “Primary Energy” was also removed

when she refused to countenance coal suppliers whose costs were unreasonable. Ultimately, access money in South Africa saw the hollowing out of the technical capacity of Eskom, rendering the company unstable and compromising its ability to reliably supply electricity on a daily basis. Unlike China, corruption has worked to cripple development. Michael Sachs, the former head of the Budget Office in the National Treasury, estimates that the 8% of GDP spent after 2009 on infrastructure has largely been “wasted” or misallocated (2020), resulting in assets that contribute little or no benefit to economic growth and development and may, in fact, constitute burdens (stranded assets).⁷

The problem is not simply corruption, as we have seen. In South Africa’s open democracy, the scope for political leaders simply to change the rules of the game to work in their favour is limited. Nor do they have the kind of discretion that the absence of the rule of law affords leaders in authoritarian contexts. Political power is further constrained by a free press and a society of committees, bodies and lobby groups that are prone to take legal action when politicians break the law. Instead, the route to state capture is through the bureaucracy, where it expressed itself as a *coup* in the administration.

The weak distinction between political and administrative roles in the structure of the South African government gives politicians unbalanced authority in government administrations (Chipkin, 2021). Even when this authority is not used for corruption, political imperatives usually trump operational ones. This is evident in the erosion of technical skills in local governments in particular, though it is a phenomenon that appears at all levels of government. In 2005, for example, Allyson Lawless found that 28% of all municipalities had no in-house civil engineering capacity at all, despite the fact that in South Africa so much of ➤

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Instead of taking measures to professionalise the post-apartheid public service the ANC chose rather to further politicise it.

what municipalities are expected to do (deliver water to homes and businesses, distribute electricity, build and maintain local roads) concerns civil works. When she revisited the situation ten years later, it had deteriorated (Lawless, 2016).

This situation, together with the crowding out of money for capital expenditure by rising consumption costs, goes a long way to explain the dilapidated state of infrastructure in most parts of the country and the poor quality of public services. It also provides compelling evidence that in South Africa the ruling party, even when its politicians and officials behave honestly, is neither focused on economic growth nor on development.

It might be that this begins to change as the ANC's electoral fortunes change and there is a growing connection between the party's performance in government and its performance in elections. It does not have to, however. It is far from certain that South African voters primarily judge political parties on their instrumental performance or their prospects *viz* economic growth, unemployment and development.

Assuming, however, such a developmental coalition emerges, reforms are needed in government that cannot be reduced to fighting corruption.



Photo credit: Wikimedia Commons

The starting point is to disentangle recruitment processes in the civil service from political processes better to professionalise departments, agencies and state companies. The challenge, however, is not simply about improving the skills base of the civil service. The ability of presidents, ministers and political parties to direct operational decisions must be properly contained. This requires both instantiating the *autonomy* of the public administration from the political class and building robust processes and institutions to prevent civil service autonomy becoming independence. How can this be done?

CHANGING INCENTIVES

The starting point for reform must be a serious dose of Brecht-like satire. It is not possible simply to dissolve the civil service and the political class and start afresh. We have to start with the personnel that are already in place, warts and all. Nor can we simply wish the problem away, as does so much economic planning in South Africa, proceeding as if the departments and

people that must implement proposals are always pristine and beautiful. One review of economic policy documents issued by the ANC, by the Gauteng provincial government, by organised business and by the National Treasury found that they “either make naïve assumptions about the private sector in South Africa or have unreasonable expectations of government departments, agencies and corporations (GAPP, 2020:3). Reform needs to move beyond ideas that reduce the problem to a question of the beautiful and the ugly, the ethical and the corrupt.

What Ang argues is that a basic condition of development is fulfilled, even under conditions of state capture, when there is an alignment of interests between capitalists, officials and development. In China, this takes the form of an unofficial deal. Government workers are allowed to supplement their (often very meagre) salaries from the proceeds of local economic development. In other words, the system incentivises officials to actively support growth-inducing projects.

In South Africa, formally, such an

**The Solution**

After the uprising of the 17th of June
 The Secretary of the Writers Union
 Had leaflets distributed in the Stalinallee
 Stating that the people
 Had forfeited the confidence of the government
 And could win it back only
 By redoubled efforts. Would it not be easier
 In that case for the government
 To dissolve the people
 And elect another?

Berthold Brecht, Die Lösung, a poem written after the East Berlin uprising in 1953

alignment exists, especially at municipal level. Municipalities are expected to generate their own revenue through charges on property and services. As property values rise and businesses and households consume more services, municipalities get richer. Ostensibly, it is in the interests of local politicians and officials to pursue growth-supporting initiatives. Yet in South Africa, with several rare exceptions, this does not happen. In the main, municipalities have become anti-development machines. The structure of local incentives might be the reason.

In the first place, compared to China, municipal salaries are very high, securing for those that earn them a middle class lifestyle. Secondly, although these salaries are largely paid from locally accumulated revenue, salary scales are determined nationally by the Minister of Cooperative Governance. Local officials earn no additional fee (even informally) from an improvement in municipal finances. The flip side of this situation is that their personal circumstances do not suffer if municipal revenues decline. Typically, when this happens, they cut back on service delivery in order to protect their wages. Given 1) that many municipalities are located in economically marginal locations where the tax base is structurally insufficient to support the basic costs of the municipality and 2)

that since the economic crisis of 2008 the South African economy has been growing more slowly than the birth-rate, nearly all municipalities operate in highly constrained fiscal environments. Collapsing infrastructure in most municipalities and poor and itinerant service delivery results because there is no incentive for municipal officials to privilege growth and development. Instead, they have every reason to protect their private incomes.

What would happen if we changed the structure of incentives, for example, to better align the interests of municipal officials and public servants generally with service delivery, economic growth and development? Following the Chinese model, one way would be, in the first place, to offer officials a basic, modest salary and, in the second place, a bonus linked to the *overall* performance of the municipality (as independently determined by, for example, the Auditor General's office). It should be possible for civil servants in well-performing administrations to earn more than their current high salaries if the institution as a whole is successful. It might also discourage them from privileging consumption spending in the allocation of departmental budgets. This might be a way of better reconciling the private interests of officials and public servants with the

developmental mandates of their departments, agencies and companies. It might further encourage competition between municipalities, regions and provinces, spurring their officials to even greater efficiency and enterprise.

ASYMMETRIC DECENTRALISATION

Asymmetric decentralisation is another model of government increasingly looked to, to improve efficiencies in government. The somewhat intimidating phrase refers to granting different sub-national bodies, like provinces or metropolitan governments, different responsibilities and powers depending on their capacities. Frequently, differentiation occurs in the allocation of spending or revenue powers (OECD, 2019:5). In recent years, reflecting the importance that cities and city regions play in promoting economic growth, metropolitan governments have been the biggest beneficiaries of asymmetric decentralisation.

In South Africa, provinces have largely uniform responsibilities irrespective of their administrative records. Moreover, their allocation of the national budget privileges questions of demography (size and poverty of the population) relative to questions of ability and performance. Even stranger is that the eight metropolitan governments are regarded simply as local governments, equivalent to the other 270 municipalities of often vastly different sizes and wealth. In the structures of the ANC, moreover, municipalities in general and metros in particular are not represented at all. Instead, voting delegates for national conferences are drawn exclusively from provinces and from the various leagues. Effectively, metropolitan governments do have not a channel in government or in the ruling party through which to represent their particular individual and collective interests.

This fact of administrative



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... after 1994 the ANC reproduced features of the apartheid civil service by refusing to rationalise it.

uniformity crashes, however, against the spatial lumpiness of the economy and the diversity of institutional capacities. In 2002, 70% of GDP was produced in only 20% percent of places (Krugell, 2005:11). Economic concentration in the Gauteng City Region and in the Western Cape has since increased. On top of that, institutional capacity varies greatly from one region to the next. A decisive factor in this regard is whether a province or a municipality was faced with the challenge of integrating former homeland personnel and structures or not. Gauteng and the Western Cape did not have such challenges and it is no surprise that they tend to outperform the other provinces on multiple indexes (Levy *et al*, 2021:1-58).

Is it time to recognise these economic and institutional facts in the design of the government system, allocating more powers and responsibilities to more able institutions, creating competition between them and incentivising others to innovate and improve?

WHO WILL MAKE THESE CHANGES?

At the end of 2017, when Cyril Ramaphosa was elected President of the ANC and subsequently of the country, there was much hope for a “New Dawn”. Many looked forward to the arrest and prosecution of those responsible

for state capture and to initiatives to rebuild institutions that crashed during the Zuma years. Four years later there has been some movement on these fronts, though it is slow and the results few and far between. Moreover, many of these initiatives are facing stiff resistance and Ramaphosa has turned out to be a poor steward of reform. This might not be a question simply of his personality. Beyond psychological explanations, the slow pace of progress is a result of an idea of the state, one shared by Ramaphosa himself.

In particular, like his predecessor, Ramaphosa is beholden to an idea of the ANC as much more than a political party in a plural, constitutional state. Instead, the ANC believes itself to occupy a special place in history to lead South African society. It will fulfil its destiny in this regard to the extent that it is able to maintain its unity and its focus. As such, Ramaphosa is deeply invested in preserving the unity of the organisation and of delaying or even paying only lip service to initiatives that would, inevitably, provoke further dissent. Even if he wins re-election in December 2022, it is unlikely that the momentum for reform will come from Ramaphosa’s government or from the ANC.

The weakening of the ANC electorally has increased the number of councils now under opposition rule. There is growing evidence that the ANC will not be able to form a national government alone after 2024. To the extent that the popularity/unpopularity of parties is linked to their performance in government or their expected performance in government, the growing unpredictability of the political scene might focus attention on the mechanics of government. In other words, opposition parties may become eager to see reforms in the architecture of government. There are signs, moreover, that civil servants in the health sector are beginning to speak up about the appalling conditions

in hospitals. In 2017, an embryonic movement of civil servants emerged to oppose the venality of the Zuma regime. Potentially, civil servants themselves could become drivers of change. Furthermore, the Constitutional Court has been elaborating a jurisprudence which, in the name of protecting and developing socio-economic rights, authorises courts to involve themselves in the operations of government departments, agencies and municipalities (see *Grootboom*, *Allpay one and two*). The business sector, whose enterprises are often casualties of poor services and deteriorating infrastructure, is increasingly organised and vocal. In July 2021, businesses in Gauteng and KwaZulu-Natal faced days of looting and burning as contestation in the ANC haemorrhaged into the streets. There is a growing urgency in these quarters that “something must be done”. The argument here is that “something” must be reforming the architecture of government.

CONCLUSION

This article started with a provocation. Why did state capture not produce growth and development in South Africa like it has in China? The intention was to disorient received wisdoms about the problems and challenges in South Africa and the solutions that seem so self-evident. Putting aside our moral and political disgust, it turns out that the evidence from China and elsewhere is that corruption of a certain kind sometimes facilitates development, even if over the long term it weakens institutions. Yet in South Africa, with similar patterns of corruption to those in China, this has not been the experience. The difference seems to reside in the autonomy and merit of China and South Africa’s respective civil services. In China, unlike in South Africa, public administrations are sufficiently capable and merit-based to successfully implement projects,



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... highly politicised recruitment practices and political control over operational matters saw unqualified or under-qualified people brought into key roles.

even when they are the products of corruption.

Why is the South African civil service so incapable?

In the first place, this article has argued that in various ANC governments, South Africa has not had a developmental coalition. It has had governments that only pay lip service to these issues because the focus has been on securing the ANC's control over all areas of the state. As a result there has been no strong motivation to build development capability in the public administration.

Secondly, the ANC deliberately politicised the public administration. In the early years of the transition when the party functioned more or less as a unified entity, executive authority over appointments sometimes saw talented people deployed to government. Yet the depth and breadth of talent in the ANC meant that it simply did not have enough good people to bring into government. Often deployment followed a political logic of rewarding loyalty or finding positions of status

and money for political allies. After 2007, growing and intensifying contestation in the party was transferred to the civil service, rendering departments and companies unstable and making the pursuit and maintenance of office the *raison d'être* of public service.

These factors have largely devastated the administrative capacity of government departments, agencies, state companies and municipalities. Those government entities controlled by opposition parties and by the Democratic Alliance, in particular, have largely been saved from such destabilising dynamics.

Taken together the challenges of government are largely political. They are not primarily caused by the low moral character of South African civil servants or by their especially low skills base. There are tens of thousands of capable people in departments and elsewhere in government. They should not have to suffer the slings and arrows of simplistic analysis. The fundamental problem lies in the fact that after 1994 the ANC reproduced features of the apartheid civil service by refusing to rationalise it. This is the challenge of the current moment: to complete the transition from apartheid the civil service in South Africa needs to be bureaucratised, that is, constituted as an autonomous organisation organised on the basis of merit and subject to strong democratic accountability.

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ENDNOTES

1. This paper was prepared for the Architecture of Government conference hosted by the Government and Public Policy Think-Tank and the *Financial Mail*, 5-7 July 2022. This was a global gathering of the Global South organised from South Africa. The programme is available [here](#), together with recordings of all sessions, available on YouTube: [Day 1](#), [Day 2](#) and [Day 3](#).
2. I am grateful to Alan Hirsch for his comments on this paper.
3. The evidence of Prof Hellman and Dr Kaufman to the State Capture Commission is discussed in the Zondo Report Part VI Vol. 2: State Capture Established
4. State Capture Commission, 2022, Part 4 (4): 847.
5. State Capture Commission. 2022. Part 4 (4): 881.
6. State Capture Commission. 2022. Part 4 (4): 865.
7. As an aside, in China, in contrast, the alignment of corruption with growth incentives, especially regarding property development, has led to excessive growth in infrastructure and housing leading to a debt crisis in the property industry. South Africa, in contrast, suffers from the opposite problem, ie major under-investment in infrastructure and housing. (See Sachs 2020.) **NA**

What to do with the offenders?

Unpacking South Africa's state capture amnesty debate

By Karam Singh and Tharin Pillay

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Given the clear lack of capacity in prosecutorial institutions, particularly the National Prosecuting Authority, will some form of amnesty encourage state capture perpetrators to come forward to 'clean the slate' or, as argued by KARAM SINGH and THARIN PILLAY, would post-Zondo South Africa be better served by capacitating pre-existing anti-corruption institutions and developing new, stronger and more effective means to hold the corrupt accountable?

