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NEW AGENDA

SOUTH AFRICAN JOURNAL OF SOCIAL AND ECONOMIC POLICY

Democracy can only work if Parliament works

Also inside:

Implementing Zondo: HSRC tracks govt progress

Food insecurity: UWC unpacks African Food Systems approach

Ethics and Parliament: Defending our Constitutional Democracy (DECODE)

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NEW AGENDA

SOUTH AFRICAN JOURNAL OF SOCIAL AND ECONOMIC POLICY

New Agenda is a publication of the **Institute for African Alternatives (IFAA).** It is produced in partnership with the Institute for Social Development (ISD), University of the Western Cape (UWC).

CONTACT US
Email: **admin@ifaaza.org**
Website: **www.ifaaza.org**
Facebook: **www.facebook.com/theIFAAforum**
Twitter: **@IFAACT or @NEWAGENDAZA**
Instagram: **@ifaa_new_agenda**
Tel: **+27 21 461 2340**
Address: **Community House, 41 Salt River Road, Salt River Cape Town 7925**

IFAA STAFF

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Publisher
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Layout
The Media Chilli

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Cover photo: Fisticuffs in the National Assembly Building: Is Parliament itself under attack? Source: Wikimedia

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Editorial

Democracy has come some way – and has a long way still to go

By Martin Nicol

The US novelist Upton Sinclair wrote in "The Jungle" published in 1906 – *"…when election day came, … the same night watchman took Jurgis and the rest of his flock into the back room of a saloon, and showed each of them where and how to mark a ballot, and then gave each two dollars, and took them to the polling place, where there was a policeman on duty especially to see that they got through all right. … Jurgis met men who explained all this mystery to him; and he learned that America differed from Russia in that its government existed under the form of a democracy. The officials who ruled it, and got all the graft, had to be elected first; and so there were two rival sets of grafters, known as political parties, and the one got the office which bought the most votes."*

Democracy has come a way since 1906: universal suffrage (only men could vote in most democracies in 1906); rules against buying votes; and principles of acceptable behaviour (buttressed by law) that apply to those who are elected or appointed to public office.

The exercise of state power has also taken new directions – where even autocratic rulers prefer to hold elections. Here the buying of votes experienced by Jurgis would be preferable to the violent intimidation of voters, the suppression of rival parties and disqualification of popular alternative candidates. Democracy needs voting, but elections do not indicate democracy!

IFAA held a sobering workshop in August – in the shadow of coups in Niger and Gabon and a below-standard election in Zimbabwe (all three rated as 'authoritarian regimes' in the 2022 Democracy Index of the *Economist*) – and in the wake of South Africa's skilful brokering of the Bigger Broader Brics, soon to comprise four 'flawed democracies' and seven regimes where political pluralism is non-existent or severely limited.

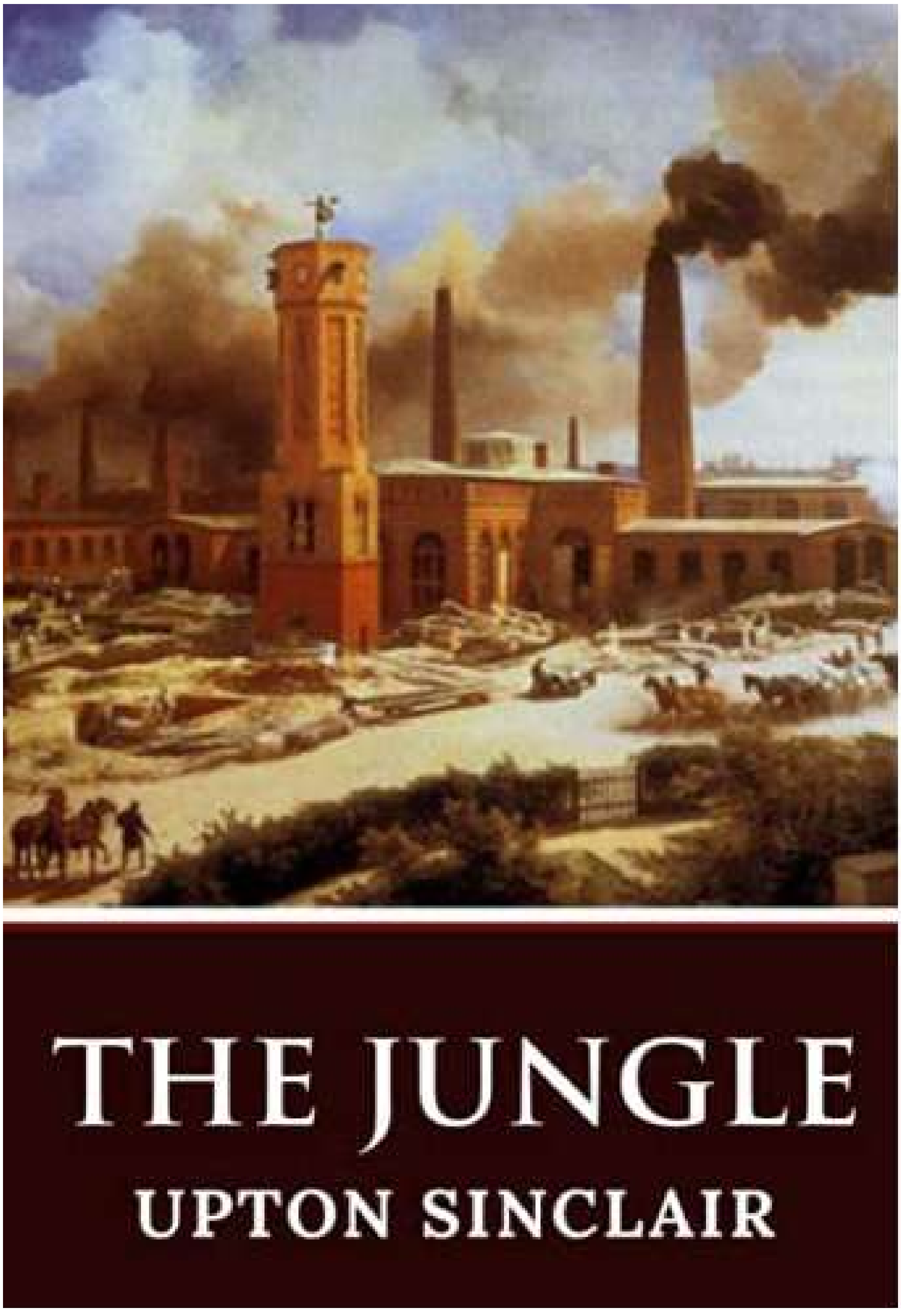
The workshop's focus was on the ethical guidelines that ought to be respected by our freely elected representatives. Voting and elections are central to democracy –but '*institutions of democracy*' all need to be strong for democracy to work. They also need to be guided by ethical standards to provide the checks and balances on those who have (or ought to have!) power and influence. These institutions are, together,

- Parliament, legislatures and councils;
- The Executive authorities;
- The Judiciary;
- Free media;
- Civil society; and in South Africa
- the Chapter 9 institutions supporting constitutional democracy (including the Electoral Commission and the Auditor-General).

So it is not just Parliament that matters – as is illustrated in the articles in this issue of *New Agenda* reporting on the workshop and reflecting on ethics and accountability issues.

Speakers dwelt on the existing ethical codes of conduct in place to regulate the behaviour of members of legislatures and government entities, not only in South Africa – where they are surprisingly well established – but, the workshop was told, that are now found in the majority of countries across the world.

The workshop was also addressed by leaders of two prominent UK-based governance monitoring and regulatory bodies who described how codes of conduct, as useful as they certainly are, can be subverted or found wanting. However, the workshop also learned of Britain's Independent Parliamentary



Standards Authority, a statutory body which has successfully developed a model to hold Members of Parliament to account when it comes to their personal financial responsibilities.

IFAA welcomed the presence at the workshop of Parliament's Deputy Speaker, Lechesa Tsenoli, who offered his own perspective on aspects of ethical governance and parliamentary oversight – and how the institution of Parliament can be continually improved.

The workshop, titled Ethics, Parliament and the Elected Representative, was part of IFAA's 'In Defence of our Constitutional Democracy' project, also known as Decode. It engages Parliament and civil society on the need for electoral and parliamentary reform, particularly in the wake of the Zondo Commission's recommendations and their lacklustre implementation (thus far).

This issue of *New Agenda* publishes a comprehensive report on the work the Human Sciences Research Council (HSRC) is currently doing in collaboration with the Zondo Commission to track the government's implementation of the extensive reforms that were recommended to tackle corruption and prevent a recurrence of state capture.

The journal includes contributions on food systems in Africa, taxation as a means of regulating the minibus taxi sector using the example of Tanzania, and proposals to improve land reform beneficiary support in South Africa.

Finally, it pays tribute to the late Wilson Sidina, a largely unheralded struggle icon who passed away at the end of July after a lifetime spent in service of economic justice, nonracialism and transformation. Today there is not enough acknowledgment of his contribution to the struggle and *New Agenda* publishes his obituary as a tribute to him but also in recognition of all the heroes and heroines who fought hard yet died without due recognition of the role they played – we salute the likes of Oscar Mpetha, Zoli Malindi, Christmas Tinto, Annie Silinga, Mama Mtiya, Mama Holo, Zora Mehlomakhulu, Wilson Fundani, Fred Gona, Mziwonke Pro Jack and the many others now resting with them.

Another milestone reached:

New Agenda on the road to renewal

By the New Agenda editorial collective

As described in previous issues of *New Agenda*, the publishers of the journal, the Institute for African Alternatives (IFAA), are taking active steps to ensure that *New Agenda* retains its accreditation with the Department of Higher Education and Training (DHET).

These moves follow the recommendations of academics on an expert review panel assembled by the Academy of Science of South Africa (ASSAf) who said *New Agenda* – in the period 2017 to 2019 – did not meet the proper standards for research-led academic publishing.

IFAA accepted this as a welcome challenge, and as an opportunity to tighten up the academic standards of *New Agenda* articles and the publishing process as a whole.

The first milestone in the improvement journey was for IFAA to enter into a formal memorandum of agreement with the Institute for Social Development at the University of the Western Cape to "collaborate on the publication of *New Agenda: South African Journal of Social and Economic Policy*, flagship journal of IFAA, on matters relating to accreditation, editorial board, peer review processes and monitoring, sharing of databases, and the use of digital platforms to expand the readership and reach of the magazine".

UWC now provides academic guidance and an academic home for the journal, while IFAA will retain its publishing independence in a partnership to publish and manage *New Agenda*.

In August and September 2023, Scholarly Communications at the Research Support Services at the UWC main library trained the editor and *New Agenda* staff on Open Journal Systems (OJS) – the world's most widely used journal management and publishing software. The software manages and monitors the entire scholarly publishing workflow from submission to indexing. Peer review has always been part of the process for checking the quality and suitability of articles submitted to *New Agenda*, – but it has been managed manually, and less formally than is now required by current academic standards. The software does not do the work itself, but it steers every article through all the required stages and produces the necessary paper trail required for accreditation.

Discussions have been taking place on how *New Agenda* will preserve its traditional dual character as an academic and activist journal. There are examples of other journals that successfully follow a 'hybrid' model, where peer-reviewed academic contributions appear alongside opinion and policy comments, interviews and book reviews which do not go through a peer review (although they are subjected to a full process of editing, fact checking and quality control.)

The last nine months have also been an active time for expanding and defining the role of the *New Agenda*, editorial board. Up to now, the board of directors of IFAA, the publisher, have acted as the editorial board. We now are in discussion with a number of international scholars who will take over as the editorial board, to advise and assist the collective who edit and produce the journal. We are extremely grateful to the following academics who have agreed to come 'on board':

Dr Juan Manuel Arbona (Universidad Mayor de San Andres, La Paz, Bolivia)
Prof Amiena Bayat (University of the Western Cape)
Prof Rémi Bazillier (Université Paris 1 Panthéon-Sorbonne)
Emeritus Prof Anthony Black (University of Cape Town)
Prof Risikat Dauda (University of Lagos, Nigeria)
Prof Mulugeta Dinbabo (University of the Western Cape)
Prof Mondli Hlatshwayo (University of Johannesburg)
Prof Razack Karriem (University of the Western Cape)
Prof Julian May (University of the Western Cape)
Dr Phiona Mpanga (Makerere University, Uganda)
Prof Dafe Otobo (University of Lagos)
Prof Steven Robins (Stellenbosch University)
Dr Mike Smith (University of Cape Town)
Dr Tzehainesh Tekle (University of Ferrara, Italy)

We welcome advice and feedback from readers as we re-position *New Agenda* in a new digital publishing environment.

Send your comments to production@ifaaza.org.za

Ethics, Parliament and the elected representative

Why have our codes of conduct failed?

By Moira Levy

Moira Levy is Media Manager at the Institute for African Alternatives (IFAA), the Production Editor of its flagship journal, *New Agenda: South African Journal of Social and Economic Policy* and coordinator of IFAA's DECODE project. A former journalist, she has decades of experience in producing media in the NGO sector.

South Africa has a well-established ethical framework to guide the behaviour of its political leadership. An array of codes of conduct is in place to regulate the behaviour of members of the legislatures, municipal councils and officials in diverse government entities. MOIRA LEVY asks why is there often a huge gap between the good conduct guidelines and the actual behaviour of politicians and public servants, as perceived by citizens in South Africa today?

South Africa has in place multiple codes of ethical conduct – there is one for national Parliament, another for provincial legislatures (except the Western Cape, which has its own legislated code of conduct), and many more – all of which differ to some extent and demonstrate varying degrees of success in enforcement. Yet the same question applies equally to them all: If the country has such an extensive ethical infrastructure, why is South Africa beset with lapses in integrity at all levels of political leadership?

This was the focus of a recent public workshop, titled 'Ethics, Parliament and the Elected Representative,' hosted by the institute for African Alternatives (IFAA) in Cape Town at the end of August. This was part of its 'In Defence of our Constitutional Democracy' project, known as DECODE. The event took place in the boardroom of the Catholic diocesan office opposite Parliament.

Fazela Mahomed, the former parliamentary Ethics Commissioner of Members' Interests worked with the very first democratically elected representatives who came to Parliament in 1994. She elaborated on what she referred to as South Africa's "very well established ethics framework in all legislatures". Based on the principles entrenched in the Constitution

> **The main problem of our democracy is not only that bad people do bad things. It's that good people remain silent.**
>
> *Fazela Mahomed, former parliamentary Ethics Commissioner*

> . . . why is South Africa beset with lapses in integrity at all levels of political leadership?

and some borrowed from the UK's 'Standards in Public Life', these demand of public representatives a commitment to values such as integrity, honesty and selflessness.

Mahomed listed some of the provisions found in almost all such codes of conduct, including stipulated sanctions and a range of mechanisms for investigation and enforcement; strict prohibitions on elected representatives lobbying for paid remuneration and doing business with the State; and rules related to conflict of interests and disclosure of financial interests, which in her experience were largely complied with. She said Parliament has a "history of disclosure" and by the time she left in 2016 the institution displayed "high levels of transparency when it came to financial interests".

Why our ethical system has failed, she said, and "the main problem of our democracy, is not only that bad people do bad things. It's that good people remained silent".

The conflict between loyalty to the party and the obligation to serve the public interest is where MPs struggle with the ethics of representation, and that dilemma needs to be the starting point of the debate on ethics and Parliament's elected representatives.

In South Africa the point where public representation and party loyalty collide is inevitably a point of contention. According to Mahomed, "In a PR [Proportional Representation] system, where all the power is concentrated in the party, the balance between party obligations and public responsibility is at the core of all deliberations around ethics".

Under the PR system where seats for MPs are determined according to parties' lists the competing political parties may choose if they want to have a presence in constituencies – and to date only the ANC, and to some extent the EFF, run a flimsy system of constituency offices in parts of the country.

Mahomed commented: "People want to see their representatives. The visibility [of representatives] and the symbolic importance of actually seeing their representatives is lacking."

In the course of her almost 20-year tenure in Parliament, during which she investigated more than 70 cases of non-compliance by Members, Mahomed was responsible for setting up the code of Ethical Conduct for Members of Parliament, and she later led the technical team that reviewed the parliamentary ethics framework and the Executive Members Ethics Act.

She explained the thinking behind some of the controversial provisions in the code. Warning of the dangers of "unlimited democracy," for example, she noted "it was good that Parliament's committees were prohibited in terms of the Constitution from expelling Members because an abusive democracy can get rid of MPs based on party political considerations … This is one of the important checks and balances in a democratic system".

In the process of drawing up the code it was also decided that sanctions for misconduct should be commensurate with the transgression. Members found guilty of high levels of corruption should not be slapped with a token fine amounting to only a portion of their monthly salary, said Mahomed – however she added that she did not think that this provision has ever been applied.

Mahomed distinguished between the "micro" political behaviour that refers to the individual politician within a broader system and the "macro", which operates at the level of the party, "where everyone is colluding to prevent the State from functioning effectively". She concluded it was a breach of macro ethics that allowed state capture to occur.

Addressing the question of what citizens require of their elected representatives, she pointed out that Members of Parliament are constitutionally mandated to pass legislation and to conduct oversight on the exercise of power by the Executive. "The people's expectation is that MPs do their job, which is to hold the government accountable."

Voters are not just election fodder, she said. Citizens expect the people who are chosen to represent them to ensure that the corrupt are not protected by a misplaced sense of loyalty to the party, that party obligations do not take precedence over their public responsibility and that public representatives fulfil their duties in the public interest.

Mahomed spoke about the concept of public interest, which goes directly to the question of whose interests Parliament serves. "Members have to balance their responsibilities vis a vis their party roles and the constitutional obligation to represent the public interest ... Acting in the public interest is fundamental to the role and function of a Member, however the codes of ethical conduct do not address these in a systematic way.

"Every single political code of conduct is premised on working for the public, but 'the public interest' is a vague and nebulous term and anybody can attribute any values to it." Offering some thoughts on a definition, she said South Africans need to establish what the concept means in the local context, write it into the codes of conduct, embed it in the political culture and develop a social contract between citizens and their representatives that is based on working for the public good.

In rethinking the current ethical framework in South Africa, Mahomed proposed that there should be a single code for all elected representatives across the country which is equally applicable at all levels of government. There should also be a single database of all disclosures that can be publicly accessed and is searchable.

She pointed out that among all the codes currently in operation there are no mechanisms to ensure compliance. "Perhaps there is a need for a single national ethics office which monitors compliance by elected representatives."

Among the matters she suggested for consideration in reviewing the existing codes of ethical conduct are:

- The need for an upper limit for a gift and any hospitality. Any gift, hospitality or benefit exceeding an agreed upon amount must be declined by the elected representatives.
- A need to include substantial assets and unsecured loans in disclosure of interests.
- Whilst there is a prohibition on lobbying for remuneration, there should be disclosure requirements for lobbyists operating at legislatures and details on gifts and benefits received by Members or councillors should be provided.

In her presentation Mahomed made reference to citizens' declining levels of trust and confidence in their politicians, citing a 2021 Afrobarometer survey that showed South Africans' level of trust in Parliament had halved since 2006 – down to 27%. She also pointed out that there was no evidence that the 1998 Executive Members Ethics Act was being applied to members of provincial Executive Councils – although this is an explicit provision of the law.

Listen to Fazela Mohamed's speech in full on IFAA's YouTube page at https://youtu.be/oLVyg40ZrnE

The issue is how do we improve the institution and ensure that the systems are working.

Lechesa Tsenoli, Deputy Speaker, Parliament of RSA

Deputy Speaker's input

Lechesa Tsenoli, the Deputy Speaker of Parliament, queried at the workshop whether constituency-based representative ensured more effective responsiveness on the part of elected representatives. Pointing out that South Africa's municipal councils are elected by constituencies, he said this has not proven to guarantee improving accountability.

Tsenoli highlighted that the South African Parliament is an active member of the Commonwealth Parliamentary

Association and the International Parliamentary Union – where questions of ethics are constantly on the agenda.

"The issue is how do we improve the institution and ensure that the systems are working?"

He also responded to comments on the need for MPs to be given adequate training and induction courses, reminding the workshop that many MPs had used the opportunities offered by Parliament to get university qualifications, even a PhD in one instance.

An international perspective

Presenters from the UK who participated in the workshop online also referred to the decline in trust in politicians and a general withdrawal from public and political life by citizens, saying this is a global problem.

Anthony Smith is Chief Executive of the London-based Westminster Foundation for Democracy (WFD), a body dedicated to supporting democracy around the world which has offices in 30 countries. He confirmed that recent evidence shows that in 2021, 63% of British citizens believed that politicians were merely "out for themselves" and skepticism about elected officials is growing in most countries around the globe. This was coupled with widespread and growing disengagement in public processes, which has been exacerbated since the onset of the Covid epidemic.

In his online presentation to the workshop he said codes of ethical conduct are increasingly prevalent and are even starting to become the norm in the majority of countries, but he warned that enforcement can be weak and the codes easily compromised, especially in the absence of external scrutiny. The enforcement of codes depends a lot on the local context: A proper understanding of the role and purpose of codes of conduct and a willingness to comply with them must be present for them to work effectively, he said.

"

I think parliaments matter because democracy can only work if parliaments work.

Anthony Smith, CEO, Westminster Foundation for Democracy

Another problem emerges in countries where there are incentives that favour corruption. This happens when the cost of getting involved in politics is too high. He cited the example of Kenya where contesting a seat could cost the individual candidate about the equivalent of $350,000.

"High costs can be a barrier in deciding who gets to be in Parliament," he said, stressing "it is important that this should not be an elite group, [who could] more or less set their own rules, which can impact on the behaviour of MPs in Parliament." He quoted a 2023 WFD study: "One impact of the high, and growing costs of politics, is the increased exclusion of ordinary citizens from the political space. Young and female aspirants are particularly constrained, especially where there are no quotas for women representatives.

"Another is the increased incentive for members of the legislature to engage in corrupt practices to continue to meet constituent demands when in office, and to recoup investments made to get elected."

He also told the workshop that political parties can subvert parliamentary conduct. In a reminder of problems felt acutely in South Africa he said MPs have to manage both institutional and party commitments and, adding that this was experienced world-wide, said "commitments MPs have to their parties is a perennial problem in any political system".

He quoted from volume 6 of the Zondo report into state capture:

> *A system in which "Members of Parliament are accountable and beholden to their party bosses" is not well suited to securing Parliamentary oversight of the executive comprising, as it generally does, 'party bosses'.* (Zondo report vol 6 para 1010)

Earlier in his speech Smith had emphatically declared, "I am a fan of Parliament. I think Parliaments matter because democracy can only work if Parliaments work.

"We have found in our work around the world that ethics really matter and can be addressed by codes of conduct and [impacted] by the parliamentary culture." He went on to say, "It is also true that the political culture of a country really matters," quoting the following from a study by the World Bank Institute:

> *"If there is no consensus among MPs about what constitutes improper behavior, about the nature of the ethics problems, and about what changes should be made to make the ethics regime work, any ethics reform is bound to fail."* (World Bank Institute 2004)

Listen to Anthony Smith's speech in full on IFAA's YouTube page at https://youtu.be/VmcumGh9gk4 NA

What to do when a spending crisis poses a risk to Parliament

Ian Todd is head of Britain's Independent Parliamentary Standards Authority (IPSA), a statutory body that sets and pays the salaries of UK MPs and their staff – and monitors their expenditure.

Ian Todd, CEO, Independent Parliamentary Standards Authority

IPSA was established in the wake of a major political scandal in the UK in 2009 over MPs' expenses claims and allegations of their abuse of their allowances. The furore, which is still remembered in Britain as "the expenses scandal", resulted in a large number of MPs' resignations, sackings and early retirements, with public apologies and the repayment of expenses. Several Members of the House of Commons and the House of Lords were prosecuted and served prison sentences.

The expenses scandal became a significant crisis for Britain's democracy as it exposed an apparent disregard for essential ingredients of democracy – accountability, transparency and openness – by the very people whose job it was to preserve and defend that democracy.

MPs acted swiftly to rebuild public trust and ensure that a similar democratic crisis could not happen again by creating an independent body to set, regulate and administer MPs' pay and business costs in terms of the Parliamentary Standards Act 2009. This became known as IPSA.

Todd opened his online presentation to the workshop by paying tribute to Nelson Mandela on the 10th anniversary of his passing, suggesting this was a time of reflection on whether his legacy had been fulfilled and "whether there are further opportunities" to do so. He made it clear that he would not be offering solutions, but presenting an example from the UK's experience that could be used to "enhance confidence in Parliament and democracy".

The Westminster Foundation for Democracy has said: "Democracy is not easy or inevitable. Countries must have a commitment to accountability, inclusion, representation, and openness to protect individual rights to achieve sustainable economic growth and effective social policies." Todd added, "democracy requires there to be trust in elected representatives".

Todd's presentation on the purpose and functioning of IPSA provided a useful example of statutory action taken to curb what was perceived as excessive and illegitimate spending of taxpayers' money by members of the British Houses of Parliament.

As Todd pointed out, strictly speaking those MPs acted within the terms of the law and the rules of Parliament. However, public outrage over what was perceived to be MPs' excessive spending and disdain for their responsibilities as keepers of the national purse was sufficient for Westminster to act speedily to call parliamentary representatives to account.

Some employed wives and close relatives as their staff and claimed for homes they did not actually stay in. Todd gave an example of a representative who claimed expenses for refurbishing the ducks' enclosure on the moat in his ancestral home.

The UK has a representative, constituency-based 'First-Past-the-Post' parliamentary democracy where power is granted to elected representatives who are trusted to make decisions on behalf of the people they represent. Power is based on public support – therefore trust is a vital ingredient in democracy – and IPSA's role is to support MPs and ensure they have the money and resources they need to conduct their constituency work and undertake their parliamentary duties.

As the primary financial regulator of MPs IPSA has three main functions:

- To determine MPs' pay and pension arrangements.
- To regulate MPs' staffing and business costs:
  - set MPs' annual budgets;
  - define the rules by which they can spend;
  - monitor compliance; and
  - ensure transparency through publication.
- To provide a payroll function for MPs and their staff.

In the past, IPSA had a reputation for only being interested in 'catching MPs out,' but its emphasis now is on regulation. Todd emphasised that it's focus doesn't have to be solely punitive.

He described how over the past two years IPSA had developed a dedicated support team to help MPs "get things right first time". The team works with MPs and their staff to advise, to assist when genuine errors occur, and to "enable MPs to focus on what really matters by providing an exemplary, seamless regulatory service".

IPSA's role is to look after public funding of MPs and determines their levels of pay, strictly in accordance with » standards in the public sector. The aim is to ensure that MPs are paid a reasonable wage; salaries must not be so low that they exclude anyone without alternative private sources of income from taking up a seat in the legislature. This would "disenfranchise a huge percentage of the population". Their salaries need to cover MPs' expenses to discourage the temptation to engage in corruption by accepting bribes or any other kinds of political inducements.

IPSA believes that the public's confidence in their elected leadership is increased by successful independent regulation. Todd said there is a need for a public regulator that not only supports MPs but that also "has teeth and is determined to find [offenders] and fight them where they exist".

Listen to Ian Todd's speech in full on IFAA's YouTube page at https://youtu.be/oFCyygGjvqU NA

Parliament 'failed' due to structural flaw

In his address to the workshop, Associate Professor of Public Law at the University of Cape Town Richard Calland reminisced about his involvement in the early 1990s around Parliament's first code of conduct, which was drafted by former cabinet minister and legal scholar Kader Asmal.

Prof Richard Calland, Associate Professor of Law, UCT

Calland also drew attention to declining public levels of trust in elected representatives in Parliament, calling this a global phenomenon which obviously has local repercussions. In an extract from his presentation Calland had this to say:

"The system in which Parliament sits is a hugely important contextual point. The Zondo commission grappled with that in its useful diagnostic analysis of Parliament's failure. And it was a significant failure. Parliament was asleep at the wheel as the Executive arm of government was being captured. It allowed that to happen. It failed in its constitutional duty.

"The main point I made in my expert testimony to the Zondo commission was that part of Parliament's failure was a systems failure because our electoral system in this country unfortunately mitigates against the constitutional obligation and authority that resides in Parliament to conduct meaningful oversight over the Executive arm of government.

"It is partly a systems failure – the system is fundamentally flawed – and partly a product of our electoral system and the fact that parties are dominant in that system. The seat in Parliament is not owned by the person who sits on it. It is owned by the party on whose list the person was placed at election time.

"That is a structural flaw in our system [and] the system needs to find a way of insulating individual Members of Parliament from the tendency of their party bosses to dominate them, reduce their independence and diminish their ability to exercise their constitutional duty.

[Referring to the Brics summit underway in Johannesburg at the time and the expansion of Brics to include six new members he said], "potentially momentous events are unfolding … [but] one would struggle to say, even at a stretch, that even three of them are parliamentary democracies. The others are clearly not.

"I would argue that South Africa is the most liberal democracy of the 11. Our constitutional arrangements, our institutional arrangements, our electoral system, the fact that we are sitting here and having this conversation about Parliament today, indicates that we are still a fundamentally liberal democracy, but one with its own local characteristics.