South Africa's recent history has been characterised by deep-rooted political corruption, known as state capture. For the good of the country and for every honest person in it, it is imperative that all parties implicated in this state capture are dealt with decisively and that the country's anti-corruption

infrastructure is resuscitated and capacitated to this end.

While there is relatively widespread agreement on which structural changes are necessary,¹ when it comes to the issue of individual prosecutions, the way forward is less clear. In an ideal world, the National Prosecuting Authority (NPA) would have the capacity to swiftly prosecute all involved. However, because their capacity was intentionally hollowed out during the state capture era, comprehensive and swift prosecutions seem unlikely at present. Given this lack of capacity, and in the absence of a track record of efficient and expedited high-profile corruption prosecutions, how can we expect the NPA to secure criminal accountability – to prosecute the high volume of state capture cases before it?

One response, first raised in 2020 by former Public Protector Thuli Madonsela, attorney Robert Appelbaum and other private sector lawyers has been to advocate for a process of amnesty for those involved in state capture. Although the specifics vary depending on the proposer, the basic idea is the same: facilitate a process whereby the relevant people can come forward and, if they meet certain conditions (such as disclosing what they know and paying back what they

have taken), they will receive immunity from prosecution. Others in civil society and the legal profession think amnesty is unnecessary or inappropriate, and that we would be better served by supporting pre-existing anti-corruption institutions (particularly the NPA) to deliver justice.

In many ways, this debate reflects the broader debates currently raging in the country about the capacity of the country's criminal justice system, the need to find ways to hold corrupt elites to account and the way forward in the wake of the Zondo report. It is therefore worth unpacking the terms of this debate, what issues it turns upon and how we should understand it.

Our analysis is structured as follows. Section 1 contextualises and substantiates our understanding of both state capture and political amnesty. Section 2 takes stock of the factual and the normative claims that underpin the state capture debate in South Africa. Finally, section 3 provides Corruption Watch's position in the debate, showing how, on a balance of factual and normative considerations, amnesty for state capture is unlikely to draw us closer to the prosperous future desired by all.

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Both sides of the debate agree that threat of prosecution is a prerequisite for an amnesty process to function successfully.

1. THE CONTEXT OF STATE CAPTURE AND POLITICAL AMNESTY

1.1 State capture is a species of corruption

Broadly, corruption is the “abuse of entrusted power for private gain”.² It can take many forms, such as bribery, extortion and fraud, and what constitutes corruption has varied both over time and across regions (Bratu and Kažoka, 2018:57-72). Given its broad nature, it is useful to subdivide the concept.

First, we can distinguish bureaucratic and political corruption, in the same way the public administration can be distinguished from politics (Amundsen, 2019: Chap 1). Bureaucratic corruption typically occurs at the level of low- to mid-level bureaucrats – those tasked with implementing laws and policies – and involves access to services. Examples include paying a bribe to obtain a driver’s licence or skipping a queue at the department of Home Affairs. In contrast, political corruption occurs when senior political officials – those with the power to set the rules of political life – abuse their power to benefit themselves. This can be further



In the dock: Brian Molefe, Anoj Singh & co

disaggregated into “resource-extractive” and “power-preserving” corruption.

Resource-extractive corruption is motivated by a desire for wealth. It occurs when people steal the state’s resources to enrich themselves. It is typified by the many procurement-related corruption scandals revealed by the Zondo report, for example in relation to the Passenger Rail Agency of South Africa (PRASA), Transnet and Denel. The arms deal controversy is another example.

Power-preserving corruption, meanwhile, as the name suggests, is about preserving power. This often takes the form of a pattern of strategic appointments and dismissals whereby, within various key institutions – particularly those involved in criminal justice or the management of state resources – people with integrity are dismissed and replaced by people who are compliant or sympathetic to the desires of their corrupt principals. The loyalty of such people is often retained through kickbacks or other benefits in kind proportional to their status: compare the R300,000 per month Dudu Myeni received with the seemingly petty gratuities of braai packs and boxes of liquor, as revealed

by the Bosasa case study.³ In this way, everyone becomes complicit.

This pattern is often accompanied by systematic targeting and harassing of any resistant individuals to render their working environment so inhospitable that they are forced to resign or leave; slowly leaving only the individuals who are sympathetic to or complicit in corrupt activity to staff key institutions.

On this front too, the Zondo report provides many examples, such as Tom Moyane’s appointment to the South African Revenue Service (SARS), appointments at the NPA, and to various boards of directors at State-Owned Enterprises (SOEs). There is also evidence of a corporate culture that is inhospitable to disclosure, transparency and specifically whistleblower protection across many SOEs, such as South African Airways (SAA), Denel and Eskom. Another example is the State Security Agency (SSA) merger in the intelligence sector, done by proclamation and without legal basis (RSA, 2022: Part 1).

In this way, corrupt elites are able to seize control of key institutions and denude them of their capacity to prevent corruption, thus allowing the theft of resources to proceed unabated. Acts to ➤

preserve power are self-entrenching. The more such actions are taken, the more power becomes centralised in the hands of the corrupt, and the harder it becomes to dislodge this power.

With this in mind, state capture can be understood as a widespread conspiracy perpetrated by what Zondo calls the “Gupta racketeering enterprise” that used the logic of power-preserving corruption to seize control of key institutions and change the rules of political life, thereby enabling widespread resource-extractive corruption.

The vital role played by the private sector is also noteworthy. Private professionals in the service of transnational corporations facilitated, enabled and conspired to capture key South African state institutions and enterprises. Without the help of such lawyers, accountants and banks, who legitimised the stolen funds and stored them offshore, resource-extractive corruption would have been impossible.

1.2 Political amnesty

An amnesty is an official pardon extended by a government to a person or a group of people legally forgiving them for certain offences.⁴ While in theory a government can offer amnesty for any offence, it is particularly useful “under circumstances in which law enforcement agencies are unable to function effectively due to widespread delinquency among citizens” (Roman, 2010:396).

Democratic South Africa has seen amnesty offered to individuals who have violated tax and exchange control regulations (see Appelbaum, *et al*, 2020) and those in possession of unlicensed firearms.⁵ Such amnesties can be distinguished from political amnesties, which are offered in relation to offences that impact the very functioning of a state, which are the focus of this paper.

Historically, political amnesties have been declared at the end of a conflict or following a change in a

territory’s governing authority to “pave the way to peace” (Roman, 2010:395). Such amnesties aim to “establish a turning point from one state of affairs to another” (Ibid.). They are, fundamentally, a transitory measure. Perhaps the most well-known example in recent history is a homegrown one – the Truth and Reconciliation Commission (TRC), established by the *Promotion of National Unity and Reconciliation Act*, 1995, to assist South Africa in transitioning from apartheid to democracy.

One of the TRC’s primary tasks was to decide whether to grant applicants amnesty for acts/omissions undertaken with a political objective.⁶ Decisions to grant amnesty were taken by the TRC’s “Amnesty Committee”.⁷ Of the more than 7,000 applications the committee received, more than 5,000 were refused,⁸ yet virtually nobody who was refused amnesty was subsequently prosecuted. Further, what has emerged over time and through the affidavit of former NPA head, Vusi Pikoli, is that TRC-identified perpetrators who did not apply for amnesty were shielded from subsequent prosecution. As Pikoli attested, influential forces in government did not want to see former comrades prosecuted and unlawfully pressured him to stop the post-TRC prosecutions.

The spirit in which the TRC amnesty was offered is encapsulated by the post-amble of South Africa’s Interim Constitution, which has become an iconic text in the literature on transitional justice. It reads:

This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South

Africans. . .

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society. . .

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past.⁹

However, as is discussed in section 3, whether political amnesty is effective in furthering its intended goals depends largely on the context in which it is deployed. Any case for political amnesty that does not adequately account for this context is bound to fall short.

2. CROSS-CUTTING ISSUES IN THE STATE CAPTURE AMNESTY DEBATE

Before laying out the case for why, in the context of modern South Africa, amnesty for state capture is unlikely to deliver justice, it is worth reviewing some of the common themes undergirding the debate and distinguishing between claims of fact and claims of value. While factual claims can at least theoretically be proven or disproven by reference to evidence, even if in practice there is insufficient evidence at the time to draw a strong conclusion, normative claims turn on value judgements, and so cannot be proved by reference to factual states of affairs alone. Since both types of claims frequently crop up in this debate, they are addressed separately.

The major proponents of state capture-related amnesty include Thuli Madonsela,¹⁰ a group of private sector lawyers, including Robert Appelbaum,¹¹ businessman Ian Donovan,¹² and Professor Pierre Faure. Those opposed

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... this debate reflects the broader debates ... about the capacity of the country's criminal justice system, the need to find ways to hold corrupt elites to account and the way forward.

to the idea include Executive Director of Open Secrets Hennie Van Vuuren, and Professors Richard Calland¹³ and Mcebisi Ndletyana who is Head of the Political-Economy faculty at the Mapungubwe Institute for Strategic Reflection (MISTRA).¹⁴ This is not an exhaustive list of those engaged in the debate, but reference to these authors' opinions helps define the debate's contours.

2.1 Factual issues **The capacity of the criminal justice system is inadequate**

A central claim underpinning this debate is that “given the sheer volume of perpetrators and the intricate web of crimes committed” (Appelbaum *et al*, 2022), South Africa's criminal justice institutions at present lack the capacity to effectively investigate and prosecute all instances of state capture. A stronger claim sometimes made by those in favour of an amnesty process is that these institutions lack not just the capacity to prosecute all relevant cases, but to successfully prosecute any high-profile case at all (*Ibid.*). The evidence given for this is the lack of successful high-profile prosecutions to date by the NPA.

Incentives to appear before an amnesty process are critical to success

Both sides of the debate agree that the threat of prosecution is a prerequisite for an amnesty process to function successfully (Appelbaum, *et al* 2022) because, without this threat, criminals have no incentive to come forward. It would be much easier for them to retain their ill-gotten gains and remain in the shadows.

An amnesty process may not provide further evidential value

In Madonsela's framing, one virtue of an amnesty process is that it would provide “a clearer picture of what happened” in the state capture era, to “help tighten cases for prosecution” (Mafolo, 2022). Others, such as Michael Marchant of Open Secrets,¹⁵ view this as a weak justification because sufficient evidence to prosecute already exists.

In our opinion, it seems curious that the call for amnesty for state capture – to have a clearer picture – would come at the conclusion of almost four years of hearings and a comprehensive report from the Zondo Commission. What further truth do we hope will be revealed to provide a clear picture of what happened under state capture? While such a call may have been justified on the basis of truth-seeking prior to the institution of a comprehensive commission of inquiry, post-commission, where there is already a relatively clear picture, it is far less palatable.

Amnesty processes tend to favour elites

Some commentators such as long-time anti-corruption campaigner Hennie van Vuuren have argued that “amnesties almost always favour the powerful and not the poor”.¹⁶ He argues amnesties are about allowing elites to renegotiate power, rather than pursuing justice. This argument also resonates with Corruption Watch.

Part of the all-of-society approach to fighting corruption, as envisioned by the National Anti-Corruption Strategy and part of the foundation of Corruption Watch since 2012, is the notion that South Africa can create an active citizenry through encouraging the reporting of corrupt activities and in so doing, create resistance among citizens by instilling a low tolerance for anyone who supports or facilitates corruption. An amnesty process for state capture is in tension with an active citizenry calling out corruption.

New institutional arrangements and conditions are necessary

All sides accept that an amnesty process would require new legislation and the creation of a new institution capable of soliciting and adjudicating amnesty claims. What this institutional arrangement should look like, however, varies depending on who proposes it, as do the conditions for being granted amnesty.

Generally, creating new institutional arrangements to fight corruption has been understood as requiring the enhancement of law enforcement powers, usually in the form of a dedicated anti-corruption agency in line with the principles outlined in the UN Convention against Corruption and as endorsed by the Constitutional Court in the *Glenister 2* judgment relating to the Scorpions' dissolution.¹⁷ The creation of new, stronger institutional arrangements should have anti-corruption agencies at their centre, recognising the value of the prosecution-led investigations, which have further been endorsed as constitutional following the Khampepe Commission of Inquiry into the mandate and location of the Directorate of Special Operations (DSO).¹⁸

2.2 Normative Issues **The notion of a 'clean slate' is flawed**

Those in favour of an amnesty

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... do we need a transitional measure to ensure political stability, or do we need a process of meaningful accountability? The latter seems more likely.

process suggest it would give the country a “clean slate” (Appelbaum *et al*, 2020). But what constitutes a clean slate? And is such a slate either necessary or desirable? Recall that, although President Cyril Ramaphosa came to power proclaiming a new dawn, South Africa has seen rampant corruption continue post-2018, most notably in the provision of personal protective equipment (PPE) in response to the COVID-19 pandemic. Despite leadership with some commitment to rebuilding state institutions in the wake of state capture, the vulnerabilities within the state and the policy landscape remain – particularly in public procurement. Whether one calls it a new dawn or a clean slate, it is difficult to imagine amnesty leading to a reduction in corrupt activities without widespread institutional changes.

The shapes of justice and accountability remain unclear

In the wake of state capture, “what form should criminal justice take?” is an ongoing question. Should South Africa prioritise retribution in the form of prosecution, or can restorative justice be achieved through an amnesty process? On this score, the Zondo report

potentially missed an opportunity to weigh in – to envision what an enhanced and empowered criminal justice system, capable of countering systemic corruption, might look like.

Corruption Watch believes that a reinvigorated fight against corruption should envision a range of law reform initiatives, such as unexplained wealth orders, stronger prohibitions on politically exposed persons doing business with government, and reverse onus provisions against the criminally accused. We should also consider moving away from the model wherein the NPA has a monopoly on prosecutions and establish dedicated prosecuting capacity for an independent anti-corruption agency. Such an agency could seek a variety of remedies, including asset recovery, black-listing and debarment alongside prosecutions involving custodial sentences.