"All this talk about codes of conduct, about rules and ethics is only relevant if the institutions over which those rules of governance apply are themselves powerful and relevant and important. The trend, whether it be through declining trust or system failures like those we have had in the South African Parliament over the last 15 years, would suggest that unfortunately in these institutions that is not the case."

Listen to Richard Calland''s speech in full on IFAA's YouTube page at https://youtu.be/MRQC7GR7DGk NA

IFAA thanks the Australian High Commission (Pretoria) for its generous support for DECODE via its Direct Aid Program. IFAA also thanks the Rosa Luxemburg Foundation and the Catholic Parliamentary Liaison Office for their support for the project.

Australian High Commission
South Africa

Implementation of the State Capture Commission recommendations

An institutional perspective on ethics and accountability

By Gary Pienaar and Narnia Bohler-Muller

Prof Narnia Bohler-Muller is a divisional executive in the HSRC's Developmental, Capable and Ethical State (DCES) research division. She holds a Doctorate in Law (LLD) from the University of Pretoria. Bohler-Muller specialises in participatory democracy and social justice as well as gender equality and the fulfilment of socio-economic rights.

Adv Gary Pienaar is a senior research manager in the HSRC's Developmental, Capable and Ethical State (DCES) research division. He holds the degree of LLB from Wits University and MPhil from Stellenbosch University. He specialises in constitutional and human rights law, particularly socioeconomic rights, democratic governance, public ethics and integrity, transparency and accountability, political finance and energy governance.

The HSRC is collaborating with the Zondo Commission to track the government's implementation of the extensive reforms that were recommended to prevent corruption and a recurrence of state capture. Government and Parliament published response plans in late 2022. Government's response contained some timeframes and promised regular progress reports, but Parliament was silent on both. Some recommendations are being implemented, but others are not. This article assesses progress with implementation in some crucial areas in the year since the Zondo reports were released to the public.

When avarice takes the lead in a state, it is commonly the forerunner of its fall.
– Alexander Hamilton, 1778

Introduction

The Human Sciences Research Council (HSRC) is collaborating with the "Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State" (the 'Commission') and the Department of Science and Innovation in the 'Future of Democracy' project.[1] One element of the project is to track the government's implementation of the Commission's recommendations. The Commission recommended extensive reforms to prevent corruption and a recurrence of state capture. Government and Parliament have published response plans, in October and November 2022, respectively. Government's response contained some timeframes and promised regular progress reports,[2] but Parliament's contained neither.[3] Some recommendations are being implemented, whilst others are not. »

This article assesses progress with implementation in some crucial areas.

Background: Key mechanisms of state capture identified by the Zondo Commission

The Commission's detailed Report attests to the extent and gravity of state capture as revealed through the evidence painstakingly assembled and distilled by the Commission – evidence which has far-reaching implications for the democratic future of the South African state and society. It records the mechanisms used to capture the state, primarily the strategic placement of individuals in positions of power through the abuse of the appointment and dismissal process in the public administration and State Owned Entities (SOEs) such as Eskom, Transnet, Passenger Rail Agency of South Africa (PRASA), South African Airways (SAA) and Denel. These placements of politically connected individuals were "the essential mechanism of state capture" and were used to control and manipulate public procurement, financial and contracting processes in SOEs and the public sector more widely for private gain.

This strategy was bolstered by the strategic appointment of individuals in positions of power in law enforcement and tax administration to ensure that perpetrators were protected from detection and sanction.[4] This entailed disregard for s.195 of the Constitution, which requires a public administration that is ethical, professional, effective, impartial and developmental.

In essence, lack of compliance, transparency and accountability in appointments of board members and senior executives enabled state capture. Many experienced and honest officials were sidelined or dismissed to make way for those facilitating state capture and corruption. No effective mechanisms existed to prevent cronyism and cadre deployment (which the Commission found to be unlawful and unconstitutional) from continuing to dominate appointment to the Boards and senior executive offices.

State-Owned Enterprises

The Commission recommended several reforms, including the adoption of an independent and transparent process for appointment of SOE Boards and Executives free from political manipulation, so that appointments made by a Minister are genuinely the result of a merit-based selection process. The *Commission therefore recommended* the establishment of a Standing Appointment and Oversight Committee to ensure, in public hearings, that any nominee for Board appointment, or as CEO, CFO or CPO of an SOE, meets professional, reputational and eligibility requirements for such a position. This Committee should also investigate and act upon complaints concerning misconduct by Board members or senior executives in the discharge of their duties.[5]

Government's response accepted "the principle of greater transparency and rigour in the appointment of SOE boards and executive leadership", but expressed some concerns, including potential delays due to a single Committee overseeing appointments to a large number of SOEs.

- Nevertheless, guided by the Commission's principles, the President's SOE Council (appointed in 2020) would continue its work to develop a legislated governance framework for SOEs, including "clarifying roles".

■ No timeframe was provided for finalising this work.

Tracking disciplinary cases

The *Commission recommended* that SOE employees and officials implicated in state capture be investigated and where necessary be subjected to disciplinary and/or legal processes.

A challenge identified by Government is that employees resign before disciplinary proceedings commence or conclude, and there is currently no centralised register of people dismissed from organs of state or those who resign to avoid disciplinary action. To this end, the Department of Public Service and Administration (DPSA), Department of Cooperative Governance and Traditional Affairs (COGTA), Department of Public Enterprises (DPE) and National Treasury are developing a tracking mechanism that was due to be rolled out in April 2023.

■ As at 31 August 2023, it could not be established whether this tracking mechanism has been developed and is being implemented.

National Prosecuting Authority

The Commission found that the National Prosecuting Authority (NPA) was the principal law enforcement agency that was captured and hollowed out in order to protect perpetrators. The Commission was so concerned about the extent and impact of the weakening of law enforcement agencies, that it made *detailed and far-reaching recommendations* for the establishment of a permanent anti-corruption commission. These recommendations are dealt with separately below.

Government's response indicated that it had already embarked on "far-reaching measures to restore the integrity and rebuild the capability of the country's law enforcement agencies and the criminal justice system [CJS] more broadly".[6] This included recruiting more senior prosecutors and managers to fill vacant posts in the NPA, and enhanced coordination across the CJS. In a significant step by the President in 2019, the Investigating Directorate (ID) was established as a "multidisciplinary anti-corruption law enforcement agency" within the office of the National Director of Public Prosecutions (NDPP) as head of the NPA.

… lack of compliance, transparency and accountability in appointments of board members and senior executives enabled state capture.

Chief Justice Raymond Zondo speaking at an HSRC symposium a year after the last of the reports had been handed to the President. He publicly declared that SA faced the risk of state capture happening again – because nothing had changed.

The ID's objective is to address "unlawful activities relating to serious, high profile or complex corruption cases and offences or criminal or unlawful activities arising from the State Capture Commission".[7] However, the NPA and other stakeholders have observed that the ID's temporary status (it was established by Presidential proclamation, which can be easily revoked) has meant that it struggles to attract, train and retain staff with the specialised skills and experience necessary to successfully prosecute high-profile or complex crimes and corruption including state capture cases. It is necessary to urgently establish the ID as a permanent structure within the NPA.[8]

Government undertook that "[T]o further strengthen the current anti-corruption capabilities, the Investigating Directorate will be established as a permanent entity within the NPA and ID investigators will be provided with the requisite criminal investigatory powers as contemplated in the Criminal Procedure Act, Act No. 51 of 1977."[9]

- Almost a year later, in August 2023, Cabinet approved the submission to Parliament of the NPA Amendment Bill of 2023.[10] The Cabinet statement indicates that the Bill provides for the establishment of the ID as a permanent entity within the NPA and will also strengthen its investigative powers.
- The Bill will reportedly give ID prosecutors the authority to lead not merely guide investigations,[11] thereby restoring the model that characterised the highly effective Scorpions before their dissolution.

While this is a welcome development, envisaged further "fiscal consolidation" may constrain the ID's staffing plans.[12]

Despite these enhancements to its status and powers, a permanent ID doesn't meet the STIRS criteria established by the Constitutional Court in Glenister II[13] as the essential features of an independent anti-corruption agency. (**S** for a specialised unit dedicated to investigating and prosecuting the corrupt; **T** for properly trained and equipped staff; **I** for independence from political influence and interference; **R** for guaranteed and sufficient resources; and **S** for security of tenure of office.) Among other factors, although s.179(4) of the Constitution provides that "[n]ational legislation must ensure that the prosecuting authority exercises its functions without fear, favour or prejudice", s.179(6) of the Constitution provides that "[t]he Cabinet member responsible for the administration of justice must exercise final responsibility over the prosecuting authority".

Government's response acknowledged these longstanding concerns and undertook:

> To address concerns with respect to the independence of the NPA, legislative amendments will be introduced to introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP. Work will be undertaken to clarify the Minister's "final responsibility" over the NPA as set out in section 33 of the NPA Act and settling aspects related to the NPA's financial and administrative independence.[14]

- Notably, no timeline was given for this work and there was no indication of which institution or body was to be responsible for » undertaking it. The August 2023 Cabinet statement (above) makes no mention of this pivotal concern.

South African Revenue Service

The South African Revenue Service (SARS) was one of the key state agencies hollowed out through state capture. The *Commission endorsed* the findings of the Nugent Commission of Inquiry into Tax Administration and Governance by SARS established by President Ramaphosa in 2018. The Nugent Commission found a "massive failure of integrity and governance" at SARS under the tenure of the former SARS Commissioner, Mr Tom Moyane, describing the internal restructuring project led by international management consulting firm Bain and Company as a "premeditated offensive against SARS, the result of which was the dismembering of the organisation, rendering it severely weakened".[15]

The Nugent Commission recommended "a series of governance, organisational, operational and stakeholder actions to rebuild SARS and reverse its capture". The Commission made an additional *recommendation* – that the SARS Act of 1997 be amended to provide for an "open, transparent and competitive process for the appointment" of the SARS Commissioner.

Government's response recorded that substantial progress has indeed been made in these efforts. It also reported that National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission and the State Capture Commission, including to provide for:

- An "open, transparent and competitive process for the appointment" of the SARS Commissioner.
- The appointment of adequate oversight mechanisms such as an inspector-general.
- Legislation would be tabled by June 2023.

■ As of 31 August 2023, no such legislation had been tabled in Parliament.

Professionalisation of the public administration

In addition to the strategic positioning of politically connected individuals in positions of power through the abuse of public sector appointment and dismissal processes, there was also inappropriate interference by Executive Authorities (EAs) – ministers and MECs – in the operational and administrative matters that are the responsibility of Accounting Officers (AOs) – Directors General, Heads of Department and Municipal Managers. This frequent practice has led to tensions at the "political-administrative interface", compromising effective public administration and efficient service delivery. The *Commission therefore recommended* clear lines of separation between EAs and AOs, clearer delegation of authority to AOs, and regular ethics and governance training for all public representatives and public servants.

Government's response accepted that these appointments and dismissals were indeed "in contravention of the Constitution and applicable legislation".[16] Work is underway to give effect to the recommendations, including amendments to the Public Service Act (PSA), the Public Administration Management Act (PAMA), the Public Finance Management Act (PFMA), the Public Procurement Bill (PPB) and the implementation of the National Framework for the Professionalisation of the Public Sector (i.e. not merely the public service).

- Compulsory lifestyle audits have been implemented with effect from 1 April 2021, although as at 31 March 2023, only 36 of 44 national departments and 89 of 103 provincial departments had done so for the 2022 financial year.
- Psychometric integrity testing mechanisms are under development, presumably by the DPSA.
- In October 2022, Cabinet adopted the NFP.
- However, in a contradictory decision, in December 2022 the governing African National Congress (ANC) agreed to retain cadre deployment as party policy, despite the Commission finding that the policy is unlawful.

Legislation tabled in Parliament that promises to promote integrity in and professionalisation of the public sector includes the Public Administration Management Amendment Bill [B 10—2023] and the Public Service Amendment Bill [B 13—2023]. Key reforms contained in these Bills include:

- Local government and most public entities (but not SOEs) will be included in the public administration and subject to the same integrity, professional and performance standards as national and provincial government departments.
- The Director-General in The Presidency will be established in law as the Head of Public Administration (reflecting recent practice), and will be responsible for recruitment, promotion and dismissal of senior managers (AOs), such as directors-general (DGs), their deputies (DDGs), provincial heads of department (HoDs) and municipal managers (MMs). No longer will Ministers, Premiers, MECs and Mayors (EAs) be able to hire, fire, promote or sideline senior public servants.
- There would be a clearer delegation of administrative functions from EAs to AOs.
- AOs and employees reporting

A challenge identified by Government is that employees resign before disciplinary proceedings commence or conclude.

directly to them will be prohibited from holding senior office in a political party.
- A clearer prohibition on public servants doing business with the state.
- A one-year "cooling off" period after leaving the employ of the state will be introduced for public servants involved in public procurement. During this year, erstwhile public servants will be prohibited from being employed by companies who are service providers to the state.

Implementation of the NFP depends to a significant extent on a Public Service Commission (PSC) whose independence is definitively established in law. The PSC's role includes ensuring that candidates have the required qualifications, expertise, experience and training, i.e. that they are recruited and appointed based on merit, thereby promoting professionalisation. Although the PSC is established as an independent constitutional body in terms of Chapter 10 of the Constitution, its enabling legislation (the PSC Act 1997) treats the Office of the PSC as a government department. This incongruent legislative framework undermines the independence and effectiveness of the PSC, both in the way in which

it is funded and how its activities and recommendations are perceived and dealt with by government departments.

- It is therefore a matter for concern that the PSC Amendment Bill, which has been around in various forms since 2015, has as of 31 August 2023 still not been tabled in Parliament. Time is running out to pass this vital legislation before the 2024 general election.

Financial management and audit reforms

The *Commission recommended* that only the Auditor-Gender of South Africa (AGSA), or auditors who demonstrate requisite capacity, should audit SOEs, and that there should be a return to the original intent of the PFMA to let managers manage, while holding them accountable. At the same time, AOs should be protected from criminal or civil liability for good faith actions that are not negligent.[17]

Government's response states that National Treasury and the AGSA are reviewing the usefulness of the concept of irregular expenditure and may focus instead on identifying corrupt or suspicious expenditure, or expenditure incurred in bad faith.[18]
- The Public Service Amendment Bill [B13-2023] provides for clearer delegation of administrative and financial responsibilities to AOs.

- However, a complementary PFMA Amendment Bill to clarify the delegation of financial authority to AOs has not yet been tabled.
- No timeframe is provided for this review and it is unclear what progress has been made.

Anti-corruption agencies

The *Commission recommended* the establishment of a permanent "Anti-State Capture and Corruption Commission" (ACC) and a specialised and "independent Public Procurement Anti-Corruption Agency" (PPACA). ››

Anti-Corruption Commission

Government's response recognised that the Commission's recommendations concerning the ACC and the PPACA highlighted the need for a "holistic, coherent and integrated approach to combating corruption, fraud and maladministration [and should] form part of a fundamental redesign and review of the country's anti-corruption architecture".[19] This is already being reviewed by the National Anti-Corruption Advisory Council (NACAC) established in terms of government's National Anti-Corruption Strategy (NACS) and the Department of Justice and Constitutional Development (DOJ&CD).

While strengthening "the country's anti-corruption capabilities should not await the conclusion" of this review and redesign, the NACAC had been appointed only in August 2022, two years after adoption of the NACS, and was to conclude their research and develop their plan by 31 March 2023.

- At the HSRC's Future of Democracy Colloquium in June 2023, the NACAC chairperson indicated that the research and review was still under way.[20]

Public procurement reform

The public procurement system was identified by the Commission as the primary site for the diversion of state resources, particularly from SOEs, which have the largest procurement, capital and operational budgets. Procurement reform is thus prominent in the Commission's recommendations. The *Commission recommended* the establishment of an independent Public Procurement Anti-Corruption Agency (PPACA), and –

- National Treasury should formulate compulsory transparency standards consistent with the OECD principles for integrity in public procurement.
- Enact legislation for greater centralisation of aspects of public procurement; harmonisation of legislation and training.
- Government and business should develop a National Charter against corruption in public procurement, including a Code of Conduct with ethical standards. Both should be legislated.
- Every public procurement officer, bidder, contractor, public representatives and officials should commit to observe and uphold the Charter.
- A procurement officer's profession should be created through legislation to establish a professional body to which all procurement officials should belong. This body should determine qualifications, training and experience necessary for membership, and every procuring entity's system should be managed by a duly qualified member in good standing.

Government's response repeated "the need for a holistic, coherent and integrated approach to combating corruption, fraud and maladministration" and a "fundamental redesign and review of the country's anti-corruption architecture". It also echoed several STIRS criteria, accepting as "a guiding principle" that this architecture "should incorporate robust mechanisms for appointing senior leaders and mechanisms to ensure insulation against capture and political interference, with carefully drafted rules for the selection and removal of senior leadership". Furthermore, the "system should be amply resourced" and efficiently coordinated. Urgent reforms to strengthen anti-corruption capabilities should proceed[21] and "not await the conclusion of the review and redesign of the broad architecture".

Thus, the Public Procurement Bill [B18 -- 2023] was tabled in Parliament on 30 June 2023. It acknowledges the existing constitutional requirements for a public procurement system which is fair, equitable, transparent, competitive and cost-effective (s.217(1)). The Bill also recognises that s.195(1) and (3) of the Constitution require that national legislation must ensure the promotion in public administration of several principles, including:

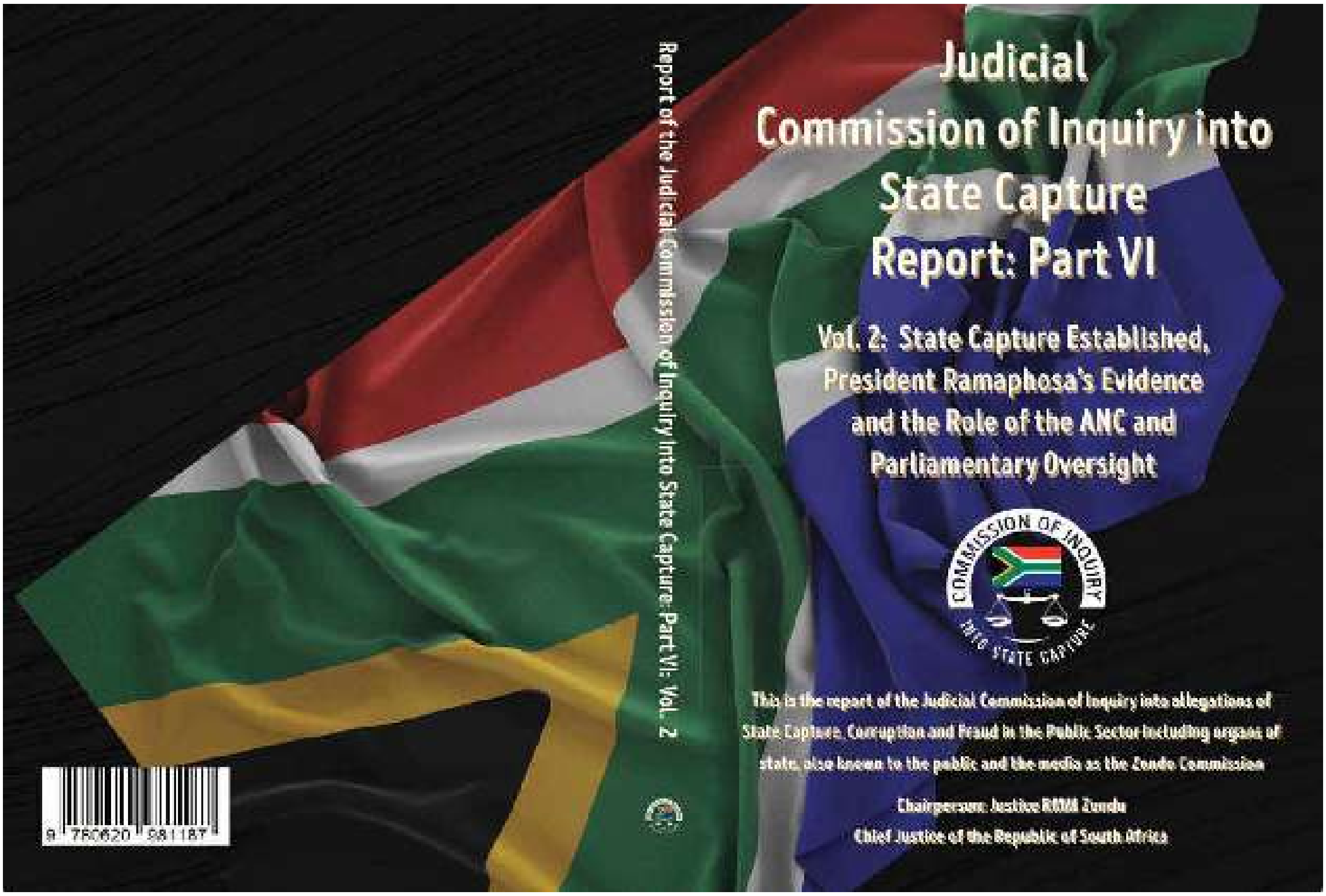
- A high standard of professional ethics.
- Efficient, economic and effective use of resources.
- Developmental orientation;
- Accountability and transparency.

The Bill aims to "create a single framework that regulates public procurement, including preferential procurement, by all organs of state, which among others:

- promotes the use of technology for efficiency and effectiveness; and
- enhances transparency and integrity … to combat corruption".

The Bill commendably envisages broad application to all spheres of government, to constitutional institutions, and to public entities listed in Schedules 2 and 3 of the PFMA. In accordance with the Commission's recommendations, the Bill provides for a binding code of conduct applicable to key stakeholders involved in procurement, and for other measures to ensure probity and integrity. The Bill also goes some way to responding to the Commission's recommendation for the establishment of a procurement profession by including provisions to "ensure the professional development and training of officials involved in procurement".

However, the Bill does not implement possibly the most significant Commission recommendation – establishment of an independent PPACA. Instead, it



proposes a Public Procurement Office (PPO) within National Treasury. While the "Head and officials of the [PPO] must perform their functions in terms of this Act impartially and without fear, favour or prejudice", the Bill doesn't ensure security of tenure for the Head. Notably, the PPO's oversight powers are weakly phrased (e.g. "promoting"; "guidance and assistance") and its intervention powers are only "as may be prescribed" by regulation, affording the Executive considerable discretion.

More positively, the PPO is mandated to "ensure" transparency. The Bill prescribes an ICT-based procurement system for "all procurement, in order to enhance efficiencies, effectiveness, transparency and integrity and to combat corruption". The Bill specifies many relevant categories of information to be made proactively available online and free of charge to officials, bidders, suppliers and the public, with only defined "confidential" information being redacted. This information must be made available online "as soon as possible" to enable "effective monitoring" by all interested stakeholders.

Accountability

Responsibility of President and Premiers for actions of Ministers and MECs

The *Commission recommended* that the President and Premiers must ensure that Ministers and MECs are accountable for their actions and should apply appropriate sanctions, including dismissal should performance fall short of Performance Agreements.

Government's response notes that the basic standards for members of national and provincial Executives are contained in their constitutional solemn affirmation or oath of office, and they're bound by the Executive Members Ethics Act 1998 and Code.

However, given the extent and scale of departure from these standards evident during state capture, the Commission recommended consideration of more stringent standards to govern certain forms of misconduct.

The *Commission thus recommended* consideration of a statutory criminal offence for any person vested with public power to abuse that power by intentionally using it otherwise than in good faith for a proper purpose.

Government's response indicated that ›› the DOJ&CD would "research possible legislative provisions for the creation of a statutory offence for the abuse of public power" and that this work would be finalised "by mid-December 2023".

The *Commission also recommended* that, given "the premium that the Constitution places on accountability", public representatives should be criminally sanctioned for "constitutional and political malpractice".

Government responded by saying that the DOJ&CD "has been directed to undertake research [on] the creation of an offence of political or constitutional malpractice. It will be completed by December 2023".

Parliamentary oversight

The Commission found that in several instances Parliament had not been effective in holding the Executive to account, thereby permitting state capture. Among *many recommendations* were consideration of electoral system reforms and two ways to improve the quality and effectiveness of oversight:

- Direct election of the President to render the President more accountable to voters.
- A constituency-based electoral system to enhance the capacity of Members of Parliament to hold the executive accountable.
- Appointing more opposition MPs to chair parliamentary committees.
- Legislation to protect MPs from losing their party membership merely for exercising their oversight duties reasonably and in good faith.

Government's response

- Direct election of the President "would require constitutional amendments ... [and] should be considered by the various political parties represented in Parliament and by the Parliament's Joint Constitutional Review Committee".

■ No indication could be found that this matter has been referred to or considered by this Joint Committee,[22] although the Committee has considered a submission concerning an independent anti-corruption agency.

- There are historical reasons for adopting the current electoral system, and changes had been the subject of repeated studies. The "far-reaching consequences of the Commission's recommendations" and "whether the deficiencies identified by the Commission justify revisiting previous decisions" on electoral reform require "an extensive process of consultation and deliberation that involves the whole of society" and also awaiting the then-pending decision by Parliament on the Electoral Amendment Bill.

Parliament's procedural response was set out in its *Implementation Plan* dated 3 November 2022. It recorded the Commission's recommendations and its procedures for considering them.

■ Parliament provided no timeframes for concluding these considerations, envisaging that some work would be carried over into the Seventh Parliament.[23]

Electoral reform

By adopting the Electoral Amendment Act 2023, Parliament rejected the recommendation of a partial constituency system. However, the Electoral Amendment Act included a requirement that changes to the electoral system must be the subject of further consideration. The Act stipulates that an Electoral Reform Consultation Panel must be established within four months of the promulgation of the Act. After research and public consultations, the Panel must within 12 months after the 2024 general election submit electoral proposals to the Minister of Home Affairs.

■ In May 2023, nominations were invited for members of the Panel.[24]

Opposition MPs chairing parliamentary committees

■ After consideration by a sub-committee of the National Assembly's Rules Committee, it appears to have recommended to the Rules Committee that it did not accept the Commission's recommendation.[25]

Protection of MPs

Parliament's formal response views this matter as related to electoral reform, which it addressed in the Electoral Amendment Act.

■ Despite ample evidence to the contrary, the Speaker expressed the view that the provisions of the Constitution and of the Powers Privileges and Immunity of Parliament and Provincial Legislatures Act (PPIPPLA) provide MPs with adequate protection from retribution for the performance of their responsibilities.[26]

Parliament and the Presidency

The *Commission recommended* that Parliament should consider whether it would be desirable for it to establish a committee to exercise oversight over the President and the Presidency.

■ Parliament scheduled a study tour for July 2023 to consider various models of presidential oversight.[27]

Improved protection for whistleblowers

Whistleblower testimony before the Commission and elsewhere (e.g. the #GuptaLeaks), was fundamental to revealing state capture, and to uncovering the identity and roles of perpetrators, enablers and beneficiaries in the public and private sectors. Despite widespread recognition of the vital role played by whistleblowers in disclosing fraud, corruption and many other forms of wrongdoing, it has long been recognised that inadequate protections are available in the Protected Disclosures Act of 2000 (PDA) and other legislation. The National Development Plan recommended in 2012 that a thorough review "should consider expanding the scope of whistleblower protection outside the limits of 'occupational detriment', permit disclosure to bodies other than the Public Protector and the Auditor-General[,] and strengthen measures to ensure the security of whistleblowers".[28] While the PDA was amended to expand the list of institutions to which protected disclosures can be made, the NPC's other recommendations were not fully implemented.

The Commission made *several recommendations* to improve the protection of whistleblowers, including introducing or amending existing legislation –

- To ensure that anyone disclosing information to reveal corruption, fraud or undue influence in public procurement activities be accorded the protections stipulated in article 32(2) of the United Nations Convention Against Corruption (UNCAC), including anonymity and physical protection.
- Identifying the Inspectorate of the recommended ACC as the correct channel for making disclosures.
- Authorising incentives and rewards for whistleblowers following successful recoveries of the proceeds of crimes.
- Authorising offers of immunity from criminal or civil proceedings if there has been an honest disclosure.

Government's response accepted that "[w]histleblowing is an essential weapon in the fight against corruption"[29] and that "whistleblowers need protection from retaliatory action".[30] The DOJ&CD has commenced a review of the PDA and the Witness Protection Act, which will include consultation with stakeholders and the NACAC, which was to be completed by the end of April 2023.[31]

■ In late July 2023, the DOJ&CD published a discussion document on proposed reforms for the whistleblower protection regime in South Africa,[32] and invited public comments. The document contains several welcome proposals, including:
- The workplace limitation to protected disclosures inherent in "occupational detriment" should be replaced by a more inclusive prohibition of "detrimental action" and "improper conduct".
- Those to whom a protected disclosure is made have a duty to maintain the whistleblower's anonymity.
- The burden of proof is reversed, so that the person who causes detrimental action is presumed to have done so as a result of a possible or actual protected disclosure, unless they can show the contrary.
- It is a criminal offence to use threats or intimidation to deter a protected disclosure, and can attract a sentence of R5 million or 5 years imprisonment or both.
- Payment of legal costs, costs of physical protection and payment of incentives/rewards.
- It is a criminal offence for a responsible person to fail to act upon receipt of a protected disclosure, with a sentence of R2 million or 2 years imprisonment.