3. CONCLUSION: CHARTING A COURSE THROUGH THE AMNESTY DEBATE

Having explored the contours of the debate, Corruption Watch believes it is possible to chart a course through it. In so doing, it is useful to distinguish between the type of amnesty envisioned by Madonsela (“spiderweb” amnesty), and the type envisioned by others, such as Appelbaum (general amnesty). Madonsela envisions amnesty as a tool to pull in those who played a more “clerical” or “bureaucratic” role in state capture – those who were not necessarily political elites, but rather cogs in the machine who received some form of kickback – and to break the networks that sustain corruption thereby ensuring that state institutions are cleansed of corrupt actors.

For Appelbaum, on the other hand, the purpose of amnesty is not to focus on those who played a minor facilitative role, but to aid in the prosecution of kingpins and other elites. In his conception, amnesty and something like an anti-corruption commission as

envisioned by Zondo are both necessary to bring us closer to justice.

While Madonsela’s justification is more plausible than Appelbaum’s, ultimately both fall short. Our argument against amnesty departs from the idea that amnesty can only be effective if there is a credible threat of prosecution, and that such amnesty would only be justified in the absence of a commission of inquiry.

If the NPA were able to prosecute effectively, South Africa would not need an amnesty process to begin with. So it is not possible to justify amnesty on the basis of the criminal justice system’s lack of capacity; and this capacity problem cannot be solved by introducing amnesty. As the TRC established, most who were refused amnesty were never prosecuted in any event. The TRC delivered some truth, as amnesties seek to do – but it did not deliver reconciliation and it certainly did not deliver justice.

More broadly, do we need a transitional measure to ensure political stability, or do we need a process of meaningful accountability? The latter seems more likely. In addition, there are good reasons to think the amnesty process would fail. These include the danger of the process/amnesty institution being politically captured; the likely failure of any consequences post-amnesty; and the aforementioned lack of incentive for people to come forward.

If the NPA does indeed lack the capacity to investigate relevant information, there would be no way to verify the veracity of the claims being made by those seeking amnesty. If the amnesty process is politically captured or otherwise seen to be a sham, it would be disastrous for citizens’ faith in democracy and investor confidence.

The Zondo Commission has provided enough evidence for the NPA to work with. The justice bottleneck is not due to a lack of evidence but a lack of capacity. In this regard then, it would be better to find ways to capacitate and



support the NPA directly, potentially by giving it the power to negotiate deferred prosecution agreements, supporting private prosecutions, or setting up dedicated corruption courts with dedicated funding to bring in more prosecutorial capacity, including from the private sector.

Deferred prosecution agreements should be seen as a compromise of sorts, which gives the prosecution services an opportunity to extract some accountability from corporate actors who are prepared to self-disclose wrong-doing in exchange for something less than criminal prosecution. The consequence management in such an agreement may include a partial or temporary debarment or blacklisting with the threat of prosecution in cases of recidivism. Such agreements should not be subject to strict non-disclosure agreements as we see in other jurisdictions.

The merit to the amnesty argument rests in its desire to create a culture of pro-active disclosures. This is something worth striving towards, by providing incentives to those willing to disclose. But it remains a huge uncertainty that such an approach would help turn a corner or clear the slate. Rather, we should think about giving the NPA some authority to, for example, negotiate deferred prosecution agreements, where strategically these are deemed to have value in uncovering further criminality.

Because it is unlikely to receive wide buy-in from perpetrators and enablers, and because it is unlikely that consequences will flow from the process, amnesty is unlikely to draw us closer to justice, either retributive or restorative. Rather than looking for quick fixes, we need to understand what is most appropriate for our political context.

Institutionally, we at Corruption Watch believe that establishing an effective, independent, anti-corruption agency to build on the existing capacity embedded in the multi-agency approach is a necessary pre-condition for trying

to “break the spiderweb” to which Madonsela refers.

Without effective anti-corruption agencies, including the NPA, amnesty alone will be insufficient. So we would do better to focus directly on how to strengthen existing institutions. In addition we could foster the creation of a dedicated anti-corruption institution as per the recommendations of the Zondo Commission and as envisioned by the National Anti-Corruption Strategy.

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ENDNOTES

- 1 Such changes include vastly improved protection for whistle-blowers, an overhaul of

the country’s public procurement system and the creation of beneficial ownership registries to make it more difficult for criminals to launder money through shell companies. Implementing these changes is of course easier said than done. Further, note that there is less agreement on the question of institutional arrangements – are new anti-corruption institutions required to counter corruption? This issue is outside the scope of the present paper.

- 2 As defined by Transparency International. See <https://www.transparency.org/en/what-is-corruption>
- 3 See the discussion of “industrial scale bribes”, “loaves of bread”, and “breadroll requirements” in section G of part III of the Zondo Report.
- 4 Drawn from a combination of dictionary definitions.
- 5 South Africa has had five gun amnesties – <https://www.gov.za/speeches/police-illegal-firearm-owners-getting-second-chance-new-firearm-amnesty-period-1-aug-2020>
- 6 Its other objectives were to establish as complete a picture as possible of the many gross violations of human rights that characterised apartheid; to establish the fate/whereabouts of victims; and to compile a comprehensive report of its findings and recommendations. See Paul Gready, *The Era of Transitional Justice: The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond*, p4.
- 7 <https://justice.gov.za/trc/trcom.html>.
- 8 <https://justice.gov.za/trc/amntrans/index.htm>.
- 9 Constitution, 1993.
- 10 <https://www.news24.com/news24/southafrica/investigations/amnesty-for-state-capture-soundreels-madonsela-on-how-to-break-sas-criminal-spiderweb-20220625>.
- 11 <https://www.dailymaverick.co.za/article/2022-06-27-a-bitter-pill-it-is-but-there-are-sound-reasons-for-giving-amnesty-to-alleged-state-capture-wrongdoers/>.
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- 13 <https://theconversation.com/why-an-amnesty-for-grand-corruption-in-south-africa-is-a-bad-idea-148279>.
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- 15 https://www.youtube.com/watch?v=JVbw_N65W3I.
- 16 <https://www.businesslive.co.za/fm/features/2020-03-12-why-amnesty-for-state-capture-wont-work/>.
- 17 *Glenister v President of the Republic of South Africa and Others* (CCT 48/10) [2011] ZACC 6; 2011 (3) SA 347 (CC); 2011 (7) BCLR 651 (CC) (17 March 2011). Available at <http://www.saflii.org/za/cases/ZACC/2011/6.html#sdfootnote6sym>
- 18 <https://www.gov.za/documents/khampepe-commission-inquiry-mandate-and-location-directorate-special-operations-final> NA

Revised food security policy needed to reshape SA food system

By Jane Battersby

Dr Jane Battersby is an urban geographer with an interest in all things food-related. She has a PhD from Oxford University and is currently a senior lecturer in the Department of Environmental and Geographical Science at the University of Cape Town (UCT).

There is an urgent need to address hunger in South Africa – and the consequences of inadequate diets, where people eat the wrong food. South Africa’s policy on food and nutrition is poorly framed and badly implemented.

JANE BATTERSBY outlines a way forward that is partly an appeal to government to do its job better and partly an appreciation of how emergent civil society networks are working to increase agency in the food system.

In South Africa the right to food is recognised in the Constitution and the country has had a National Policy on Food and Nutrition Security since 2014. Yet the country struggles with persistently high levels of food insecurity and the triple burden of malnutrition (undernutrition, obesity and micro-nutrient deficiencies). Even before COVID-19 and before the current cost of living crisis, more than 60% of households in Cape Town were unable

to afford a basic, nutritious diet. COVID-related job losses combined with rapidly increasing food, transport and energy costs have pushed ever-increasing numbers of people in South Africa into food insecurity.

More than a quarter of children under the age of five are stunted, meaning that they are too short for their age and are unlikely to meet their developmental potential (May *et al*, 2020). At the same time more than 40% of South Africa’s women and 18% of men over the age of 18 live with obesity (GNR, 2021). We have high levels of diet-related non-communicable diseases. This increasing burden of malnutrition in South Africa should be understood as a manifestation of food insecurity.

This article argues that the failure to improve food and nutrition security in South Africa is in part the outcome of poorly framed and implemented policy. Drawing on research on food security in South Africa and engagement with international policy frameworks, this article proposes four foundations for a more comprehensive approach to food security policy in South Africa, namely: data-driven governance, transversal governance, multi-level governance and inclusive governance.

FRAMING

Food security has been defined by the United Nations Food and Agriculture

Organisation (FAO) as a state that exists “when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life” (FAO, 1996). This definition highlights the fact that food insecurity is not simply about the availability of foods, but about the means by which people are able to access and use those foods. It also stresses the importance of diet quality and choice. The FAO argues that the achievement of food security rests on a number of dimensions (sometimes termed pillars):¹ It initially identified four dimensions in 2004: Availability, Accessibility, Utilisation and Stability (FAO, 2005:5). In 2020, the High Level Panel of Experts of the FAO proposed adding two further dimensions: Agency and Sustainability (discussed below). The panel argues that without due attention being paid to all six of these dimensions, food security cannot be achieved.

While the current South African Food and Nutrition Security Policy acknowledges the FAO definition of food security, its recommended areas of programmatic focus suggest that it has failed to engage with the fullness of the definition or the dimensions upon which food security must be built.

The 2014 policy proposed five pillars of action: improved nutritional safety nets; improved nutrition education; the

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The framing of sustainability insists on moving beyond sustainability as maintenance of existing conditions, towards regenerative systems.

alignment of investment in agriculture towards local economic development, particularly in rural areas; improved market participation of the emerging agricultural sector; and Food and Nutrition Security Risk Management (RSA, 2013:7).

These priority areas are inadequate. They treat food security as an acute crisis to be met by safety nets, poor diets as a problem of poor knowledge, and poor access as a supply chain issue. This is illustrated by the policy's discussion of the four dimensions of food security, which applies a narrow interpretation of the FAO-defined dimensions (RSA, 2013:11). Within the policy, there is no acknowledgement of urban food insecurity or of access issues beyond economic affordability. Poor dietary diversity is viewed as a knowledge problem. It is to be solved by improving access to indigenous foods rather than by addressing the structure of a food system which makes unhealthy diets more affordable and accessible than healthy diets. These issues have all been identified as important aspects of food security by researchers working on food security and were raised well before the drafting of the policy.

I, together with colleagues at UCT,



Photo credit: GroundUp

the University of the Western Cape (UWC) and Stellenbosch University, have been conducting research on urban food insecurity in South Africa and across the African continent since 2007, in an effort to develop an understanding of the problem and work towards novel solutions. What has been clear from our work is that food insecurity is not simply the outcome of income poverty or high food prices (as suggested within the access section of the policy). It isn't just that people's incomes (wages or grants) are too low to afford adequate food supplies, although that is an important component. Food insecurity is driven by multi-dimensional poverty and the intersection of the food system with other systems. Food security and dietary practices are shaped by things like the cost and reliability of energy for cooking, long commutes that make the cooking of meals challenging, problems of rodents and high temperature gradients that make it hard to store perishable foods and make highly processed foods safer choices, and the kinds of foods that are being made available and marketed (Battersby and Haysom, 2019). These complex interactions between food security and other systems are not recognised

in the current policy frameworks. In recognising these wider determinants of food security, it is clear that there are potential entry points for government and civil society to address food insecurity that have yet to be engaged within policy.

And so, while the National Food and Nutrition Security Policy aims to be comprehensive, the government has arguably taken quite a minimalist approach to addressing food insecurity. The policy frameworks tend to take what Johan Kirsten has framed as “second class” interventions that aim to mitigate the impacts of food system problems rather than address the structural determinants of food insecurity (Kirsten, 2012). In this the new dimensions proposed by the FAO's High Level Panel of Experts – Agency and Sustainability – become crucially important. Agency is defined as “the capacity of individuals and groups to exercise a degree of control over their own circumstances and to provide meaningful input into governance processes” (Clapp *et al*, 2022). Sustainability is defined as “food system practices that contribute to long-term regeneration of natural, social, and economic systems, ensuring the food >>

needs of the present generations are met without compromising food needs of future generations” (HLPE, 2020:10).

These new dimensions fundamentally re-frame food security. By including Agency, each of the existing dimension are enriched and repoliticised. The Accessibility dimension has been dominant in food security discourse and policy locally and globally and has been widely critiqued as enabling the dominance of corporate food sectors (Canfield *et al*, 2021). The Food and Nutrition Security Policy focuses on Accessibility as being determined by the cost of food. This framing therefore leads to two sets of responses: Firstly the cost of food should be as low as possible. This enables large-scale food producers, processors and retailers to position themselves as agents of food security – despite the fact that the food they champion may not promote nutritional wellbeing. Secondly, it means that the provision of grants becomes an important entry point to ensure food security. The addition of the Agency dimension challenges the neoliberal developmentalist approach to food security that has dominated national and global food security policy.

Similarly, the inclusion of the Sustainability dimension insists that the conditions under which food is produced and distributed are central to the achievement of current and future food security. The framing of Sustainability insists on moving beyond Sustainability as maintenance of existing conditions, towards regenerative systems. Sustainability in this framing is transformative. This explicitly challenges the policy and programmatic responses that are framed simply on producing and distributing more food by whatever means possible. It emphasises the need for transformation of the environmental, social and economic conditions that shape the food system.

PROCESS

In addition to the weaknesses of the framing of the policy, there have been considerable critiques of the process of policy development and implementation. When the policy was introduced, a number of organisations argued that the government had failed to adequately consult civil society and called for meaningful consultations (Section 27, 2014.). The policy states that a National Food and Nutrition Advisory Committee (chaired by the Deputy President) would be established, and that similar structures would be established at the provincial and local levels. As of 2022 this advisory committee has yet to be formed, and it seems to have fallen off the policy agenda (Olivier and Hendricks, 2020).

While the research suggests that many of the factors shaping food security outcomes fall under the mandate of local government (such as zoning for retail, transport planning, fresh produce markets, and solid waste management, for example), there is no recognition of this mandate within the policy (De Visser, 2019). Provincial and local government are viewed as implementers of national policy, rather than entities that inform policy direction.