Private sector and professions

The Commission's report found that private sector service providers and professional service firms such as Bosasa, McKinsey and Bain engaged in corruption to secure state contracts. This was enabled by a failure to enforce procurement rules, anti-corruption laws and professional ethics standards.

- There has been a commendably strong response by the auditing profession to these lapses. New regulations promulgated in terms of the Auditing Professions Act 26 of 2005 allow the Independent Regulatory Board for Auditors (IRBA) to impose fines on errant auditors of up to R10 million and up to R25-million on auditing firms per offence of "improper conduct".[33]

The Commission recommended strengthening the duty of private sector entities to prevent bribery by amending the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA) to include section 34A to make it a criminal offence for any member of the private sector or any incorporated SOE to fail to prevent bribery.

■ The Judicial Matters Amendment Bill [B7-- 2023] currently being considered in Parliament makes it an offence for a public or private corporate entity, including SOEs, to take "inadequate measures" to prevent offers, giving or receiving a "gratification" (bribe).

Lastly it was *recommended* that the Political Party Funding Act 6 of 2018 (PPFA) be amended to criminalise donations to political parties made in the expectation of or with a view to the granting of procurement tenders or contracts as a reward for or in recognition of such grants.

■ The NACAC is considering this issue. ➤➤

Concluding remarks

Anti-corruption strategies have been in place for many years in South Africa. The Commission's findings and recommendations show that they are inadequate, and extensive and urgent reforms are necessary. The Commission's recommendations must be seen to be implemented and justice served against those who profited from the abuse of power and state capture, or the money spent on the Commission will be regarded as fruitless.

Government has undertaken to implement certain remedial and corrective measures and some are already being implemented, but reforms should occur more rapidly and transparently. Indeed, *government's response* recognises that:

> Robust monitoring, reporting and effective communication of the progress made in the implementation of the response is key to the success of this work.[34]

To this end, a centralised Project Management Office (PMO) and an Commission Steering Committee have been established in the Presidency to coordinate implementation.[35] The Steering Committee should report quarterly on progress to Cabinet. "This will inform regular updates to the country by the President."[36] The NACAC should provide an independent annual report to the public on progress made by the state in implementing its responses.

Given this recognition and these commitments, it is regrettable that updates from the Presidency appear to be only recent or relatively low-key, while some significant developments haven't been mentioned by the Presidency. Even more unfortunately, Parliament appears to have been forced to issue its first update to the public in June 2023 only after its presiding officers objected to Chief Justice Zondo's expressed reservations about Parliament's ability to resist a repeat of state capture.[37]

Remedial action of this degree of significance for the country ought to enjoy more regular and prominent communication from the Presidency.

ENDNOTES

1. See Post Zondo – The Future of Democracy Colloquium - HSRC. Available at: https://hsrc.ac.za/post-zondo-the-future-of-democracy-colloquium/
2. Response By President Cyril Ramaphosa To The Recommendations Of The Judicial Commission Of Inquiry Into Allegations Of State Capture, Corruption And Fraud, October 2022, para 7.1.7-8.
3. Consideration Of The Report Of The Judicial Commission Of Inquiry Into Allegations Of State Capture, Corruption And Fraud In The Public Sector Including Organs Of State And The President's Response To The Commission's [sic] Recommendations: Implementation Plan, 3 November 2022.
4. State Capture Commission Report, Part 6 Vol. 2 at p297.
5. State Capture Commission Report, Part 6 Vol. 4 at p1221 and Part 6, Vol. 3 at pp976-977.
6. Paragraph 4.8.2 of Government's Response.
7. Paragraph 4.1.6 of Government's Response.
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9. Paragraph 5.2.18 of Government's Response.
10. Statement on the Cabinet Meeting of 8 August 2023, 10 Aug 2023. Available at: https://www.gov.za/speeches/statement-cabinet-meeting-tuesday-8-august-2023-10-aug-2023-0000.
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Dateline Africa

Fleeing danger to possible disaster ... and death

1 June 2023 – 31 August 2023
The last three months have again been marked by repeated drownings of migrants leaving the shores of Africa for Europe. Boats small and large from Egypt, Senegal, Libya and Tunisia have foundered and capsized leading to the known loss of respectively 78, 60, 41 and 14 lives – and many, many more uncounted. Gangs of traffickers control the routes, promising but rarely providing safe routes to safety and a new life. Nevertheless, some migrants try again and again to cross to Europe, despite the hardships and extreme danger. The Tunisian coast guard recovered 901 bodies of drowned migrants off its coast from January to 20 July this year, according to the country's interior minister.

Source: Flickr

August

31 August: 74 people died when a fire broke out in a building in downtown Johannesburg that had been 'hijacked' – with space rented out illegally to squatters who set up shacks in the building. It is believed was started by a candle in one of the shacks. Many of the dead were migrants, including foreign nationals. The building is one of over 50 sites in the inner-city, most of them owned by the City Council, that have been abandoned to the control of crime syndicates.

30 August: Soldiers in Gabon seized power days after a fraudulent presidential election returned the incumbent, Ali Bongo, to office. The Bongo family have ruled since 1967, with the support of France, the former colonial power. The leader of the coup was said to be a cousin of the ousted president and crowds in Libreville, Gabon's capital, peacefully demonstrated their support for the new regime. There have been eight military coups in the region since 2020 – all condemned by the African Union.

22-24 August: South Africa hosted the Brazil-Russia-India-China-South Africa (Brics) summit on "Brics and Africa: Partnership for Mutually Accelerated Growth, Sustainable Development, and Inclusive Multilateralism". Sixty-seven leaders from the Global South were invited and Chinese President Xi Jinping attended, as part of a state visit to South Africa from August 21 to 24. The biggest takeaway from the 15th annual Brics summit was the announcement that six new member countries will be added to the bloc in 2024.

23 August: For the first time ever, election observers from the Southern African Development Community (SADC) refused to endorse the results of the Zimbabwe election – many press reports detailed pre-election violence and cited intimidation, coercion and irregularities during the voting process. Otherwise, the news was as predictable as ever; the long-running ruling party's Emmerson Mnangagwa was declared the winner and the opposition rejected the outcome, alleging "blatant and gigantic fraud". »

Sod-turning ceremony at the start of a Chinese-funded road-building project in Lesotho

13 August: Chinese contractors won nearly a third of all construction projects in Africa in 2022, four times more than Western firms, according to a report by the Hinrich Foundation, an Asia-based philanthropic organisation. Despite reductions in new Chinese 'Belt and Road' funding, "China is currently winning the Great Power competition to establish political and economic relations in African countries".

11 August: Jacob Zuma, South Africa's former president, returned to jail (albeit very briefly) apparently to serve out the remainder of a 15-month sentence for contempt of court. However, he immediately benefitted from a presidential decree that released all prisoners with less than two years prison time remaining, ostensibly to reduce prison overcrowding.

10 August: Interpol seized or froze 2.15 million euros, blocked 208 bank accounts and arrested 103 people in an operation targeting West African mafia groups and gangs specialising in internet fraud and scams across the globe. The operation, codenamed Operation Jackal, mobilised police forces, financial crime units and cybercrime agencies across 21 countries, including Côte d'Ivoire, Nigeria, South Africa, France and the US. Among those targeted was Nigerian-based Black Axe, a violent gang renowned for cyber-enabled financial fraud and scams in online business, email compromise schemes, romance and inheritance scams, credit card fraud, tax fraud, advance payment scams and money laundering.

10 August: The military junta in Guinea signed a significant agreement with the Australian mining giant, Rio Tinto, and Chinese investors to build a 600km, US$15 billion railway that will carry iron ore from the remote Simandou mine, the biggest known unmined iron ore resource in the world, to Morébaya Port on the Atlantic coast. The railway is environmentally controversial and the project has been repeatedly threatened by political instability.

Refugee camp, South Sudan. Source: Wikimedia Commons

8 August: According to UN agencies, more than half of the population of Sudan – at least 24 million people, including around 14 million children – require humanitarian aid. The majority face severe hunger and six million people are on the brink of famine. Three million under-fives are malnourished, with 700,000 at risk of severe acute malnutrition and mortality. Some 1.7 million children could miss out on critical vaccinations, raising the risk of disease outbreaks. The war in that country has forced nearly four million people to flee their homes, some heading across the borders into Chad, South Sudan, the Central African Republic, Ethiopia and Egypt.

3-11 August: Five people died in violence caused by a taxi-strike in Cape Town, after the City Council imposed a new procedure to impound taxis involved in breaking city by-laws.

July

28 July: Russian President Vladimir Putin welcomed a delegation from seven African countries, led by South African President Cyril Ramaphosa, to the second Russia-Africa summit in St Petersburg, Russia. However, he did not agree to any policy concessions. Despite pleas from Ramaphosa and the African Union, Russia declined to re-instate the Black Sea grain deal, thereby putting Africa's food security at further risk.

26 July: In another reminder of Europe's waning influence across the Sahel region, soldiers from Niger's presidential guard seized power in a coup and detained the democratically-elected President Mohamed Bazoum. The Economic Community of West African States (ECOWAS) set repeated but shifting deadlines for the military to withdraw and threatened intervention by force to return Bazoum to power. Meanwhile, crowds who demonstrated in support of the coup waved Russian national flags, which happened to be to hand. French disengagement from Mali, Guinea, Burkino Faso and Niger

Source: Rawpixel

has made space for Russian mercenaries across the Sahel.

13 July: International NGO Save the Rhino reported that 16 Southern white rhinos were relocated to the Garamba national park in the Democratic Republic of Congo from the Phinda Private Game reserve in KwaZulu-Natal. The local sub-species of Northern white rhino became extinct more than a decade before after Garamba was beset by massive poaching for rhino horn and became the victim of conflicts within the DRC. The Canadian mining company, Barrick Gold, which operates the Kabila gold mine in north-eastern DRC, funded the rhino relocation.

6 July: The esteemed annual Caine Prize for African Writing, which celebrates the richness and diversity of African literature and recognizes outstanding achievements in African storytelling, announced its 2023 shortlist of five stories selected from a pool of 297 entries from 28 African countries.

2 July: The University of Strasbourg in north-east France began the task of verifying the origins of its collections of human skulls, bones and other remains collected in the aftermath of the genocide in Namibia and atrocities in Tanzania under German colonialist rule. In March, Namibia's Ovaherero Genocide Foundation requested the return of human remains obtained after the massacre of Ovaherero and Nama people by German troops in Namibia between 1904 and 1907. This followed a request by Tanzania in January 2020 seeking the restitution of remains belonging to the Wachagga people from around Mount Kilimanjaro whose leaders were killed after resisting colonial rule.

JUNE

Source: Rawpixel

27 June: An authoritative report, "Architects of Terror: The Wagner Group's Blueprint for State Capture in the Central African Republic", published details on how the Russian mercenary Wagner Group has co-opted the President of the Central African Republic, Faustin-Archange Touadéra, amassed military power and created a complex network of operations to plunder natural resources. Describing this as "a truly new kind of ultraviolent colonialism", the report stated: "Soldiers and militiamen report Wagner training in ultraviolent techniques, including how to cut fingers and legs, remove nails, strangle, throw fuel and burn people alive." Over 500 footnotes and many on-the-ground interviews backed up this report, which was published by The Sentry, an investigative and policy organisation that investigates multinational groups that benefit from violent conflict and repression.

16-17 June: Representatives from seven African countries, led by South African President Cyril Ramaphosa, visited Kyiv to meet with Ukrainian President Zelensky and then Moscow and Russian President Putin to try to broker an end to the Ukraine-Russia conflict. A 10-step peace plan stressed the importance of territorial sovereignty, de-escalation and security guarantees for all parties.

Editor's note: From 4 to 6 September more than 13,000 delegates attended Africa's first climate summit, which was held at the Kenya International Convention Centre in Nairobi. *New Agenda* had writers at the summit to record the historic moment and review and assess some of the arguments and assessments placed on record. These will be published in our next issue, which will be a Special Edition on climate change, with the focus on Africa, which has the least responsibility for the crisis, yet is probably most vulnerable to its impacts. Co-hosted by the African Union Commission and Kenya, the summit was pitched as a moment to unify Africa's position on key climate and finance issues ahead of the COP28 climate talks in December 2023. NA

Food systems approach

Reversing the trajectory of food insecurity in Africa

By Amiena Bayat, Claire Quinn, Julian May and Hemish Govera

Professor Amiena Bayat is Associate Professor of Economics at the Institute for Social Development (ISD), University of the Western Cape (UWC). She is a research fellow with Food Systems Research Network for Africa (FSNet-Africa) researching food systems in Africa.

Professor Claire Quinn is a Professor in Natural Resource Management at the Sustainability Research Institute at the University of Leeds. She is an Environmental Social Scientist with over 20 years of experience working on interdisciplinary projects in Africa, Europe and Asia. Her research advances understanding of social-ecological systems and focuses on (i) smallholder livelihood vulnerability, adaptation and resilience and (ii) knowledge and governance for climate-smart agriculture.

Professor Julian May is the director of the DSI-NRF Centre of Excellence in Food Security (CoE-FS) and holds the UNESCO Chair in African Food Systems. His current research focuses on food security, childhood deprivation and malnutrition.

Dr Hemish Govera is a development practitioner and researcher whose goal is to engage in the challenge of poverty alleviation and the development of sustainable livelihoods in Africa.

A goal of the United Nations is to end hunger by 2030 but diverse factors, including global warming, conflict and now the war in Ukraine, place that ambition in jeopardy. AMIENA BAYAT, CLAIRE QUINN, JULIAN MAY and HEMISH GOVERA argue that the world can end hunger in Africa if it takes proper note of the framework of the African food systems approach.

Introduction

The 17 Global Goals that make up the 2030 Agenda for Sustainable Development includes the goal to end world hunger by 2030. Sustainable Development Goal (SDG) 2 aims to ensure that everyone has access to enough food that is nutrient-rich throughout the year by 2030, particularly children and the most vulnerable sections of society. The 2030 target to end world hunger, however, is under threat due to a number of issues, including resource shortages, food insecurity, obesity, malnutrition, climate crisis, inequality, conflicts and environmental degradation. These developments will have an adverse effect on food systems, which are predicted to deteriorate, made worse by the conflict in Ukraine (Global Report on Food Crises, 2022).

Food security is a condition in which everyone has physical, social and financial access to enough safe, wholesome food that satisfies their nutritional needs and food preferences so that they can lead active, healthy lives at all times (FAO, 1996). Food security also emphasises the significance of eating a balanced diet (Battersby, 2022; FAO, 2004). Three variables affect food security i.e. whether the geographical region produces enough food to feed its population; whether the food supply is steady and able to withstand risks such

> **… the food systems approach takes a more comprehensive approach to agricultural production and offers a framework for understanding how food system changes relate to food security and the environment.**

as droughts; and whether people are able to access food both physically and financially (Johns Hopkins Center for a Liveable Future, 2016).

Food availability refers to supply-side factors and is determined by *inter alia* stock positions, rates of food production and trade performance. People's access to food considers the economic and physical aspects of the demand side and is concerned with incomes, expenditure, markets and prices. Utilisation deals with food preferences, the quality and safety of diets, and the intra-household distribution of food. The stability of these factors over time and vulnerability to their fluctuations are also important. The stability dimension includes risks and shocks arising from climate change, political instability, economic conditions and pandemics (FSNet-Africa, 2021).

In 2020, the High-Level Panel of Experts of the UN's Food and Agriculture Organization (FAO) proposed adding two further dimensions: agency and sustainability. Agency refers to the capacity of individuals and groups to make their voices heard and make decisions about their food systems. Sustainability refers to the long-term viability of the ecological and social bases of food systems (Clapp *et al.*, 2022). If due attention is not paid to all six dimensions, food security cannot be achieved (Battersby, 2022).

A food system can be defined as the process that turns natural and human-made resources and inputs into food (Pinstrup-Andersen, 2007). It is the result of all of the activities and interactions that take place along the entire food value chain, which includes the provision of inputs, the production of agricultural products, transportation, processing, retail, wholesale, and food preparation, as well as consumption and disposal (Bendjebbar and Bricas, 2019). Although each food system functions differently, the majority have some of the same fundamental production, processing, distribution, consumption and waste management procedures. Along with ensuring food security and nutrition, food systems also need to have a positive impact on the environment and the socioeconomic system.

This article highlights the African food systems approach as a conceptual framework to identify and formulate transformative interventions to mitigate food system crises which pose significant current and future risks and challenges for food security in South Africa and Africa as a whole.

Food insecurity in Africa

According to the British Red Cross (2022), Africa is facing a food crisis that could see 146 million people go hungry due to various enduring reasons. In Africa, food availability is at risk from population increase, soil degradation, conflict, deforestation and urban sprawl which crowds out productive land and limits opportunities to extend cropped areas. When combined, these factors significantly increase the vulnerability of food systems, which impacts food access, availability, use and stability placing millions of people at risk of extreme hunger. Food safety is a major concern: a third of world deaths attributable to food safety are in Africa (Bendjebbar and Bricas, 2019).

Conflicts have a detrimental impact on food security. In 2017, conflict and disasters displaced an additional 30.6 million people, which affected the food security of 143 African nations and territories. One impact of conflict is stunting, which affects 34% of children under the age of five in countries ›› affected by conflicts compared to 20% of all children of that age in non-conflict countries (Bendjebbar and Bricas, 2019).

In South Africa, households are also facing a food insecurity crisis (Battersby, 2022). According to Statistics South Africa (2022), the percentage of South Africa's population impacted by moderate food insecurity and the number of people categorised as seriously food insecure was 10.1 million (17.3%), while the number of people with severe food insecurity was 4.1 million (7%) in 2019. Abrahams (2022) concurred that food insecurity is a result of income and affordability levels, with roughly 55.5% of South African households living below the upper bound poverty line in a state of food insecurity.

Food insecurity was exacerbated by the Covid-19 pandemic, which induced lockdowns that significantly disrupted food supply chains and resulted in the loss of lives and revenue. Data from Statistics South Africa (2020) state that around 23.6% of South Africans faced moderate to severe food insecurity in 2020 as a result of Covid-19, while approximately 14.9% experienced severe food insecurity. The pandemic has seriously hindered efforts to achieve South Africa's National Development Plan (NDP) and the SDGs aim of eliminating hunger by 2030 (Statistics South Africa, 2020).

The food systems approach

Food systems differ across multiple dimensions according to how food production, distribution and consumption activities are defined with regard to their impact on the environment, societies and economies. The food systems approach takes a more comprehensive approach to agricultural production and offers a framework for understanding how food system changes relate to food security and the environment. The approach considers the various components of the food system as well as the connections between them. It looks at all activities connected to food production, processing, distribution and consumption on the one hand, and the outcomes of these activities in terms of food security (including nutrition), socioeconomic factors (income, employment) and the environment (biodiversity, climate) on the other. Systems thinking is distinguished by its view of behaviour as an interaction between subsystems in which feedback plays a crucial role, as opposed to a straightforward chain of cause-and-effect interactions. The method emphasises the connections between the many components of the food system and the results of systemic actions in terms of socioeconomics, the environment and climate (FSNet-Africa, 2021).

This sets system thinking apart from other techniques where interventions are frequently created to make the most use of the available resources (natural resources, labour, capital). In order to increase efficiency and profitability, this typically entails using technical breakthroughs across companies, industries and/or chains (Van Berkum *et al.*, 2018).

Other approaches analyse the effects of interventions on the environment (CO_2 emissions), the market (prices, incomes) linked to natural resource depletion, whilst not considering feedback from the ecosystem and/or socioeconomic system for the farm, industry or chain. Food systems thinking provides a chance to add feedback from outcomes outside of those that directly relate to food production and consumption when analysing the results of policy actions. This way of thinking "steps back" from the scene of the intervention (Van Berkum *et al.*, 2018).

Additionally, the food system approach emphasises policy directions that affect the food production system rather than just the value chain (Van Berkum *et al.*, 2018). In some situations, strategies for tackling food and nutrition security have placed an undue emphasis on agriculture, portraying the problem as the result of weak production, market imperfections or poor governance.

With the emphasis on boosting food production, bridging yield gaps to increase availability and reducing costs and wastage to promote access, the utilisation and stability dimensions as well as the agency of food system players run the risk of being overlooked. It may also deflect attention from factors that contribute to food security but are unrelated to the food system, such as inequality, poverty and prejudice. These cannot be addressed by traditional food and nutrition policies and necessitate an integrated, intersectoral strategy. The holistic food systems approach is a better analytical model than a strategy that merely takes the production component into account (Van Berkum *et al.*, 2018).

FSNet-Africa's approach to the African food system

The Food Systems Research Network for Africa (FSNet-Africa) is a collaboration between the University of Pretoria (UP) – which is host of the African Research Universities Association's (ARUA's) Centre of Excellence in Sustainable Food Systems – the University of Leeds (UoL) and the Food, Agriculture and Natural Resources Policy Analysis Network (FANRPAN). FSNet-Africa's research on African food systems is based on its "Framework for Researching African Food Systems" project, which aims to strengthen the analytical capabilities of food systems researchers through a structured programme of research leadership development. The project presented a conceptual outline of the definitions, components of, and linkages within, the African food systems. It drew on several levels in the operation of food systems and their dynamics and explored the characteristics and challenges confronting the food systems in Africa using the Economic Commission for

Africa's (ECA's) evidence base.

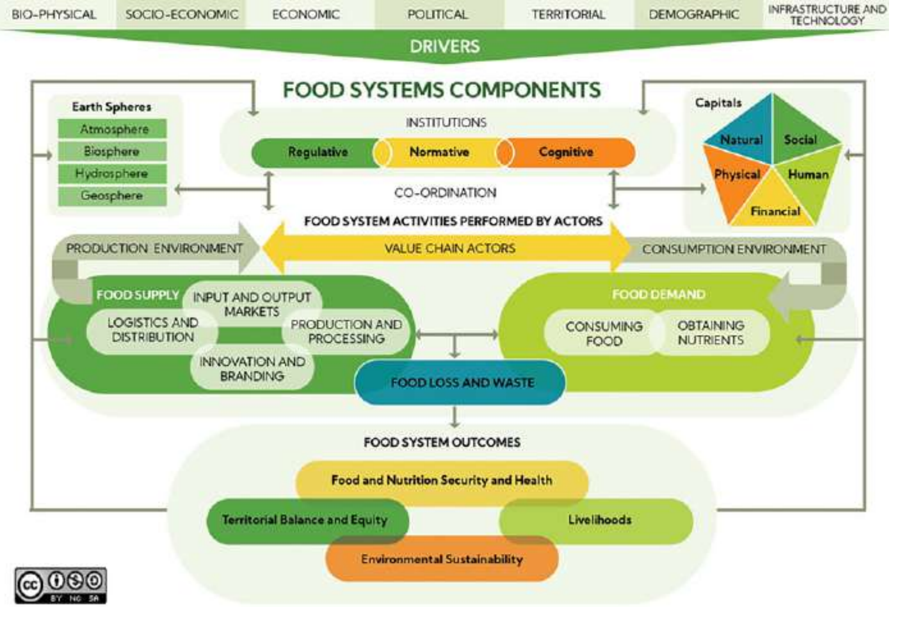
In mapping African food systems, the primary drivers influencing food systems in low-income nations fall into seven groups: bio-physical and environmental; socioeconomic; economic; territorial; demographic; infrastructure and technology; and political and governance.

Bio-physical and territorial drivers refer to the availability, pollution and climate with regard to natural resources that shape the production side of food production. Examples of demographic drivers include population expansion, urban crawl and population displacement. These factors have a significant impact on food demand with regard to quantity required, type and quality of food consumed and the context in which food is produced. Innovations in technology and infrastructure are crucial factors in the food system influencing both supply and demand. Social traditions, education, health, values and identity are all examples of socio-cultural drivers. They also include culture, religion and rituals. By affecting lifestyles, social norms, attitudes and cultures with regard to food, these have an impact on diets and the food environment. Political factors include government, laws, conflicts and humanitarian crises, which also have an impact on many factors affecting food systems (Bendjebbar and Bricas, 2019).

The framework considers the dynamics of growth and development in a particular environment (nation, region, livelihood zone or sub-national district), modifications to infrastructure and technologies, drivers of power and governance at local, national and international levels, socioeconomic characteristics such as skills and patriarchy, and demographic changes such as health systems and the effects of global pandemics (Van Berkum *et al.*, 2018).

The figure that follows outlines and maps the components of the

FSNet-Africa's framework for mapping African food systems



Source: FSNet-Africa (2021) as adapted from Brunori, et al. (2015)

African food system and their relationships. The factors shaping both food demand and supply are illustrated at the top of the diagram.

The analytical framework depicted in the figure includes the institutions, values and cultures that influence preferences and choices in the food system, along with the capitals (combinations of financial, natural, physical, human and social assets used to produce or acquire food), the biological and ecological realms available to the system and the activities carried out by the various actors in the system. The principle of "farm to fork" is present, with food waste and loss occurring at each stage. These activities of a food system may be organised as value chains that are short (low-input subsistence farmer to her family) or long (agro-chemical company to urban consumer via industrialised farms and multinational retail corporations) (Van Berkum *et al.*, 2018).

The food system impacts on three conditions/goals essential for human existence and has the potential to guide policies that address all three objectives: security of access to food and nutrition; rural and urban livelihoods, and specifically rural development; and environmental sustainability.

The conceptual framework proposes capitals that are relevant to food systems, including political and cultural capitals. Recently digital capital has been identified as a potential new asset that brings together access and use of information and communication technologies (FSNet-Africa, 2021).

The model also focuses attention on the interconnected components of the physical environment within which a specific food system operates and includes the atmosphere, hydrosphere, biosphere and lithosphere (Van Berkum *et al.*, 2018).

The environment in which food is produced, the environment in which it is consumed, the value chains connecting them, and the waste that occurs are all parts of the food system. When these components are analysed, supply-oriented assessments that concentrate on increasing food production in the face of demographic and climatic pressures may be included. The value chain, which connects supply (production) and demand (consumption), is the subject of midstream-oriented analysis. Here, better institutions and markets as well as lower transaction costs and risks are the keys to improving performance. Demand-oriented strategies place special emphasis on consumer behaviour, food access and cost, and balanced diets. Last but not least, system-wide approaches focus on developing responsive, adaptable food systems through better governance to resolve trade-offs and make use of synergies (Van Berkum *et al.*, 2018).

Social institutions are acknowledged as being a part of the food system, although only being tangentially related to food demand/production and food supply/consumption. Instead of organisational structures, institutions in this case are the official and informal rules that govern behaviour. The Framework for Researching African Food Systems identifies these as regulative, normative and cognitive establishments. Regulative institutions refer to public sector conventions, policies and procedures. Normative institutions are not as formal as regulative institutions and are morally controlled. Cognitive institutions guide what is culturally or conceptually acceptable to actors and include priorities, problem agendas, beliefs, paradigms, models of reality and language (Van Berkum *et al.*, 2018).

The Framework's objective was to critically translate evidence generated from the research findings into policy solutions that are feasible and practical interventions aimed at supporting the attainment of Africa's SDGs. The achievement of the SDGs is viewed as the primary transformative function of the African food system. That is the scope of the transformation's paths for institutional, social and environmental change, as well as its sustained elimination of famine and universal access to affordable, safe, healthy and nourishing food (SDG 2). This idea emphasises the potential for food systems to improve inclusive and fair livelihood options towards eradicating poverty (SDGs 1, 8 and 10). As a result, dismal developments could result in loss of livelihoods, especially for the most vulnerable individuals, hence escalating inequality and environmental devastation. The realisation of SDGs 12, 14 and 15 depends on the reparative effects of food systems transition on biodiversity and natural resources. Increased resilience and adaptation to risks and shocks at all levels are essential for addressing the challenge of climate change (SDG 13). Promoting demand restraint (i.e. encouraging consumers to choose fewer items of higher nutritional quality over more items of lower quality) and improving governance, coordination, accountability and stakeholder agency are other methods to realise transformative paths (FSNet-Africa, 2021).

Regarding African food systems, the continent comprises diverse food cultures and food environments owing to its heterogeneity, with over 2,000 languages and 3,000 ethnic groups across 54 countries. As a result, the biosphere, the globalising political economy and the globalisation of culture are all included in the global food regime, which includes the drivers and mechanisms of a food system. However, the concept of African food systems acknowledges, among other things, the common history of colonialism and underdevelopment and its detrimental effects on Africa's integration into the global food system and the investments, international partnerships and laws made under the auspices of pan-African governance and institutional experiments, such as the African Union (AU) and ARUA. Other examples include the growing integration of African nations as trading partners, investors, farmers, workers and consumers, which is prioritised by programmes such as the Africa Continental Free Trade Area (AfCFTA) and the shared understanding of the opportunities and challenges that face African governments and citizens as well as how to address them, as encapsulated by Agenda 2063, the Comprehensive Africa Agriculture Development Programme (CAADP) and the One Africa Voice initiative (FSNet-Africa, 2021).