Additionally, the policy and its implementation strategy view food insecure individuals as recipients of food security programming, rather than citizens with Agency who are to be engaged in decision-making or food system transformation.

The processes by which the policy was developed and is being implemented have been insufficiently participatory and this has undermined food security further.

TOWARDS A COMPREHENSIVE FOOD SECURITY POLICY

In the wake of this critique, what then might a comprehensive policy on food security for South Africa look

like? I believe there are four principles that need to be the foundation of a comprehensive food security policy for South Africa.

Firstly, *policy must be informed by a wider range of data types and data sets*. I was recently in a policy dialogue session hosted by ICLEI (Local Governments for Sustainability, an international non-governmental organisation) in which a representative from the South African national government stated that only official statistics should be used to inform policy. While there are of course concerns about the quality of data from other sources, we need to be critical about the kinds of data that are being produced by national government and the kinds of questions it can help us to answer.

Data are generated to answer particular questions, but what if the wrong questions are being asked? The official statistics tell us little about the lived experience of people as they navigate food insecurity. They do not tell us about how households navigate different food sources to maximise their food security. They do not tell us about the critical choices that households make in their attempts to balance the budgets and the ways in which food insecurity is the outworking of multi-dimensional poverty. Official statistics categorise, aggregate and disaggregate and can lead to dis-located and siloed policies and programmes. In order to generate food security policies that are responsive to food insecurity and its drivers, there is a need to be more inclusive about the kinds of data and knowledge that inform policy. The data sets produced by the Pietermaritzburg Economic Justice and Dignity Project on food prices and the cost of living, for example, provide rich data that can inform policy (see article on page 36). The incorporation of lived experience research findings into food policy discussions in the Western Cape

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Food insecurity is driven by multi-dimensional poverty and the intersection of the food system with other systems.

provides a new entry point for thinking about the role of qualitative data in shaping policy decisions.

Secondly, *food policy should be genuinely multi-level in governance*. There is a strong tendency for policy to be developed at the national level and to view provincial, district and local government merely as implementers of policy. This approach leads to poorly informed policy and programmes which then have little impact. It also fails to harness the many powers of local government to address food security. This is partly informed by the narrow, minimalist framing of food security by national government described above. In 2020 the City of Cape Town conducted a mapping of all of the programmes and policies across all departments of the city and found over 40 that directly or indirectly shaped the food system and food security. Many of the tools available to the state to address food security are simply not being leveraged. Failure of national government to engage all the spheres of government when developing food security policy has led to narrowly constructed and weakly implemented policy, poorly informed by lived experience and political potential. A comprehensive food security strategy for South Africa should be inclusive of all spheres of government and informed by all spheres of government.

Thirdly, *food security policy should be transversal*. The drivers of food insecurity

extend well beyond the remit of any single department. In addition, drivers of food insecurity interact, meaning that an intervention at one point in the system will impact other parts of the system. Failure to act transversely may mean that the potential impact of any policy or programme is dulled. For example, breast feeding promotion may be undermined by a failure to understand how women's choices are shaped by workplace conditions or by issues of water and sanitation. A transversal approach can help amplify the impact of existing policies and programmes. Additionally, a transversal approach can open new policy and programmatic entry points. The mandates mapping work for the city of Cape Town has already created new understanding of potential entry points. The provincial government of the Western Cape has been taking a place-based approach to test out the whole of government food security strategies. It has conducted a series of learning journeys in the town of Worcester outside Cape Town in which officials from a range of departments engage with residents and key actors in the food system to develop a shared understanding and work towards transversal approaches to addressing food insecurity (Sebopetsa, 2022).

Finally, *a comprehensive food security policy needs to be inclusive of extra-governmental voices*. There has been a wave of interest in multi-stakeholder approaches to food security globally. There is already an appetite for this within government, or at least an indicator of an appetite for this. As indicated earlier, the National Food and Nutrition Security Policy envisaged an advisory committee that informs policy and programmatic decisions, but this has yet to materialise. However, there is a need for caution in the embrace of multi-stakeholder governance. Within global food security discussions, there has been a concern that uncritical multi-stakeholder inclusion has led

to a blinkeredness about the role of the private sector in shaping the food system (Yates *et al*, 2021). This has led to a failure of the state to hold the private sector accountable. The re-framing of the dimensions of food security to include Agency provides an impetus for a wider set of non-governmental actors to be involved in food security policy.

There have been a number of local efforts to increase community dialogue and action around food security. For example, Food Agency Cape Town (FACT) has been conducting a series of food dialogues in different communities to generate local-level strategies to address food insecurity and to create a stronger understanding about the right to food in South Africa (Buthelezi and Metelerkamp, 2022).

In Cape Town, a new programme has emerged – The Masi Ambassadors. These ambassadors have received training in nutrition and also in community activism (Southern Africa Food Lab, 2022). While seeking to mainstream nutrition awareness and programming in the Masiphumelele township, they have actively sought engagement with the ward councillor, the City of Cape Town's Environmental Health Department and with spatial planning officials to ensure the community perspectives inform local government action. These seeds of local engagement suggest a new pathway for multi-stakeholder approaches that takes seriously power inequities in the food system and food security policy (Drimie and Eichinger, 2022).

CONCLUSION

The four proposed elements that should be built on to develop a comprehensive national food security policy for South Africa (data diversification, multi-level governance, transversal governance and inclusive governance) are informed by the six dimensions that underpin food security. What is being proposed here is ambitious. We have previously seen efforts to work transversely fall ➤

away in the wake of limited capacity and the complexity of working across government departments. A prime example of this was the Integrated Nutrition Programme which initially included a programme of multi-sectoral government support which was omitted in later versions of the programmes due to unrealistic objectives and lack of resources (Battersby *et al.*, 2014: 24).

However, it is essential to develop new responses to food and nutrition insecurity. In the wake of COVID-19 the extent of South Africa's existing food security challenge became apparent not just to government but to civil society, and now the food price crisis and the emergent questions about the stability and sustainability of the national and global food system are forcing the urgency of addressing food and security.

There is increasing demand from civil society for the State to act on food security. The need for change is therefore pressing. The good news is that many of the building blocks for this new inclusive food security approach are already in place. Extensive data are being collected and analysed by civil society organisations and academia which these actors are willing to share and engage with government. Pockets of transversal analysis and action are being developed. Civil society networks are emerging and working to increase agency in the food system and there are entities connecting these civil society actors to each other and to government at different levels. The kind of integrated policy and integrated action platform being proposed is already there within the national food security policy – it simply requires political will and action.

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ENDNOTE

- 1 When the High Level Panel of Experts of the UN's Food and Agriculture Organisation added Agency and Sustainability as two further pillars (HLPE, 2020:xv and 7), it stated "While these aspects of food security are sometimes referred to as 'pillars' in the literature, the term 'dimensions' is a better fit. Pillars might imply separate elements of equal weight in all situations, while dimensions allow for an appreciation of more complex interactions between them and also different emphasis in importance in different situations." (HLPE, 2020:11). **NA**

No-one can be left behind

Building resilient food systems in Africa

By Sifiso Ntombela

Dr Sifiso Ntombela is chief economist of the National Agricultural Marketing Council (NAMC), responsible for trade research and economic modelling. He also provides economic and environmental policy commentary for uKhozi FM and Ligwalagwala FM. Dr Ntombela was director for strategic projects in the Department of Public Enterprises where he managed the country's biggest infrastructure programme in transport, energy and manufacturing sectors implemented by the State-Owned Companies. He has a PhD in agricultural economics from the University of Pretoria.

Africa has the natural resources and the policies required to tackle poverty and hunger – but these policies are not effectively implemented. Noting the impact of Russia's invasion of Ukraine on the continent's food systems and the innovations introduced to respond to the COVID-19 pandemic, SIFISO NTOMBELA provides practical measures to improve food security, also arguing that exporting food can be a source of economic strength.

INTRODUCTION

South Africa is one of the largest and most important producers of agriculture and food products in Africa. The strategic and economic policy frameworks guiding investments and the growth trajectory are the National Development Plan (NDP) and the United Nations' Sustainable Development

Goals (SDGs), which provide a vision and pathway towards a resilient and sustainable food system by 2030. The country has also created the Agriculture and Agro-Processing Master Plan (AAMP), a social compact aimed at accelerating the implementation of the NDP goals by leveraging the private sector's skills, resources and knowledge. Moreover, the AAMP is designed to drive the sector's recovery from the effects of the COVID-19 pandemic, the violent protests that occurred in July 2021 that impacted on key trade corridors linking the coastal and inland areas, and the conflict between Russia and Ukraine.

The aforementioned policy frameworks are aligned to the African continental developmental agenda outlined in the Comprehensive Africa Agriculture Development Programme (CAADP) and Africa Agenda 2063 – “The Africa We Want”. From an agricultural perspective, South Africa's contribution to “The Africa We Want” includes investing in agricultural infrastructure, research and development, technology and expanding land under irrigation to increase productivity and food security. These goals are affirmed in the AAMP, which recognises that large tracts of

land are underutilised or lying idle despite the high level of food insecurity.

The challenge of underutilised land amid high levels of poverty and food insecurity is not unique to South Africa. It is estimated that Africa holds 60% of the uncultivated arable land in the world, which suggests the continent has the potential to feed itself.

In essence, Africa has both the natural resources and policies required to tackle poverty and hunger. However, lack of policy implementation is holding back development on the continent. The African Union's CAADP Biennial Review report (2021) showed that only 20 out of 47 countries that provided reports were on track to achieving the goals and targets set out in the CAADP report, namely ending hunger, halving poverty and improving the resilience of livelihoods and agricultural production by 2030.

This article unpacks the underlying factors that constrain progress in addressing the food security and poverty problems in South Africa and the rest of Africa. It identifies measures that need to be implemented and prioritised to address these issues. Lastly, it puts forward some approaches ➤

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In the first six months of 2022, food prices have escalated by between 8% and 44% in various countries, depending on the type of commodity and demand levels. This has caused panic in the region.

and enablers required to scale-up the implementation of policies and programmes aimed at building resilient African food systems that leave no-one behind and help the country and the continent bring an end to hunger.

FOOD SYSTEM BOTTLENECKS IN AFRICA

South African agriculture has showed remarkable resilience in the past decade, even during the COVID-19 hard lockdown. The agricultural sector grew by 13.4% in 2020 and a further 8.3% in 2021 underpinned by good rains, improved partnerships between the private and public sectors to attract investments, and good policies and regulations. Both the short- and long-term growth in South Africa can be attributed to the agility of farmers to adapt to ever-changing domestic and global policies, technology and an innovative environment. Since the deregulation of South Africa's agricultural sector in 1996, it has gradually become an export-oriented sector generating more than 55% of its annual value-add from foreign earnings in 2021 (DALRRD, 2022). Roughly 90% of



Photo credit: T. Samson, Flickr

the country's food is produced by large commercial farmers who are responsible for the current food security and foreign earnings (NAMC, 2020). These large-scale farmers and agribusinesses dominated the entire agricultural and food value chains after deregulation, liberalisation and privatisation of state-operated marketing boards and the removal of food price controls and farm subsidies between 1994 and 1998.

Overall, the deregulation and privatisation of the agricultural sector resulted in positive growth with production doubling in volume over the past two decades and maintaining high employment of about 865,000 jobs at the farm level and roughly 235,000 jobs at the processing level. Though the aggregate picture is positive, food security at the household level and the exclusion of small-scale farmers have become problematic, contributing to the widening inequality gap in the country.

This dual problem of few large-scale farmers and many small-scale farmers coupled with the ageing infrastructure such as roads, ports and storage facilities are impacting on the sustainability of the sector and

increasing its vulnerability to external shocks such as the COVID-19 pandemic and climate change. The infrastructure deficit and exclusion of small-scale farmers in the formal food value chains is also found beyond the South African borders. The African Development Bank (AfDB, 2018) estimates that Africa requires US\$360 billion (just over R6 trillion) to address the infrastructure deficit on the continent. This requires investments equivalent to 60% for energy infrastructure, 37% for transport and logistics, 2.5% for water infrastructure and about 1% for information and communication technologies infrastructure.

The effects of the aforementioned bottlenecks on South Africa and the continent's food systems were compounded by the conflict between Russia and Ukraine, which began in February 2022. The conflict manifested in two ways, firstly, in the sharp rise in input prices, mainly for seeds, fertilisers and fuel, which consequently limited the ability to produce food, in particular for the small-scale and subsistence farmers who are resource poor. In countries such as South Africa,

Namibia, and other similar states, farmers purchase all their seeds and inputs directly from the market with minimal state support. Secondly, the conflict resulted in difficulties in importing essential commodities such as wheat, maize and sunflower oil because of the high shipping prices and delays as well as export bans by major agricultural exporting nations. These drove food prices higher, resulting in many citizens in Africa being unable to afford basic food.

In the first six months of 2022, food prices have escalated by between 8% and 44% in various countries, depending on the type of commodity and demand levels. This has caused panic amongst citizens in the region and raised concerns about the current food system in countries that are heavily dependent on imported products, particularly island economies such as the Seychelles, Mauritius and Madagascar. Even countries like South Africa, which is capable of producing food and is far more food secure than the rest of the continent, still relies on imports for palm oil, rice and wheat. The fluctuation of input prices, particularly for fuel, restricts access to food by the general population across the region. The impact of the conflict on the region is not uniform as some countries are impacted more than others depending on the extent of their trade with Russia and Ukraine.

SOLUTIONS FOR SCALING UP FOOD SYSTEMS AND FOOD SECURITY

Most African states, including South Africa, have committed themselves to achieving the SDGs and CAADP goals to end hunger by 2030 and halve poverty through investing in sustainable agricultural production systems and improving resilience to external shocks. The resources and skills capacity to achieve these developmental goals are dependent on the type and quality of partnerships that governments

and the private sector form to attract investments, technology and innovation on the continent. This means leveraging on private sector partnerships to upscale the implementation of existing policies and programmes.