Developments in the African food system indicate a declining employment and agricultural share as well as a slow performance when compared to other regions. The environment for producing food on a worldwide scale has evolved from family farms to industrialised commodity production and ultra-processing (sold through fresh produce marketplaces and small businesses). Food consumption based on mass distribution, globalised trade, etc. are further characteristics of this. Similar structural change is taking place in Africa, and it has improved overall wellbeing while reducing rural poverty (FSNet-Africa, 2021).

However, those who work in the food industry are disproportionately affected by poverty, hunger and significant food insecurity. Unfortunately, smallholder farmers have diminishing access to land and receive inadequate compensation as a result of the current trends of capital-intensive, industrialised and large-scale commercial and farmland consolidation. Insecure employment on industrial farms and rural-to-urban migration in pursuit of employment prospects are other detrimental effects. Small-scale enterprises, insufficient utilisation of non-organic inputs and technology, condensed local supply chains and spot-exchange-based market transactions are the main characteristics of many African food systems. However, 60% of the world's uncultivated arable land is found in Africa, with only 8%

of this land area being used for crop production, while its people are overly reliant on agriculture for a living (FSNet-Africa, 2021).

The majority of food produced in Africa is produced by small and medium-sized businesses along all value chains, including street vendors in the unorganised sector. This exemplifies how the African food system is represented in context. In spite of this, African food systems and their outcomes are evolving quickly. Over the past three decades, supply linkages between rural and urban areas have grown by 600-800%, which has boosted food availability and accessibility. Between 1990-92 and 2014-16, the prevalence of undernutrition in Africa, which is defined as having insufficient food consumption to meet nutritional energy requirements, decreased from 33% to 23.2% (FSNet-Africa, 2021).

Changes are occurring in all areas of food production and consumption in Africa with regard to the food ecosystems, though the effects on changes in poverty, food and nutrition security, and livelihoods are uneven. African food markets are expected to rise sixfold by 2025, with urban demand for processed staples driving the majority of the growth. Between 2010 and 2040, this is anticipated to increase five to tenfold, having a substantial influence on the continent (FSNet-Africa, 2021).

FSNet-Africa has proposed certain evidence-based interventions that are essential for aiding stakeholders in the food system to make decisions that are well-informed. This calls for "mapping food systems," "mapping the policy landscape" and "understanding paths to the plate" across the priority nations of FSNet-Africa. The many functions of participants in the informal food economy, which are largely disregarded by policy, should receive due consideration. The project highlights the necessity for research into the processes by which better agribusinesses and lucrative jobs are created and lost, and why. It also emphasises the necessity of recalibrating the assistance required by players in the formal and informal food sectors to encourage workforce development, small, medium and microenterprises, and the employment of young people (FSNet-Africa, 2021).

Conclusion

In conclusion, the primary trends influencing African food systems and economies include rapid urbanisation, rising incomes and a growing middle class. These trends work in concert to affect consumer demand and alter consumer lifestyles, tastes and choices. Trends in the supply of staples and increased processed food consumption have westernised African food supply systems and altered the makeup of the labour market in terms of the shares of non-agricultural jobs in country regions. In the same way structural transformation patterns have been reinforced. Building resilient food systems that can withstand risks of climate change and safeguarding the livelihoods of underprivileged and marginalised food stakeholders are among the challenges facing African food systems. Therefore, improved sector governance and integrated African food systems are crucial to the viability of changing to sustainable food systems in Africa. The territorial balance between urban and rural areas, as well as across administrative and related boundaries, should serve as the basis for this.

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Land beneficiaries need support

Reform process fails to fill this development gap

By Siphe Zantsi

Dr Siphe Zantsi is a research fellow in the Department of Agricultural Economics and Extension at the University of Fort Hare. His PhD thesis is on South African land redistribution and he has published widely on the subject. He previously worked for Agroscope (a Swiss agricultural research institute) and for the University of Johannesburg as a researcher.

After nearly three decades of attempts at the implementation of post-apartheid land reform neither the implementers nor the citizens are satisfied with the progress thus far. Among the numerous reasons given to account for the poor progress is the lack of adequate and quality post-settlement support for the beneficiaries. SIPHE ZANTSI unpacks these deficiencies in the existing support system for land reform beneficiaries and suggests improvements.

Introduction

Land reform is one of the most controversial topics in South Africa's policy and political space. Equitable land redistribution accompanied by equal access to economic resources for a wider range of population groups can have a positive impact on poverty reduction and economic growth (Deininger *et al.*, 2009). However, one of the prerequisites to achieve this is well-structured high-quality post-settlement support. Unfortunately, this seems to be lacking in the implementation of South African land redistribution policy. What then constitutes well-coordinated support, what form will it take – and why does it matter?

What is effective and efficient beneficiary support?

Denison *et al.*, (2009) Aliber, (2019) and Vink & Kirsten, (2019) suggest that a successful support mechanism should include the following characteristics:

- It should be tailored to meet beneficiaries' needs;
- It should have a clear objective and appropriate design;
- There must be a definite period of support;
- Support must be managed efficiently (mostly independently of the state);
- There should be a single fund for all beneficiary support.

While numerous authors (see Binswanger-Mkhize, 2014; Aliber, 2019; Vink & Kirsten, 2019) have identified the lack of an appropriate funding plan as a crucial deficiency, few detailed alternative suggestions have been documented. Conradie (2019) documented a workable budget for a municipality in the Karoo, but this was too localised to be applied to the country as a whole. The Land Reform Advisory Panel has focused only on how to mobilise funds for financing land reform and not how to use the existing resources efficiently to finance land redistribution.

Why do land reform beneficiaries need to be supported?

Land reform needs to be funded from the public purse because it is an act of correcting past injustices – policies that suppressed other racial groups in favour of the white minority. Land reform beneficiaries tend to be from previously disadvantaged racial groups, are mostly poor and therefore cannot afford to acquire land and finance

> **Land reform needs to be funded from the public purse because it is an act of correcting past injustices.**

production themselves (Binswanger-Mkhize *et al.*, 2009). Section 25(5) of the Constitution places an obligation on the state to "take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis."

How are land reform beneficiaries currently supported?

While there is an array of small-scale agricultural funding programmes, one that specifically targets land reform beneficiaries is the Comprehensive Agricultural Support Programme (CASP). CASP was designed in 2003 following the 1996 release of the recommendations of the Strauss Commission into the provision of rural financial services to provide comprehensive support for small-scale agriculture. It was launched in 2004 in KwaZulu-Natal by Minister of Agriculture Thoko Didiza (Department of Agriculture, 2004). Although CASP initially targeted land reform beneficiaries, support was later extended to other categories of smallholder farmers. CASP served as a one-stop shop for support for emerging farmers, modelled on the Development Bank of Southern Africa as a Financial Services Provider. It aimed to provide the following (Business Enterprises, 2015):

- Information and knowledge management;
- Technical and advisory assistance, and regulatory services;
- Marketing and business development;
- Training and capacity building;
- On- and off-farm infrastructure and production inputs; and
- Financial assistance (as the Micro Agricultural Financial Institutions of South Africa [Mafisa] programme).

CASP plays an important role in supporting land reform beneficiaries but it is haphazard and needs improvement to render adequate and effective high-quality post-settlement support. To achieve this we need to know who the exiting farmers are and their farming operational plans, and also must have some detailed information about the potential land redistribution beneficiaries.

Challenges facing current land reform beneficiary support

Firstly, as resources are severely limited (less than 1% of the country's budget is allocated to land reform every year by the National Treasury), prioritisation and strategic budgeting are key. Groenewald (2004:679) states, "successful management and execution of the programme will be dependent on the identification of priorities".

Secondly, one of the flaws of South African land reform is that the budget allocated is not aligned with planning (Aliber, 2019). It is difficult to estimate the extent to which emerging farmers can be financed from the limited funding allocation as there is little data and information available on the number of emerging farmers and how much financial support each would need from the available budget for land reform.

Thirdly, Aliber (2019) has underscored the lack of a definite funding period for post-settlement support. Currently, there is no specified period of support for each beneficiary and they could be supported indefinitely. Sometimes the government supports the same beneficiaries at the expense of others, which is unfair and inefficient. Given that less than 1% of the nation's annual budget is dedicated to this process, fair and efficient distribution of funding is essential. Much more could be achieved if each beneficiary is funded for a specific period.

Fourthly, there is a top-down approach in determining what inputs » and machinery beneficiaries need and how much they should get. One of the consequences of this approach is that the development of management skills among beneficiaries is not encouraged. In an independent assessment of CASP, Business Enterprises (2015) has recommended a one-stop shop for land redistribution beneficiary support. Vink and Kirsten (2019) have also recommended "tightly coordinated support for land reform beneficiaries".

The existing funding approach assumes that all emerging farmers require the same amount of support. Support is allocated when beneficiaries have already been allocated farms. Funds are not allowed to be released earlier, which delays support. If such data could be captured from the exiting commercial farmers (with regard to farms that are bought by the government for land redistribution), data for the production capacity of these farms could be used to determine the production costs facing the new emerging farmers. This is similar to the way that the production plans of the redistributed farm have been provided to the new owners (see Anseeuw & Mathebula, 2008:44). The costs of purchasing farms could also be worked out beforehand for planning purposes, for each farm type, e.g. grazing land, irrigated arable land, using the guideline provided in Middelberg (2014).

How can support be improved?

Firstly, prior planning and budgeting is key to effective and efficient post-settlement support. Detailed surveys of potential land reform beneficiaries have indicated that not all beneficiaries require the same type of support. Some beneficiaries need operational support to cover production costs while others need only access to land. If the government could embrace the different kinds of support required by emerging farmers, funds would be allocated to those in need more efficiently.

Further, a five-year funding period seems sensible. This has been the practice in previous related programmes, for example the Massive Food Production Programme that aimed to commercialise smallholder maize farmers in the Eastern Cape (see Tregurtha, 2009). This would ensure that each beneficiary is given a fair chance to become a successful farmer. It should be accompanied by proper record keeping and a database of supported beneficiaries could be established, which could be published to avoid double dipping. This would address the problem of government resources on land reform support being channelled to the same beneficiaries (Mtero *et al.*, 2023).

Moreover, a one-stop shop funding system should be designed, where both land acquisition and production support are issued in the form of vouchers to be used in agricultural retail stores. This could be categorised into input and machinery vouchers. In addition, beneficiaries could be given limited amounts of cash to pay labourers.

Finally, a database of all land reform matters and beneficiaries, recording the acquired land, redistributed land and the supported beneficiaries, will go a long way to ensuring efficient and effective support. This could be developed and managed by the Land Reform and Agricultural Development Agency, proposed by President Cyril Ramaphosa in his 2021 State of the Nation Address. Kirsten and Sihlobo (2021) echoed this view, saying such an agency would ideally bring about national coordination, reduce red tape and provide a one-stop shop to lodge issues arising from decentralised redistribution of agricultural land. To be effective and efficient more attention must be paid to record-keeping and transparency.

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Optimising taxation strategies for South Africa's minibus taxi industry

By Jane Ndlovu

Jane Ndlovu is a Senior Lecturer, specialising in taxation, at the School of Accountancy, University of the Witwatersrand.

South Africa's minibus taxi industry has long courted controversy, most recently in Cape Town where a taxi strike in August 2023 erupted into violence. That said, it's a highly successful black-owned sector that plays a pivotal role in commuter transport. JANE NDLOVU argues that it could make a constructive contribution to transformation, particularly in the lives of its customers, if it was subject to a taxation regime. She looks at a successful model in Tanzania to see if it could be applied in South Africa.

The South African minibus taxi industry has been a remarkable success story, starting as a niche service in the late 1970s to meet the needs of an emerging urban African workforce, and growing into a critical component of South Africa's public transportation system (Fobosi, 2013; Fourie, 2005). Despite its troubled past as a piracy industry during the apartheid regime, the South African minibus taxi industry has emerged as one of the most successful black-owned enterprises in the country (Molobela, 2021). According to records from the South African National Taxi Council (Santaco), there are more than 200,000 minibus taxis operating in the country (Vegter, 2020).

Statistics published by Statistics South Africa (SSA) indicate these minibus taxis have become the backbone of South Africa's public transportation sector. In 2020, the SSA published a report titled *National Households Travel Survey 2020 Statistical Release P0320* which revealed that minibus taxis account for a staggering 80.2% of the 4.7 million daily public transportation trips made in the country (Statistics South Africa, 2020). This showed an increase from the same survey conducted in 2013 which found that taxis accounted for 67.6% of the 5.4 million daily public transportation trips (Statistics South Africa, 2020; Vegter, 2020).

The 2022 *National Household Travel Survey Gauteng Transport Profile* published by SSA revealed that minibus taxis continued to be the most frequently used mode of transport across all geographic locales. Over 3.8 million (83.3%) Gauteng residents relied on minibus taxis to reach their destinations (Statistics South Africa, 2022a). In KwaZulu-Natal (KZN) minibus taxis were the transportation of choice for 1.8 million individuals (62.3%) (Statistics South Africa, 2022b). A commanding 77.1% of Western Cape households utilised minibus taxis, outpacing the use of buses and trains, which accounted for 16.3% and 6.5% of households respectively (Statistics South Africa, 2022c). Similar results can be seen in the provincial profiles of all provinces in South Africa, which are publicly available on SSA's website.

Yet, behind the industry's success lies a dark reality of economic inequality and violence, leading researchers to describe the minibus taxi industry as a "precariat society" (Bähre, 2014). According to the Oxford Dictionary, a "precariat society" refers to a social class composed of people experiencing precarious employment that lacks predictability, job security and benefits typically associated

... the South African minibus taxi industry has emerged as one of the most successful black-owned enterprises in the country.

Seat and door in a South African minibus taxi at Taxi Rank ER031 in Mayibuye, Commercia, Midrand, 27 February 2023 (Photo by Ndlovu & Mohale, 2023).

Interior of a South African minibus taxi at Taxi Rank ER031 in Mayibuye, Commercia, Midrand, 27 February 2023 (Photo by Ndlovu & Mohale, 2023).

with full-time employment. For example, taxi owners, taxi drivers and taxi marshals do not sign a contract and do not receive a payslip (Fobosi, 2021). The lack of these affects their ability to obtain financing from banks or to purchase household goods and furniture on credit (Fobosi, 2021).

Apart from unfavourable employment conditions, South Africa's minibus taxi industry has long been plagued by numerous challenges. These include safety concerns, poor service quality and a lack of accountability (Bähre, 2014; Fobosi, 2021). The photographs below illustrate the deplorable condition of some of South Africa's minibus taxis. Despite these conditions, cash-strapped commuters, who are also facing rising food and electricity costs, are forced to pay more for transportation (Khumalo & Lamola, 2022).