Many stakeholder consultations in South Africa have resulted in the development of NDP and AAMP economic frameworks and identified various game-changing solutions that could transform the food systems of South Africa and put the country on a trajectory to achieve the goals outlined in NDP 2030, AAMP 2030, the UNSDGs 2030 and the AU's Agenda 2063. Some of these solutions are not only relevant and applicable to South Africa but also to the rest of the continent. However, to fully implement these solutions, there is a need to recognise the weaknesses in the current food systems while building on the successes achieved to date.

Through the AAMP process, there is clarity and broad agreement on building new national food systems that contribute to improving the health and nutrition of all citizens; the livelihoods of those working in the food systems; and resilience in the face of climate change, the COVID-19 pandemic, violent conflicts and other as yet unknown external shocks. The wellbeing of women and children and their inclusion in building strong and resilient food systems are equally important in ensuring the SDGs and AAMP objectives are met.

SOLUTIONS TO LEVERAGE ON PRIVATE SECTOR PARTNERSHIPS

1. Maintain open trade and remove barriers

Most countries in Africa depend on imported fertilisers, wheat, maize, sunflower and oil commodities for local consumption. Since the onset of COVID-19 and the conflict between Russia and Ukraine, an increasing number of countries in the world are implementing trade distorting

measures, including export bans, to protect local production and consumption. It is recommended that African countries maintain open trade policies to advance intra-African trade and regional value chain integration and development, and to take advantage of opportunities created by the new African Continental Free Trade Area. Any trade distorting measures within the continent must be removed to allow fair trade and ensure availability and access to food for all.

2. Support local production for local consumption

Small-scale and subsistence producers should be comprehensively supported to ensure availability of food at community and household levels. If small-scale producers are supported through improving the local value chains, local economies would also benefit as less money would be spent on commuting to towns and cities to buy food. This will subsequently reduce the level of carbon emissions as transportation of food and persons will be reduced. The support provided to small-scale producers needs to be properly comprehensive as the allocation of farms or other relevant infrastructure without comprehensive support packages is detrimental.

Support for local food production will reduce reliance on imported food. Most countries on the continent rely on imported food products such as wheat and maize even though these countries have local foods and the indigenous knowledge needed to farm grains, fruits, vegetables and animals. It is important that national governments upscale expenditure on small-scale farmer support, prioritising women and youth, to produce traditional, indigenous and "smart foods" that address nutrition security and environmental concerns. This will ensure that food access and affordability are achieved at the household level in each country. ➤

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The African Development Bank estimates that Africa requires US\$360 billion (just over R6 trillion) to address the infrastructure deficit on the continent.



Photo credit: Flickr

3. Strengthen biosecurity control to improve food safety, traceability

Food safety is prioritised for food products that are imported and exported, while local food products from small-scale and subsistence farmers are neglected in this regard. Food safety standards should be improved throughout the value chain to ensure that only good quality food reaches communities. There is a need to invest in food safety and the same steps that are taken to ensure the safety of food for export need to be followed in the sale of food across all countries and regions in Africa. Furthermore, the traceability of animals is critical to safeguard animal disease outbreaks.

4. Reintroduce agriculture in the school curriculum

Governments, businesses and communities should establish and maintain an education curriculum for food security and nutrition from prenatal and early child development learning through basic education, tertiary and post-school education in order to produce, empower and maintain balanced and well-equipped citizens as valuable and productive members of the household, community, society and country. There is a critical need to reintroduce agriculture and other food production topics as a practical subject in schools. This way children will grow up knowing the importance of food production and the effect food has on their overall health and wellbeing, including their economic wellbeing. Governments could also consider opening training centres run by graduates to train communities on basic food production.

5. Promote indigenous knowledge systems

Inclusion of the indigenous and aquatic or “blue foods” (including marine and fresh-water wild-caught aquatic foods and aquaculture) in the food basket should also be considered. Further, household producers are no longer utilising traditional food preservation methods that ensured communities had food until the next harvest. Multi-stakeholder collaboration is required to:

- a. Introduce consumer education about food preservation and reduction of waste and loss;
- b. Undertake research and develop recipes at universities to promote the use of indigenous crops, fruits, vegetables and other local products;
- c. Train, educate, research, promote and disseminate information about indigenous food systems and their nutritional benefits

to contribute to the spread of knowledge that will benefit communities.

6. Build resilience to vulnerabilities, shocks and stresses

Governments, businesses and communities should build social infrastructure, relationships and networks to mitigate the effects of external threats. They should take note of the work done by civil society during the pandemic to channel resources to micro, small-scale and agricultural households in the rural areas and vulnerable communities in the townships and backyards, metro inner cities and informal settlements across Africa

7. Balance exports and local production

It is argued that a strong export-focused commercial sector leads to lower domestic food prices. Governments, businesses and communities should balance the interests of production and export against basic food security whilst producing an affordable nutritious food basket that strengthens the food system.

8. Promote agri-tourism markets

Agri-tourism markets should be used to improve food systems’ sustainability and market access. This presents opportunities for diverse and dynamic markets and also creates sustainable jobs. Investments in this sub-sector would help citizens who struggle to afford food. The prime example here is the wine industry.

9. Invest in on-farm and off-farm infrastructure and the informal sector

Promote the co-existence of small-scale and subsistence farmers alongside large-scale commercial farmers by investing in required on-farm and off-farm infrastructure and market systems.

Observe the system of informal trade and how it operates. Equip traders with the necessary resources, infrastructure and market systems. During the COVID-19 hard lockdown, the role of informal traders in distributing food became critical and their importance in the food supply chain was evident in South Africa and other countries on the continent.

10. Establish food and agricultural hubs and aggregators

Africa has untapped resources (ie mines and arable land) that can be explored to increase production and industrial capacity to promote high-value agriculture and food exports. It is important and advisable that national governments, in line with CAADP and Malabo Declaration commitments, uphold the public spending of 10% on agriculture focusing on irrigation, storage, processing and post-harvest infrastructure. Public investments should de-risk and/or risk-share to incentivise increased private investments. Investments in local infrastructure must be pursued in partnership with the private sector and foreign investors to increase efficiency and alleviate pressure on the national fiscus.

Governments, businesses and communities should establish food and agricultural hubs in or near rural and peri-urban markets to absorb the produce of household and small-scale farmers. This will allow agribusinesses and agro-processors from villages to enter, recreate, reshape and redirect food production systems that are linked to inclusive, diverse, dynamic and prosperous factor and commodity markets.

Governments, businesses and communities should promote the establishment of aggregators in the villages, rural towns and townships to ensure sufficient throughput of the products and services of the desired quality from schools, community

production centres, households and small-holder producers on a sustainable and reliable basis.

To successfully implement the above 10 interventions in South Africa and other countries on the continent there must be a conducive environment and policies to attract private investment and develop prerequisite skills and knowledge. Below, the article outlines some of the critical levers that will drive change in the continent's food systems.

LEVERS OF CHANGE AND SUCCESSFUL POLICIES

1. Develop effective governance and leadership

There is limited integration between continental, regional and national government spheres to fight hunger and malnutrition on the continent. A central structure is required to coordinate and monitor all food systems to avoid duplication of programmes aimed at fighting hunger. Coordination needs to extend beyond food security and nutrition as food systems involve a range of sectors. Coordination and collaboration between departments of health and agriculture, as well as with private sector partners and community organisations, is necessary to address hunger, poverty and malnutrition as well as unemployment and economic growth.

2. Develop comprehensive and accurate farmer databases

Databases of producers should be developed to ensure improved coordination in providing agricultural support and traceability of producers and products. National governments, businesses and communities should establish and maintain the farmer databases and production data.

3. Invest in research and innovation

There is a need to develop research on the possibility of intensifying production of crops such as

sorghum, millet and other strategic grain reserves. Research should also be conducted on improving production, packaging and marketing of indigenous foods.

4. Stakeholder collaboration

To build inclusive, sustainable and competitive value chains, collaborative engagements among stakeholders are needed. These should include sharing of databases to help identify bottlenecks within the value chain and assist in building a business case for their resolution. They will also promote investment in research, learning and development.

5. Financing

Governments, businesses and communities should align public and private investments to enable small-scale producers and communities to access capital. Affordable financing schemes should be developed for farmers leveraging on available resources in the private sector as alternative platforms of funding. In this way farmers could access funds in the form of loans to supplement grant funding.

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Over half SA households are food insecure

Women must first pay for transport, electricity, debt

By Mervyn Abrahams

Mervyn Abrahams is the Programme Co-ordinator at the Pietermaritzburg Economic Justice and Dignity Group.

The current household food insecurity crisis in South Africa is not the result of the war in Ukraine, or drought, flooding or even global climate change, although all of these exacerbate the problem. It is endemic, rooted in conditions of colonialism and apartheid, and the source – as well as the solution – requires change at the level of political-economic transformation, according to MERVYN ABRAHAMS. This is an edited transcription of an interview with the Institute for African Alternatives in August.

South Africa does not have an established culture of people growing their own food and most households procure their food from retailers and traders. They are net buyers of food, which takes the

issue of food insecurity into the area of affordability. The level of household income becomes a determinant of the level of food insecurity in many households.

In July 2022, the cost of a basket of 44 foods tracked monthly by the [Pietermaritzburg Economic Justice and Dignity Group](#) (PMBEJD) was R4,748.87. The basket contents are based on what women from low-income households tell us they try to purchase on a monthly basis if they have sufficient income. These women participate in PMBEJD focus groups and regularly track the best available prices of targeted foods at shops in their areas.¹

The national minimum wage of R23.19 per hour amounted to a minimum monthly wage of R3,895.92 in July, which had 21 working days. This means the basket of food for a household of seven, which is an average size for a lower income household in South Africa, cannot be provided at the level of the national minimum wage. This refers only to basic foods that are “sufficient” for the household, and does not extend to nutrition-rich foods which are beyond the means of most households living at this level of poverty.

In most Black South African

households, only one family member works and he or she supports at least four people on that individual wage. If the household’s worker earns the national minimum wage the *per capita* monthly income for those dependant on that income is about R900 (PMBEJD, 2022:1).

This falls significantly below the upper-bound poverty line of R1,335.00 and barely clears the lower-bound poverty line of R890.00.

South Africa’s historic low wage trajectory, which originated in colonial times, has a major impact on the ability of households to secure or source sufficient food to meet their needs.

The factor of affordability must also take into account other necessary household expenditure, over and above basic foods, and consider how households divide their expenditure. We are told by the women who participate in the PMBEJD research that households prioritise four things *in the following order*:

PRIORITIES IN HOUSEHOLD SPENDING

At the very top of the list of priorities is *transport*. Households who have someone who is employed know it is absolutely essential to ensure that

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South Africa’s historic low wage trajectory, which originated in colonial times, has a major impact on the ability of households to secure or source sufficient food.

the worker is able to get to work and back, otherwise that wage is at risk of being lost. This is exacerbated by our entrenched geography of apartheid which determines that workers in the lower income brackets tend to live further away from their place of work. Households also have to provide transport for work-seekers and for children attending school. Between January and June this year the price of fuel increased by about 25% and on 1 July a number of taxi associations increased the taxi fares by on average 7%, depending on which part of the country they are in, hence transport is a major item of expenditure for poor household.

The second priority, according to our focus groups, is *electricity*. Households need electricity for lighting, security, heating and cooking. Most of the staple foods South Africans eat require cooking, and therefore electricity becomes an extremely important expenditure item, one that impacts on food insecurity. This year we have seen electricity prices have increased at roughly 9%, dependent on the municipality, and over a three-year period electricity prices have increased by more than 20%.

The third priority in household



Photo credit: FoodforMzansi

monthly expenditure is *debt servicing*. Poorer households often cannot stretch their income to last until the end of the month and invariably have to take on debt to survive. Few people in these households qualify for a bank loan and debt usually takes the form of loans from informal sources. However, even though their debt is not in the formal sector, South African Reserve Bank increases in interest rates cascade down and lead to concomitant increases in the informal debt sector, which badly affects the poor.

Food is fourth on the list of priorities and is bought only after monies for transport, electricity and debts have been paid or set aside. Based on the estimated income of families living on a single minimum wage in July, this left only R1,764.42 for food and all other expenses. For the women food procurement is the only priority item in their monthly expenditure over which they have some control. When it comes to transport, electricity and debt servicing they are price-takers and they have no real choice over how much they spend. Only when it comes to purchasing food can they actually make decisions on the kind of food

they choose for their households, the quantity and the quality of the food.

From what money is left over after prioritised expenditure, households tend to buy their staples first. These are maize meal, rice, *samp*, white cake flour, white sugar, sugar beans, onions, potatoes, cooking oil, frozen chicken pieces, salt, tea, bread and stock cubes. The “first bought” foods are almost all starch-based foods that leave people feeling full, sufficiently or somewhat satisfied and that provides enough energy for the activities they need to engage in but these are not nutrient-rich foods. PMBEJD estimated that in July 2022 the foods procured first cost an average-sized poor-income family R2,586.15 per month, up from R2,263.60 in July last year.

The women only procure nutrient-rich foods, such as green leafy vegetables, fruit and other items that contribute to a varied diet, if they have money left over after their first choice food purchases, which is very often not possible in poor South African households.

The cost of the foods prioritised and bought first in the Household Food Basket is important because these are bought first to try to prevent families ➤

from going hungry. When the prices of core foods increase, there is even less money for other important nutrient-rich foods, which are essential for health, wellbeing and strengthening the immune systems, such as meat, eggs and dairy which are critical for protein, iron and calcium; vegetables and fruit which provide vitamins, minerals and fibre; and *maas*, peanut butter and pilchards, which provide good fats, protein and calcium essential for children.

The data show that the core foods make up 54% of the total cost of the household food basket. Costing on average R2 586,15 (in July 2022), these foods are expensive in relation to the total amount of money available in the household purse. Yet staples must be procured, despite price escalations. High-cost staples result in the removal of nutritious food from the household's diet and relatively costly core foods impact negatively on the overall household health and wellbeing.

As food procurement comes only fourth on the list of household priorities and is dependent on what monies are left, food insecurity is thus directly linked to the prices of electricity, transport and debt-servicing and the interplay between these factors directly impacts on the quantity and quality of the food consumed in poor households.

The government assures us that a lot of the food that the women buy first are VAT zero-rated, which is true and very welcome. But our latest *Index* (July 2022) actually shows that the prices of the foods in the basket that are zero-rated have actually increased much faster and are under far greater inflationary pressure than the foods that include VAT. In July 2022, the month-on-month increase in the zero-rated foods stood at 2.4%, and the year-on-year price increased by 19% while the foods that include VAT show a month-to-month price increase of only 0.1% and a year-on-year increase of 10.5%. Foods that are excluded from VAT are actually not always the cheapest option or even affordable.

The brings the notion of VAT zero-rating of certain foods into question. Half the foods in the total household food basket (47%) are subject to VAT which comes to a total of R292.99. In other words 6.2% of the household food expenses is for VAT. The R292.99 tax is more than the cost of a large household's monthly requirement of 30kg of maize meal (in July 2022, 30kg of maize meal cost R283,54). PMBEJD believes all foods should be VAT-free, which would free up some money in the basket that could then be used differently and with greater discretion.

Nutritionists often call for nutrient-rich food to be made cheaper, but we have seen that zero-rated food can be more expensive. The emphasis on keeping food affordable must be on maintaining low prices for the food that is bought first so that households can then procure nutrient-rich food.

At the heart of food insecurity is the economic reality to do with levels of income and affordability. The approximately 55.5% of South African households that fall below the upper-bound poverty line are living in a state of food insecurity. Evidence of food insecurity is not found in the percentage of food-insecure people but rather in health statistics, which show the *impact* of food insecurity. For example, 30% of boy children and 25% of girl children under the age of five are stunted. Also, a major cause of death among Black South African women are non-communicable diseases – such as high blood pressure and diabetes – which provides clear evidence of the consequences of long-term under-nutrition.

There is also a gender dimension to under-nutrition. Women in our focus groups revealed they make sure the children get the best portions when they dish out a pot of food. The husband, as the worker, gets similar treatment – and they continue to be favoured if they happen to be unemployed, in accordance with cultural habits. This means the women take what is left and

thus are the ones least likely to get any nutrient-rich ingredients that may be in the meal.

The consumer behaviour of the poor shows a tendency to choose the less healthy foods. PMBEJD believes that we need to put more money into education about nutrition, but there is no point in trying to tell consumers that they have to buy nutritious food if they don't have the means to do so. To bring about behaviour change, people must first be provided with the economic means to adopt better nutrition practices. Education about nutrition can only be successful when people have the means to change their behaviour.

SOLUTIONS AT POLICY LEVEL

PMBEJD argues that the level of social security grants must primarily be determined according to the cost of foods and should enable households to procure sufficient *and nutritious* food. In July 2022 a nutritious meal for children aged three to nine cost at least R721.15 per month and R788.21 for children between the ages of 10 and 13. Yet the Child Support Grant is currently R480 per month.

Much more is needed to ensure a healthy population in 15 or 20 years, which will in turn have an impact on the productivity of the workforce and therefore the deliverability of the country's economic goals. South Africa's economic growth is being stymied by food insecurity. Levels of productivity in the country are low because the levels of nutrition are low.

Policy decision-making either must ensure increases in transport and electricity prices and debt servicing costs do not exceed increases in income levels or must be directed towards increasing households' income levels. South Africa has to produce policy options that either keep inflation in the prices of priority items within a particular band or, if that is not possible, that increase levels of household income to meet these challenges.

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... social security grants must primarily be determined according to the cost of foods and should enable households to procure sufficient and nutritious food.



Photo credit: FoodforMzansi

The challenge of food insecurity requires South Africa to develop policy changes that mitigate our massive exposure to global factors such as fuel and fertiliser price increases. When it comes to fuel, we need infrastructural and logistical change to reduce South Africa's exposure to increasing global fuel prices. This requires, for example, that we make far greater use of rail transport than road. However, here we encounter the challenges of state capture and corruption as Transnet has allowed our railway system to decline badly. The same applies to Eskom and the provision of electricity, particularly at affordable prices.

South Africa also has to move away from large-scale corporate agriculture and invest more in local food systems. If households could procure food that is produced closer to their local markets and retail outlets, produce would not have to be transported long distances, which would reduce fuel consumption and not only impact on agricultural food prices, but could also bring more people into the food economy. This requires effective long-term government planning and the development of appropriate policy, including at local government level, to help develop the smallholder farming sector, which in turn raises the issue of land distribution policy.

Another important change factor is the private sector, particularly the investors and retailers in the food system, who have far greater power than the consumers. Those at the top of the food system have the means to change it by systematically localising their procurement and distribution practices. This is not a demand for reductions in prices. What is needed is systemic change, which will take time and a firm, clear long-term policy.

In the meantime, it is necessary to change our culture around growing our own food supply. Any person or household with access to land and water should be encouraged to grow whatever food they can. On its own this is not the solution to food insecurity. There is no cooking oil tree and it is expensive to grow one's own food. Most small-scale farmers cannot produce sufficient diversity in produce needed for a fully nutritious diet.

It is helpful to understand that “the market” does not only refer to Spar, Woolworths and Pick ‘n Pay. The market could be the neighbourhood or the community and payment could be made in kind, for example the exchange of home-grown spinach for eggs from a neighbour who keeps chickens.

However, people must first consume their own produce and any food that is left over could be exchanged or sold, possibly to local traders.

CONCLUSION

We live in a world of open borders in which territorial conflicts spread beyond individual countries or specific regions; where pandemics will become much more prevalent and fast spreading; and where climate change is going to have an ever greater impact on the quality of life. All of these challenges will have global consequences and repercussions, not least on food production and delivery. These crises are part of our current reality and will increase in magnitude and impact over time.

We cannot advocate for a closed economy – South Africans like to eat rice and will continue to import rice as it does not have the conditions to grow it locally – but when it comes to food insecurity we need to be thinking in terms of long-term solutions to mitigate the challenges generated as a consequence of being part of the global economy. This requires intervention at the level of the political economy, which is where PMBEJD sees its contribution.

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ENDNOTE

- 1 The Household Food Basket in the Household Affordability Index has been designed together with women living on low incomes in Soweto, Alexandra, Tembisa, Hillbrow, Gugulethu, Philippi, Khayelitsha, Langa, Delft, Dunoon, KwaMashu, Umlazi, Isipingo, Durban CBD, Mtubatuba), Springbok and Pietermaritzburg. The women themselves track the food prices at 44 supermarkets and butchers that target the low-income market and which the women identified as those they shop at. **NA**

‘Too little for too much’:

The story of Uganda’s growing hunger, and its shrinking ‘Rolex’

By Nakisanze Segawa

Nakisanze Segawa is a Senior Reporter at Global Press Journal, as well as an award-winning author, poet and storyteller. She lives in Uganda.

*In Uganda higher food prices due to the war in Ukraine have prompted vendors to offer smaller portions, leaving customers with half-empty stomachs. NAKISANZE SEGAWA wrote this case study, which was published in *African Arguments*, the journal of the Royal African Society.*

Godfrey Kizito takes a break from his busy shoe repair shop every day so he can enjoy his favourite snack, a vegetable and egg omelette rolled in a freshly prepared chapati known as a “Rolex”. But for the past few weeks, this daily ritual has given him neither the satisfaction nor the sustenance he is used to consuming. Kizito says this much-needed staple has shrunk in size.

Most streets and markets in Uganda have at least one vendor firing up a hot plate ready to cook a **Rolex**, short for rolled eggs, which usually comes with tomatoes, cabbage and onion and is priced anywhere from 1,000 to 2,000 Ugandan shillings (about R6-8). Street vendor Farouk Kiyaga says

many of his customers share Kizito’s disappointment over the dwindling size of Uganda’s most popular street food, but Kiyaga is struggling with the rising cost of wheat and cooking oil.

Russia’s invasion of Ukraine halted exports out of the two countries, which account for about 26% of wheat exports globally and about 80% of the world’s exports of sunflower oil, pushing prices to an all-time high, according to the UN Food and Agriculture Organisation (FAO). Not only oil and wheat are affected. Prices of the most consumed foods worldwide, such as meat, grains and dairy products, hit their highest levels ever in March, making a nutritious meal even harder to buy for those who already struggle to feed themselves and their families. The FAO warns the conflict could lead to as many as **13.1 million more people going hungry** between 2022 and 2026.

Uganda is one of almost 50 countries dependent on Russia and Ukraine for some wheat imports. More than half of Uganda’s imports of this vital grain come from Russia and Ukraine, and the shortage is being felt by the country’s street vendors, who rely heavily on wheat and cooking oil to produce their main offerings of Rolex, chapatis and Kicomando, another chapati wrap with beans. To meet the rising costs, many vendors are reducing the size

of their offerings, leaving customers hungry and lacking the nutrients that would normally get them through their workdays.

Zziwa Fred, who runs two fast-food businesses in central Uganda’s Wakiso district, says his daily wheat costs have gone up 9,000 shillings (more than R40) since March and the price of a 20 litre jerry can of cooking oil, which lasts him three to four days, has risen by 82,000 shillings (about R350).

“I can’t increase the price of the Rolex, but I have reduced its size because my customers will not buy my snacks, they say they don’t have the money,” says the father of three, who works from 7am until 10pm every day making and selling his chapati-based offerings.

The chapati has been a staple in east African countries since Indians introduced it through trading and then settlement during the colonial era. It’s served not only as a wrap but as a scoop for many of the countries’ dishes. The flat bread is cheap and readily available but also provides essential nutrients. In 2007, the Ugandan government started fortifying wheat and cooking oil after it was determined that nearly 70% of the country’s residents were deficient in key vitamins and minerals because they couldn’t afford fish, eggs, meat and milk. In response, 95% of vegetable oil is

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More than half of Uganda’s imports of this vital grain come from Russia and Ukraine, and the shortage is being felt by the country’s street vendors...

now fortified with vitamin A, and 40% of flour is fortified with iron.

Professor Augustus Nuwagaba, a Uganda-based international consultant on economic transformation in Africa, says the price hike could put people’s health at risk.

“People’s quality of life is being compromised because now many have to take less nutritious meals because that is all they can afford, to some extent missing out on nutrients found in Rolex and Kicomando, such as proteins, carbohydrates and vitamins,” Nuwagaba says.

Uganda’s Ministry of Health didn’t respond to requests for a comment.

Mugaga Semugoma, a construction worker in Wakiso district’s Kabulengwa village, says he no longer buys Rolex and chapatis as frequently as he used to because of the decrease in quantity and quality. “In previous years a Rolex and Kicomando of one chapati was enough for my breakfast; now it’s not,” the father of three says. “So, I have opted to take porridge five times a week and a Rolex once or twice a week because that is all I can afford.”

Winnie Namugga, an English literature student, eats a Rolex for breakfast or lunch every day. Normally that would keep her going until the next mealtime.



Time to eat: A typical Rolex, Kabulengwa, Wakiso district, Uganda

Credit: Nakisanze Segawa/Global Press Journal

“The decreased size makes it challenging for me to buy my favourite snack because it feels like I am buying too little for too much,” Namugga says. “I am a student, I live on a budget, so buying more to feel satisfied is quite expensive for me, so I have to eat what I can afford even if it means having a less full stomach.”

Uganda does produce its own wheat but not enough to meet the country’s demand. In 2020, the country spent \$119 million on wheat imports and earned only \$3,380 on wheat exports. Nuwagaba suggests halting Uganda’s exports of wheat and cooking oil to meet demand but admits this may not help the increase in prices.

John, a marketing manager for one of Uganda’s wheat flour processing companies, says 100% of its wheat is imported from Russia, through brokers in London, and he is concerned the price will continue to rise.

John, who didn’t want his full name used as he’s not permitted to talk to the media, says the company previously placed its wheat orders six months in advance but hasn’t been able to do so since March. Economic sanctions the UK has placed on Russia prevent the company from buying its wheat

through London brokers.

In response to the rise in food prices, the Ugandan government says it will continue to support farmers to grow vegetables and grains such as wheat and corn. It also has partnered with 40,000 farmers in northern Uganda to grow sunflowers and soybeans for the production of cooking oil.

Matia Kasaija, Minister of Finance, Planning and Economic Development, acknowledged in a [statement](#) that commodity prices were a global issue beyond policymakers’ control. He said the government will work with the Bank of Uganda, the country’s central bank, to monitor inflation and ensure it stays within target.

Kizito hopes prices will go down soon. Until then, he will have to get used to working on a stomach that is only half full. He refuses to stop eating his favourite snack — the Rolex.

This article was originally published by [Global Press Journal](#), an award-winning international news publication with more than 40 independent news bureaux across Africa, Asia and Latin America. [NA](#)

Dateline Africa

High- (and low-) lights on the continent, May-August

Since the last [Dateline Africa](#) column was published in the previous issue of *New Agenda* the continent has been marked by mounting clashes in eastern Democratic Republic of Congo (DRC) between the armed forces and the March 23 Movement (M23), a militia made up of mainly Congolese Tutsi that DRC claims is backed by neighbouring Rwanda. This comes despite ongoing peace talks and a rare promising announcement that the DRC has formally joined the East African Community.

MAY

7 May - Human Rights Watch (HRW) accused Russian mercenary outfit, the Wagner Group, of torturing and murdering civilians in the Central African Republic. This follows an HRW

report in March that Wagner and Mali government forces had massacred 300 people in that country, which prompted a decision by Germany to stop training the Mali army.



Photo Credit: Wikimedia Commons

14 May - Islamic State West Africa Province, a Nigerian terrorist group, released a video purporting to show the murder of 20 Christians in the north-eastern state of Borno. Nigerians are experiencing unprecedented massacres, abductions and kidnappings for ransom in many parts of the country by both religious extremists and bandits. State intervention has been ineffective or non-existent.

14 May - The International Monetary Fund resumed lending to Mozambique, having suspended it six years ago after it emerged that the country had \$2bn (approximately R34bn) in undisclosed debts. Credit Suisse, which arranged the loans, was fined for failing to carry out due diligence – and possibly also because it emerged that its bankers had pocketed some of the cash.

20 May - The African Development Bank will channel \$1.5bn (more than R25bn) to African farmers for seeds, fertiliser and technology in a bid to boost the continent's food output to avoid mass starvation amid surging food prices since Russia's invasion of Ukraine. Both countries are big

suppliers of grain and fertiliser.

JUNE

2 Jun - Foreign nationals in Alexandra township, South African, which was at the centre of xenophobic riots in 2008, told the BBC they again live in fear. The Alexandra Dudula movement closed down shops and stalls that it claims are run by illegal immigrants. Dudula is Zulu for “push back” or “drive out”. In 2021, nearly three times as many foreigners were killed as a result of xenophobic violence than in the previous year, according to the African Centre of Migration and Society.



AU Chair Macky Sall with Russian President Vladimir Putin

4-Jun - Macky Sall, President of the Republic of Senegal and Chairperson of the African Union, told Vladimir Putin at a meeting in Russia that African countries are innocent victims of the war in Ukraine and Russia. Mr Sall said the Russian leader had promised to ease the export of cereals and fertiliser, but gave no details. Over 40% of wheat consumed in Africa usually comes from Russia and Ukraine. Ukraine's ports in the Black Sea were blockaded by Moscow to prevent exports since the conflict began.

5 Jun - BBC News reported that the government of Lesotho had asked for protection for its citizens working in South Africa – many of whom are





seasonal farm workers. More than 400 Lesotho nationals were displaced during fighting with residents in the town of Hankey in the Eastern Cape.

9 Jun - Hassan Sheikh Mohamud, an academic and civil rights campaigner, was sworn in as President of fractious Somalia. It is his second attempt to guide the country while it continues its struggle against jihadists, drought, famine and internal strife.

June - The office of the United Nations High Commissioner for Refugees (UNHCR) published its latest Global Trends Forced Displacement Report. Africa stands out as having half of the world total of people displaced inside their own countries due to armed conflicts, generalised violence or human rights violations. There are about 25 million Internally Displaced People in Africa. The largest number – over 5 million – are in the DRC, with substantial numbers also in Ethiopia, Nigeria, Sudan, Somalia and South Sudan. Uganda hosted the greatest number of cross-border refugees – over 1.5 million – from South Sudan and the DRC.

14-16 June - South African truck drivers blockaded the crucial corridor connecting the country's economic hubs of Gauteng and KwaZulu-Natal for three days. The All Truck Drivers Foundation (ATDF-SA) said South African company should stop employing foreign drivers. It also demanded that the price of petrol and diesel be reduced. This was the second blockade to protest this issue since 2020.

18 June - Between 230 and 500 Amhara civilians in the Gimbi county of Oromia Region, in the west of Ethiopia, were massacred by as yet unknown forces. The Government of Oromia (based in Addis Ababa) confirmed the attacks. Both the Oromo Liberation Army (OLA) and the Ethiopian government forces have blamed each other. The Chairperson of the African Union Commission, Moussa Faki Mahamat, said he deeply regretted the loss of life and called for an

investigation into the attacks.

June - Tunisia was paralysed by widespread trade union protests against efforts by President Kais Saied to reform the state and grab more power for himself. Tunisia was the only country to retain any democratic gains from the “Arab Spring” uprisings in 2011 but it has been critically destabilised by ongoing political and economic problems.

20 Jun - China hosted a “peace conference” in Addis Ababa, to which it invited all the countries in the Horn of Africa. This follows the appointment of a special envoy to the region, which is racked by ethnic, territorial and resource-driven conflicts. The aims of the conference were general, but China is concerned to protect its considerable economic investments in the region. Rebel groups, such as the Tigray People's Liberation Front in Ethiopia, were not invited.

22 June - The Zondo Commission into State Capture in South Africa released its final set of reports. Comprising over 5,000 pages, the Commission's report concluded that during the time covered, “the most dominant political faction – the ANC under President Zuma – permitted, supported and enabled corruption and state capture”. The Commission, whose main task was to identify individuals for prosecution, named more than 200 people – politicians, business people, civil servants and people “deployed” by the ANC to work in State-Owned Enterprises and public entities. Follow-up actions are likely to take years.

June - Mauritius was rated as the most peaceful country in Africa in the 2022 Global Peace Index calculated by the Institute for Economics & Peace, an Australian think-tank. The world ranking of Mauritius was 28, followed by Ghana, The Gambia and Botswana – all ranking in the 40s. Even Zimbabwe, with a “low” peace ranking of 127, did better than the USA and Brazil – which were listed at 129 and 130 respectively out of 163 countries.

24 June - At least 23 people were killed when a group of about 2,000 African migrants tried to climb over a fence marking the border between Morocco and Melilla, a Spanish enclave on the Moroccan coast.

26 June - A total of 21 young people died in an East London, South Africa tavern after being poisoned – the reasons remain unknown.

29 June - Sudan shelled Ethiopian military positions in al-Fashaga, a long-disputed border territory, after seven Sudanese soldiers were murdered.

JULY

3 Jul - The Economic Community of West African States (ECOWAS) lifted economic and financial sanctions imposed on Mali, after its new military rulers proposed a 24-month transition to democracy and published a new electoral law. Borders were re-opened and diplomats returned to Bamako, the capital city. However, the suspension of Mali from ECOWAS, will stay in force until the return to constitutional rule. Meanwhile, Jihadist insurgents still control 40% of the country and more than two million citizens remain internally displaced. France withdrew its last troops in August – after the junta favoured Russian mercenaries.

8 July - Angola's former president, José Eduardo dos Santos, died at the age of 79. A ruthless dictator for 38 years, he diverted much of Angola's huge wealth to benefit his family and friends.

9 Jul - The African Union (AU) marked 20 years since its founding in Durban in 2002. The African Continental Free Trade Area agreement, which took effect from 1 January 2021, is a genuine (if incomplete) achievement. But the Pan African Parliament has been a complete dud, the “African Renaissance” came to nought, and the campaign to “silence the guns” by 2021 has had to be extended by 10 years. Unlike the European Union – where membership is based on minimum standards – any country on the continent can join the AU. ➤➤



Refugees from Mali arrive in Burkina Faso

21 July - For a second time, King Mswati III of Eswatini delayed a scheduled Southern Africa Development Community discussion on his promise to hold a “national dialogue” in Eswatini to address the violent protests against his autocratic rule in 2021. He previously agreed that the SADC would be involved in setting the terms of the political dialogue. Mswati had also called off a previous meeting set for 1 April.

25 July - Tunisia, the first Arab country to move towards democracy after starting the 2011 “Arab spring” uprisings against oppressive rule, will move back to an autocratic presidential system of government, following a referendum.

31 July - Senegal held its National Assembly elections. President Macky Sall’s coalition did not win a clear majority, despite opposition parties’ leaders being excluded from the poll. After losing 43 seats, Sall will govern with a majority of 1, after an opposition politician joined the coalition.

AUGUST

4 August - The gang rape of eight women in Kagiso, South Africa sparked widespread anger against migrant illegal miners who were accused of the

assaults. The women were part of a film crew making a video near a disused mine shaft. Police fired stun grenades and rubber bullets to disperse angry mobs of residents who were chasing the miners. More than 130 men were detained by police.

9 August - Kenya held peaceful General Elections, but with a low voter turnout and a very close result was challenged in court. Kenya is one of Africa’s best-functioning democracies. Out-going president Uhuru Kenyatta is the third president in a row to respect constitutional term limits.



11 August - Human Rights Watch reported that Cameroonian soldiers had summarily killed at least 10 people

and carried out other abuses between April 24 and June 12, during counter-insurgency operations against armed separatist groups who are seeking independence for the two English-speaking regions of Cameroon. These are in the north-west and south-west of the country. The “Anglophone crisis” emerged in 2016 when the government responded with force to peaceful protests. The majority of the population (80%) are Francophone.

16 August - Lesotho’s prime minister, Dr Moeketsi Majoro, controversially declared a 13-day state of emergency from August 16 to August 29, saying the country’s current political climate posed “substantial threat, risk and danger [to] the country’s stability and prosperity.” This came after legislators failed to pass two critical bills aimed at ending volatility in Parliament. It was left to King Letsie III to “urgently” recall Parliament briefly to pass this legislation before the October general elections. (See article on pg 47.)

18 August - Dr Tedros Adhanom Ghebreyesus, director general of the World Health Organisation, said the ongoing war in Ethiopia was worse than any other humanitarian crisis in the world and questioned why it is not getting as much attention as the war in Ukraine. He wondered whether the lack of global engagement could be linked to “the colour of the skin of the people”. Ghebreyesus is an ethnic Tigrayan and served as a health minister in Ethiopia when the government was led by the Tigrayan People’s Liberation Front, which is now in conflict with the current regime of Abiy Ahmed.

20 August - An Al Shabaab terrorist attack in Mogadishu, the capital of Somalia, killed more than 20 people. **NA**

Scapegoating 'illegal foreigners':

No answer to South Africa's home-grown crises

By Dale T. McKinley

Dr Dale T. McKinley is a long-time political activist, researcher-writer and lecturer who works at the International Labour, Research and Information Group (Ilrig).

DALE MCKINLEY refers to two highly publicised xenophobic incidents to unpack the reasons why scapegoating of so-called 'illegal foreigners' (more specifically those from our own African continent) has increased and why this behaviour has found political and social support in South Africa. He sounds a chilling warning on what can happen when people acquiesce or stay silent in the face of xenophobia.

To paraphrase the official dictionary definition, scapegoating is the act of blaming a person, a group of people or an institution for something negative or bad that some other person, group of people or institution is responsible for.

In present day South Africa, scapegoating "illegal foreigners" (more specifically those from our own African continent) is increasingly becoming

politically and socially acceptable. This is not only a sad and tragic negation of basic humaneness and empathy, it is also indicative of an unwillingness to take responsibility and to recognise the historic, home-grown nature of the various crises to which it is anchored.

One such crisis is gender-based violence (GBV). There can be no argument that South Africa's GBV crisis is systemic. Deeply rooted in a foundation of patriarchal social relations, widespread socio-economic desperation and poverty, and a largely uncaring and dismissive police service, South Africa has been named the "rape capital of the world". The horror of sexual violence was recently brought home yet again by the gang rape of eight women in Krugersdorp. But instead of focusing on the women victims and the generalised failure of the state and society to prioritise and protect, attention was quickly diverted to blaming "illegal foreigners" (in this case, in the form of "illegal miners").

Instead of confronting the harsh reality that the vast majority of sexual violence against women is committed by South Africans on other South Africans, the rapes were turned into yet another societal orgy of scapegoating "illegal foreigners". Instead of recognising that at the core of the crisis

of "illegal" mining is a long history of government and law enforcement authorities being in bed with the corporate mining sector, helping create a parallel crisis of mass unemployment and the operation of highly organised and brutal criminal mining syndicates, the main "problem" became the need to get rid of all individual "illegal foreigners" working in the informal mining sector.

The results of this scapegoating have been all too predictable. A horrendous act of sexual violence has been repurposed as a vehicle to pour more fuel on the country's xenophobic fires. The lines between international migrants and the perpetuation of GBV, as well as crime in general, is being manipulatively blurred. Further, the subsequent trajectory of the dominant discourse/debate has almost completely ignored the presence of thousands of artisanal miners who are simply workers (both South African citizens and international migrants) who are not engaged in criminal activities and who have been trying for years to be recognised and for their work to be legalised.

Then there is the long-running crisis of the public healthcare system which, like GBV, has deep, historical roots. As healthcare experts and activists such as the late Dr David ➤

“

... we have witnessed the extremely dangerous and frightening things that can happen when people acquiesce or remain silent.

Saunders reminded us, “apartheid-era racial and gender discrimination, the migrant labour system, the destruction of family life, vast income inequalities, and extreme violence” are foundational pillars of the crisis. To this must be added the cumulative impacts of more contemporary and widespread maladministration, corruption, poor management, inadequate staffing and budget austerity. When set against the fact that the overwhelming majority of those who access and use public healthcare in the country are South African citizens, and that the vast majority of international migrants only access primary healthcare to which they are constitutionally entitled, it is clear that the ongoing crisis is a home-grown one.

Yet, following the unprofessional, mean-spirited, misdirected and xenophobic remarks made by Limpopo Health MEC Dr Phophi Ramathuba to a Zimbabwean patient in the Bela Bela public hospital (Ho, 2022), the main discourse and debate again largely turned a blind eye to this crisis and instead focused on blaming “illegal foreigners” (which quickly morphed into “foreigners” in general). Like vultures, the usual array of xenophobic opportunists and demagogues were soon hovering.

We saw Operation Dudula thugs



congregating in front of Kalafong and then Hillbrow hospitals to try and prevent “illegal foreigners” from receiving healthcare. A security officer stationed at the Kalafong hospital related how “they greeted patients who were of a dark skin colour one by one, to check which language they spoke and to listen to their accent. The local language here is Tswana or Pedi. If they found that you don’t know those languages, they turned you away” (Rafapa, 2022).

Not to be outdone, Gayton Mackenzie of the Patriotic Alliance party made it known that he would switch off the oxygen flow to a “foreigner” in a South African hospital to “save a South African citizen” (Majola, 2022). The clear parallels between Mackenzie’s comments and apartheid-era healthcare prioritisation of white over black lives is a sign of the deep xenophobic hatred and division in South Africa’s body politic, which has largely passed unnoticed by most other political parties and as well as traditional and church “leaders”.

Historically, the intensity and spread of scapegoating has increased in direct proportion to the efforts of those with economic and political power to either hold onto and/or gain further power and profit. Those efforts are most often underpinned, amongst others, by the practical as well as political and

ideological impacts of abject governance failures, repression of dissent, massive corruption, narrow nationalism, patriarchy, ethnic chauvinism, contempt for accountability and pure greed. This is the foundational edifice of crises that holds up, sustains and fuels the scapegoating of “illegal foreigners”.

Across the globe, both past and present, we have witnessed the extremely dangerous and frightening things that can happen when this scapegoating edifice is allowed to grow, when people acquiesce or remain silent. It is time to take a firm stand; the heart of South Africa’s soul is at stake.

This article was first published in the *Mail & Guardian* at <https://mg.co.za/opinion/2022-09-08-scapegoating-illegal-foreigners-is-no-answer-to-south-african-historic-home-grown-crises/>

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Prison Notebook

V2957/88

By Gertrude Fester

Publisher: Department of Military Veterans/Human Sciences

Research Council

Book review by Moira Levy

Many of us who are of a certain age will appreciate this book. It's a reminder of past times. Familiar names come up; you want to ask, "whatever became of so and so?" *Prison Notebooks V2957/88* by Gertrude Fester will also fill you in on a lot you didn't know at the time, or couldn't, or perhaps shouldn't have known, because those were dangerous times and when comrades "disappeared" – into detention, exile or hiding – you didn't ask.

V2957/88 was the prison number given to Fester when she was detained under the notorious Section 29 of the Internal Security Act and charged with treason, later changed to terrorism. This number identified her as a "vrou" (woman, hence the V) and as the 2,957th detainee to be held at Pollsmoor prison in 1988, at least by the time she was detained around August or September.

With 13 other accused, Fester, accused no 12, was tried in the 1989 "Rainbow Trial", thus named because in the dock all of South Africa's people were represented – in terms of age, race, religion, sexual orientation – at a time when non-racialism and non-sexism were what a lot of people were striving for.

All of which makes this an important record of a critical moment in South Africa's recent history, and it will be welcomed by many who believe that the past must be recorded, for posterity and the lessons it still provides. The people

who really ought to read this book are those who weren't yet around at that time, but today are responsible for taking this country forward.

In his foreword, Michael Donen SC makes this point in a tribute to Fester and her co-trialists: "Those who were not yet born during those times should read *Prison Notebook* to appreciate what our heroes had to go through so that we could attain the freedoms that we enjoy today. Those who lived through those times will be reminded of how lucky we are. All of us – government in particular – should read this book as a reminder of the debt of gratitude we owe them."

This book is part of a series published with the support of the Department of Military Veterans and the Human Sciences Research Council. It is an unusual book. More than an autobiography, it contains sketches, paintings and remarkable poems produced by the author during her lengthy incarceration during the trial, which lasted from March 1989 to March 1991 when all accused were granted amnesty and released.

Fester added the autobiographical detail on the advice of her publisher to provide context for her years of activism, especially during the turbulent 1980s. It covers her life in the United Women's Organisation (UWO), the United Democratic Front (UDF) and later in the ANC as an underground cadre.

The book goes back to the

beginning, and a childhood brimming with confusion and dismay – at divisions in her own family when lighter skinned relatives chose to live as whites; at the poverty of her African neighbours; of their forced removal under the Group Areas Act as apartheid took hold.

Later, as a first-year student at the University of the Western Cape (UWC) she was active in the black consciousness-aligned South African Student Organisation (SASO) and the Azanian People's Organisation (Azapo). She describes in some detail her struggle to adapt when she transferred to the University of Cape Town (UCT) to study drama. It was an alienating encounter with privilege and white suburbia. She found herself one of only two black students in some of her classes.

Her induction into the politics of resistance and feminism soon followed, and with it years of protests, boycotts, resistance, insurrection, living in hiding and on the run, and later detention without trial until the pressure of solitary confinement became intolerable and she signed a confession and became one of the accused in the long-running treason trial.

Her public profile grew – as an academic, woman leader, international speaker – alongside her underground role in the ANC and her activism drew the attention not only of South Africa's notorious apartheid security forces, but also of the ANC leadership underground ►►

and in exile and the growing, world-wide anti-apartheid movement. It's all there in the book.

She records her first encounter with Chris Hani – in Lusaka in the late 1980s on one of her first illicit trips to receive instructions from the ANC in exile. “I was overwhelmed i had read, heard, discussed, learnt so much about this man whom i admired immensely. And he was standing in front of me.” Her response? She burst into tears. “... the nervousness and tensions of the previous weeks in preparation for this journey, the anguish as i walked through the South African customs, the two-hour plane journey full of anxiety ... i was suddenly emotionally depleted, tired, but elated... And i was snivelling in the presence of comrade Chris.”

How did comrade Chris take it? Apparently in his stride. “We exchanged the usual pleasantries. He then asked for an update on the situation in general in the Western Cape,” Fester writes.

This book is a mix of memoir, reflection and brutally honest confession about the trauma she experienced during her 104 days of solitary confinement. She writes about that harrowing time and the run-up to the trial: “(m)y mental state is becoming more precarious. Hallucinations and blackouts are becoming frequent”. It's a diary of a personal struggle, not only against the iniquity of apartheid but also with unanswered questions, profound anxiety and personal emotional breakdown.

For a prison notebook it is (mercifully) free of polemic. Fester relies on her memory – no paper or writing implements of any kind were allowed for political detainees – and she is upfront about her state of mind not only during solitary confinement but also 30 years later, when she attempted to sort through her vague and confused recollections.

“I was seeing things, having panic attacks and occasionally lost the will to live. I was often confused, and this

led to my doubting my mental capacity. ... Was i not making sense? Was i not clear? ... It became so bad that i dreaded every feedback [from the publishers], and this would lead me further down the abyss of psychosis. Every time it unnerved me more and more. This ... led me to again question my mental health and sanity. In short, i was reliving a similar trauma as when i had been in solitary confinement.”

It must have been painfully difficult to write this book and readers, be warned, it is often also painful to read – but well worth it. The strength of this account lies in its unflinching honesty and the courageous sharing of a deeply traumatic personal experience.

But, and here's the thing: despite the emotional turmoil the author recounts, there is a steadfast political conviction and strength that underpins her entire account. This prison notebook may be a harrowing read, but ultimately it is inspiring. It's about commitment and courage and tells of a time when the Left in South Africa knew right from wrong and which way was forward.

A last word: don't skip the appendices. These contain among other things excerpts from the trial charge sheet including the plea of the accused – “As for the charge we now face, we say that it is the State that stands accused. In defence of its apartheid practices, this regime has brooked no opposition ... Thousands of the regime's political opponents languish in jail, having been detained without trial. Scores of others are forced to stand trial for so-called crimes against the State. This is called the maintenance of law and order. We call it terrorism.”

Appendix E, compiled in 2018, tells what became of the trialists and we are powerfully reminded of what has still not changed in South Africa. Those who are poor and black struggled the most to get back on their feet after the trial. It makes for poignant reading. Unemployment, living in shacks, without money for transport, even to

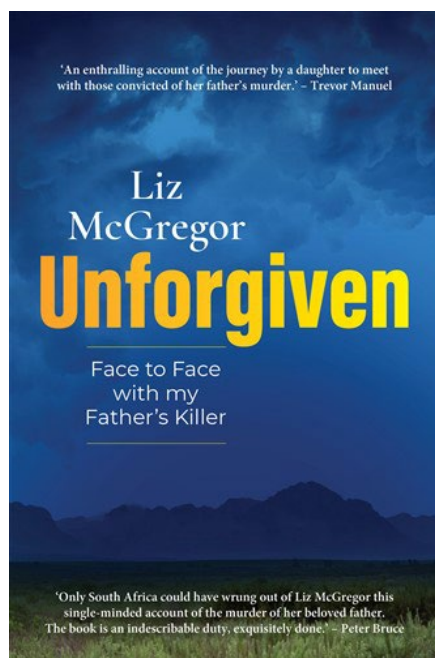
attend ANC branch meetings, employers refusing to accept them back, wives who left them, and disappointment, deep disappointment, with the way things in South Africa turned out.

Fester writes: “I saw Alpheus walking down the path towards my car. His face was lined; his former well-built body, as i had known him, had shrunk. He walked with lead legs, his features shrivelled through what i thought was hardship, ill health, hopelessness and pain. I could not reconcile this shadow of a man with the Alpheus i knew – i can picture him in his MK uniform in the court, with right arm raised into a fist, shouting ‘Amandla!’ – bold and handsome with courage and bravado ... and now this... i burst out crying! We hugged.”

Finally, an appendix from Fester's former jailer and interrogator, Captain Andre du Toit (later promoted to Brigadier and Major-General in the post-apartheid SAPS) is a three-page letter in which he asserts he has come to peace with the past and his role in enforcing apartheid.

He writes: “In my career, I have witnessed a lot of violence, heartache, unfairness, craziness, all committed by individuals who believed that it was okay to do whatever they were doing to other people. For a very long time when I was serving in the security branch, I witnessed people killing, maiming, planting bombs, exploding bombs, shooting ... and it was all justified by some ideological motivation ... I realized that anything to do with politics and ideologies as a motivation to hurt and kill was wrong and that I will never be able to believe anyone coming with political ideologies or justifications.”

Fester's reply is brief: “If you are healed and happy – good for you. Unfortunately there are many who as survivors of apartheid brutality and inhumanity cannot say the same.” **NA**



Unforgiven

Face to face with my father's killer

By Liz McGregor

Publisher: Jonathan Ball Publishers

Review by Moira Levy

In sharing her experience of coming face to face with the man who brutally murdered her father, accomplished author and former journalist Liz McGregor brings us, her readers, “face to face” with multiple terrifying truths about the reality of South Africa.

This book is a deeply personal account of one person's grief, fear and trauma and the unanswered questions that dogged her for years, despite enduring days of harrowing court proceedings during the murder trial. At the same time, it is an important public record, a sociological narrative that very clearly lays bare the roots and consequences of South Africa's brutal history.

McGregor – but let's call her Liz, readers will feel a closeness after reading her courageous account – Liz takes us into her confidence. She recounts her surreal experience in some detail: the early morning call from her brother that left her reeling, unbelieving and hyperventilating; the frantic drive to her father's house in Tulbagh outside Cape Town “wailing out loud like a mad

woman,” missing the turnoff because she was “barely able to see through my tears”, and then the first thing she saw when she was eventually allowed into the house – “his glasses. They are on the kitchen counter and the lenses are coated in blood.”

The journalist in Liz emerges repeatedly throughout the book. The context for this brutal murder is provided in full and woven very skilfully into what on the face of it is an intimate account of one person coming to terms with the violent death of her father. But it is much more than that.

There are statistics: “In 2008, the year my father died, 18,479 others were murdered in South Africa”. There is history in the form of a succinct spin through South Africa's colonial past; the emergence of the mining industry and its insatiable appetite for cheap black labour; the pass laws. It's brief of course, but this is not a history book. Relevant facts about the past are cleverly fitted into a story about the present-day crime epidemic.

There is also a well-researched and fascinating note on the emergence in the early 20th century

of the Ninevites, a militarised band of highway robbers who operated in the Witwatersrand gold belt. Its relevance to the book? Their leader was Nongoloza Mathebula who later, in prison, established what became the notorious Numbers gangs – the 26s, 27s and 28s – which today dominate many of South Africa's prisons.

Cecil Thomas, the man sentenced to an effective 30 years in jail for the murder of Robin McGregor, was a member of the 28s. This gang, and another known as The Firm, was behind the killing and controlled the eventual outcome revealed in the book.

Not for want of trying, Liz finds it impossible to get on with her life after the murder. She is wracked by persistent, highly tuned anxiety, which is barely alleviated by loads of prescribed medication. She hardly ever leaves her flat. She cannot sleep. She paces night after night. A random violent act of thuggery against her, which is recounted in the book, understandably exacerbates this. “I am at the bottom of a deep pit, scrabbling around in the dark for a way out.”

That is, until one day Liz finds her >>

way out. She writes “I have always written my way out of despair ... I will explore my father’s life and Thomas’s, to the point where they collided.” This takes her first to north-eastern Scotland and the house of her forebears. Later, fortified by an antidepressant, she resolutely gets a print-out of the court record, all its hundreds of pages, and starts her exploration of Cecil Thomas’s life.

Born in a remote part of the Karoo, the youngest of 10 children, he grew up in an isolated Western Cape settlement known as Saron, not far from Tulbagh where the murder took place. Her research turns up a profile of an unlikely gangster and murderer. Largely absent are the predictable violent background and disrupted upbringing. His family is supportive, very concerned about him and devastated by the crime. They had high hopes for Thomas who has a tertiary qualification, the first in his family to reach that level of education.

Liz tracked his life, from Saron to Pollsmoor, then Brandvlei prison and finally to Voorberg correctional centre, and she didn’t stop there.

She decided she needed to “meet him, understand him and thus to demystify him”.

We, the readers, who have gone this far with her in the book, can understand what brought her to this point. Besides she has questions:

What actually happened that night in the house that her father had only just finished renovating? Why did Thomas decide to kill a complete stranger? Was he alone – something the judge remained unsure of – or were there shadowy accomplices who could still be at large?

And if he had come only to steal her father’s safes, why did Thomas brutally torture and eventually kill Robin McGregor, a man well known for his damning research into the concentration of wealth in South Africa, which he published in his own publication, *Who Owns Whom?* and who was well-known in anti-apartheid circles as what the judge called in his summing up “an activist for the underprivileged”.

Liz knew she had to confront Cecil Thomas and put her questions to him. She applied for a prison visit – and immediately found herself up against protracted prison bureaucracy and bungling. Making her painstaking way through the prison system she met good cops and bad cops who appeared to be tight with the gang leaders in prison. No surprises there.

She also risked attracting the attention of the all-pervasive, all-seeing gang underworld who almost certainly knew who she was and what she was up to, and who had to, at all costs, control its own public image and the information

that got out about its operations.

Here’s what Liz has to say about the gangs: “The Numbers gangs seem to me to be the distillation of the dehumanisation cemented into the foundations of the modern South Africa ... They have merged with the ever-growing criminal underworld. They poison the democratic order by corrupting policemen and warders and politicians. They turn townships into war zones and don’t care about the innocents caught in the crossfire.”

So was it worth it? Liz is emphatic. “Yes,” she writes. “It meant shining a light into a dark corner where monsters lurked and finding a frightened and damaged man.

“[It] gave me an insight into the underground forces that fracture and warp our country. But it also frightened me. Because now I see how the violence upon which this country was founded still permeates and defines it.”

This book reads like a thriller, but clearly it is not. It is a serious commentary on South African society. Without being a spoiler, this reviewer can reveal that unlike the average thriller this story does not end neatly, with all loose ends tied.

But that’s the point – this book is not telling a story, it is revealing the messy, harsh lived reality of many South Africans – and Liz makes exactly that point, without flinching or holding back. **NA**



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