Approximately 8% of South Africans view taxi fares as expensive and opt instead to walk to their workplace or educational institution (Statistics South Africa, 2022a), as they cannot afford the cost of a one-way trip, which could range from R23 to R35 (Khumalo & Lamola, 2022). This may amount to R920 to R1,400 for travel during 20 business days in a single month and is nearly double South Africa's food poverty line, which as of December 2022 was calculated by the Pietermaritzburg Economic Justice & Dignity Group's (PMBEJD's) Household Affordability Index to be R663 (*BusinessTech*, 2023). The PMBEJD, which calculates the household food basket of low-income families living in Johannesburg, Cape Town, Durban, Springbok and Pietermaritzburg, estimates that roughly 13.8 million people in South Africa live below the food poverty line of R663 per month (*BusinessTech*, 2023).

The above statistics underscore the severity of the issue, as many individuals are forced to choose between using substandard transportation and meeting their basic nutritional needs. The dire condition of South Africa's minibus taxis is a major concern for commuters, particularly those struggling to make ends meet, and the high cost of transportation is a significant burden, which exacerbates poverty and contributes to the perpetuation of inequality.

Furthermore, SSA reports that in Gauteng there is a significant level of dissatisfaction among households regarding taxi services (Statistics South Africa, 2022a). The primary concerns in the province were the conditions at taxi ranks (63.3%), the behaviour of taxi drivers towards passengers (47.7%) and the perceived lack of safety due to accidents (47.3%). Notably, the cost of taxi fares (39.8%) and the perceived security risk during commutes to and from the taxi rank (37.6%) also fed into this prevalent discontent among Gauteng residents.

Similarly, SSA reported that in KZN a substantial number of households expressed dissatisfaction with the facilities at taxi ranks (61%) and the cost of taxi fares (58.1%) (Statistics South Africa, 2022b). In the Western Cape, SSA reported a high level of dissatisfaction and significant grievances including the excessive crowding inside minibus taxis (40.2%), security concerns while walking to and from taxi ranks (35%) and driver behaviour towards passengers (30.8%) (Statistics South Africa, 2022c).

These issues were major contributors to the widespread dissatisfaction among households concerning minibus taxi services.

Formalisation of the industry

Formalisation of the industry has been suggested as a potential solution to some of these problems. Later this article explores the potential of the Block Management System (BMS) tax collection programme that has been successfully implemented in Tanzania to effectively formalise the industry and improve tax revenue collection in that country, and considers its relevance to South Africa.

According to Fourie (2005), formalisation involves transforming an informal business into a regulated industry. In the case of the minibus taxi industry, formalisation would mean subjecting the industry to government regulations, including the payment of tax. The South African minibus taxi industry's recent contribution to tax revenue is concerning, as it amounted to only R5 million on earnings of R90 billion (National Treasury, 2021).

Formalisation could allow for subsidisation of the industry by the government, which richly subsidises other forms of public transport like buses and trains. State subsidies for taxis could alleviate the cost burden and trickle-down economic effects of fuel prices on commuters.

Ndlovu and Mohale (2022) propose that South Africa should contemplate implementing a tax system tailored specifically to the distinctive characteristics of the minibus taxi industry. They suggest utilising metrics such as the seating capacity or distance covered in lieu of more conventional tax determinants such as taxable income calculated as per the Income Tax Act. They further argue that a standardised tax structure for small, medium and micro-enterprises (SMMEs) may not adequately address the unique aspects of this industry, implying the need for a more specialised and adaptive approach to taxing the minibus taxi industry. Ndlovu and Mohale (2022) further contend that taxing the minibus taxi industry could create an opportunity for the South African government to assist commuters by implementing user-based subsidies.

Formalising the minibus taxi industry could make it more accountable and contribute to increasing tax revenue collection, which may increase government funds available for wealth redistribution. Moreover, government regulation and the possible introduction of minibus taxi subsidies for commuters could increase customer satisfaction. However, as Vegter (2020) points out, many taxi operators resist formalisation because they want to avoid paying taxes. They feel that the significant "bribes" they pay to traffic officials on the roadside to avoid impounding is already a form of tax (Bähre, 2014). The resistance to formalisation poses a significant challenge to the implementation of necessary regulations and the transformation of the industry into a more professional and regulated sector.

Prior (failed) attempts to tax the taxi industry include the Net1 Applied Technology smart card, OmniPay's Electronic Management System, the Taxi Recapitalisation Programme (TRP) and the Integrated Rapid Public Transport Network (IRPTN) programme. These are discussed below.

Prior attempts to formalise the minibus taxi industry

During the late 1990s, South Africa tried to introduce smart cards to be used by minibus taxi operators to collect fares (Aruho *et al.*, 2021; Vegter, 2020). The aim of the implementation of the smart cards was to keep accurate records, by way of bank statements, of minibus taxi revenues so that the South African Revenue Service (SARS) could effectively tax the industry (Aruho *et al.*, 2021; Vegter, 2020). The smart cards were rolled out in parts of Pretoria (Tshwane) during August 1999 and the system was implemented by Net1 Applied Technology (Aplitec) at a cost of R13 million and facilitated by the South African Local and Long-Distance Taxi Association (SALLDTA) (Vegter, 2020). However, violence between SALLDTA and the Federated Long Distance Taxi Association (FELDTA) resulted in the deaths of 15 people (Vegter, 2020). A major reason for opposition to the card system raised by minibus taxi drivers was that they no longer had petty cash on hand to purchase lunch and pay for other daytime operating expenses (Gifford, 1999). Owing to the ensuing violence, the card system was abolished by the South African government in October 1999 (Vegter, 2020). The programme lasted for only three months.

In 2005, Santaco unsuccessfully attempted to implement a similar system, referred to as OmniPay's Electronic Management System, which would also allow passengers to access medical and funeral insurance (Vegter, 2020). Another stillborn project during 2005 was the attempt by Prism Holdings to partner with Taxifone to develop a payphone that incorporated the cashless smart card technology (Vegter, 2020). From 2007 to 2010 there were other attempts to launch integrated cashless ticketing systems, but these projects never materialised (Du Toit, 2007; Vegter, 2020).

Another formalisation attempt was the strategy devised by the government to recapitalise and restructure the industry by introducing the TRP in 1999 followed by the Revised TRP in 2019 (Fobosi, 2013; Vegter, 2020). Under the Revised TRP, the government would pay taxi operators between R45,000 and R91,900 to replace the between 100,000 and 135,894 older, unsafe Toyota Siyaya taxis. This "scrapping allowance" would be used as a deposit for the purchase of new minibus taxis such as the Toyota Quantum (Bähre, 2014). Most minibus taxi operators were left with a cash shortfall of up to R200,000 due to the high cost of the Toyota Quantum compared to the Toyota Siyaya (Bähre, 2014). This required credit extension

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Taxing the minibus taxi industry could create an opportunity for the SA government to assist commuters by implementing user-based subsidies.

arrangements, often in the form of bank loans (Bähre, 2014; Kgatla, 2016). Since most banks and financial institutions require a tax reference number before providing a loan (Naicker & Rajaram, 2019) financial formalisation in the form of tax registration was of utmost importance for receiving the support under the Revised TRP (Venter, 2013). The TRP and Revised TRP resulted in protest marches, blockades, intimidation and violence (Magubane, 2003; Vegter, 2020).

In 2006, the South African Department of Transport introduced the IRPTN programme worth R14.5 billion as an alternative to the TRP for taxing the minibus taxi industry. By 2007, the Bus Rapid Transit (BRT) system was initiated as part of the IRPTN programme (Schalekamp & Klopp, 2018; Venter, 2013). The BRT system – which was implemented regionally by several metros – aimed to remove unroadworthy taxis from competitive routes and required minibus taxi operators to form a bus company in which they would hold a share (McCaul, 2009; Venter, 2013). Again, the government compensated the industry for transitioning to the new bus company, which was now tax compliant, and an income tax number was automatically assigned by SARS upon registration with the Companies and Intellectual Property Commission (CIPC) (SARS, 2021).

The industry’s opposition posed a significant challenge to the implementation of the BRT system (McCaul, 2009). A criticism of the BRT system was that the government “allegedly” did not consult the minibus taxi drivers (who operate at the bottom of the hierarchy) but instead formed Santaco (at the top), which promoted the implementation of the BRT system, despite the threat of 40,000 minibus taxi drivers losing their jobs (Vegter, 2020). To demonstrate their resistance to the BRT system, several minibus taxi drivers participated in protest marches and blockades and some resorted to intimidation and/or violence (Bähre, 2014). Minibus taxi commuters were also dissatisfied with the implementation of the BRT system as the cost to replace minibus taxis was passed onto and absorbed by them (Vegter, 2020).

The BRT system's success has been hampered by the continued presence of unroadworthy taxis in the public transportation system (Mamabolo & Sebola, 2018). Despite the above challenges, the BRT system remains operational in Cape Town (the MyCiti bus system), Johannesburg (the Rea Vaya bus system), and Tshwane (A Re Yeng bus system) (Schalekamp & Klopp, 2018). While the success of the BRT system is debatable, there is still more that can be done to enhance formalisation of the industry.

What is the Block Management System (BMS)?

This article explores the potential of the (BMS) tax collection programme, which has been successfully implemented in Tanzania, as a way to address the shortcomings in the formalisation of the minibus taxi industry in South Africa by improving tax revenue collection from the industry. This systematic literature review examines the effectiveness of the BMS in Tanzania and its relevance to the South African context.

Case study: Tanzania

In 2005, the Tanzania Revenue Authority (TRA) introduced the BMS to improve the administration of presumptive tax and enhance the efficiency and effectiveness of SMME taxation in Tanzania (African Tax Administration Forum, 2014; Dube & Casale, 2016; George & Olan'g, 2020). The diversity of SMMEs presented significant challenges to Tanzania's tax administration and system (African Tax Administration Forum, 2014; George & Olan'g, 2020). The key challenges identified by the African Tax Administration Forum (2014) are discussed below.

First, there is a pervasive issue of inadequate compliance management in conjunction with a tradition of non-compliance among SMMEs, a problem that becomes more pronounced due to inconsistent trading activities and patterns. Second, reliable and credible registration of taxpayers often encounters obstacles due to difficulties in accurate identification. Third, the inherent complexity of tax laws, regulations and procedures, a widespread knowledge gap, and lack of sufficient assistance are strong disincentives to tax compliance. Moreover, the rapid expansion of the *underground economy* and the rise of innovative tax evasion strategies employed by some SMMEs add to the predicament. The situation is also worsened by poor record-keeping or a complete absence of records among some SMMEs. Lastly, the focus of current tax administration reforms is primarily on large taxpayers, leaving a significant gap in the design and implementation of compliance strategies specifically intended for SMMEs (African Tax Administration Forum, 2014).

How did the BMS solve the issues related to taxing SMMEs?

The BMS was designed to combat tax evasion by registering all SMMEs and collecting essential tax data on their economic activities (Fjeldstad & Heggstad, 2012; George & Olan'g, 2020; Kgatla, 2016). By implementing the BMS, the TRA was able to address compliance management challenges and simplify the taxation of SMMEs, ensuring their compliance with the law and effective contribution to the government's revenue (African Tax Administration Forum, 2014; Kgatla, 2016).

The BMS utilises a territorial approach by dividing economic concentrations into local segments based on their geographic location or administrative structure, often by clustering a few streets together (Fjeldstad & Heggstad, 2012; Rono, 2020). The first step in the BMS is to identify and map the regions in which SMME taxpayers operate and conduct their business (Fjeldstad & Heggstad, 2012; Chalu & Mzee, 2018). Local authorities and business organisations that collect levies and fees on behalf of SMMEs, as well as those that have knowledge of their locations, are involved in the process. This enables the TRA to exchange data with local government entities about the location and composition of SMMEs (African Tax Administration Forum, 2014).

The BMS is not a separate tax system (African Tax Administration Forum, 2014). It covers a range of taxes, including corporate income tax, personal income tax, withholding taxes, value-added tax (VAT) and employment taxes. Each local territory or segment, known as a "block", is responsible for registering, assessing, collecting and accounting for taxes received (African Tax Administration Forum, 2014; Dube & Casale, 2016; Fjeldstad & Heggstad, 2012). To ensure effective management, each block is overseen by a leader who reports to an assistant manager, with assistants assigned to specific tasks (African Tax Administration Forum, 2014). Each block is required to provide regular reports with updates on its activities, and performance targets are used to evaluate its performance against predetermined benchmarks and deadlines (African Tax Administration Forum, 2014; Fjeldstad & Heggstad, 2012). To manage the system, each block is staffed by an accountant, collection assessor, and registration clerk (Fjeldstad & Heggstad, 2012), and TRA officers rotate between the blocks they periodically supervise (African Tax Administration Forum, 2014; Dube & Casale, 2016; Fjeldstad & Heggstad, 2012) to ensure accountability and oversight.

The BMS employs various measures to ensure the effective monitoring and enforcement of tax compliance by SMME taxpayers. One such measure ➤➤

> **Yet, behind the industry's success lies a dark reality of economic inequality and violence ...**

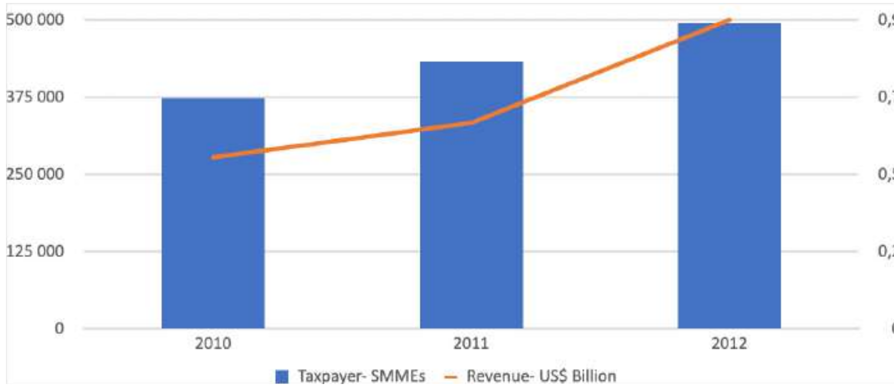
involves conducting field surveys, which entail officers visiting taxpayers' homes and business premises to update their personal and commercial information, identify late and absent filers, educate taxpayers, conduct audits and enforce tax laws (African Tax Administration Forum, 2014; Kgatla, 2016). These visits are documented in the block surveillance register, which tracks all relevant information before and after the officer performs these duties. To aid record-keeping, each block also maintains a register of all pertinent information for all taxpayers, including assessments received by each block taxpayer (African Tax Administration Forum, 2014; Kgatla, 2016). By employing these measures, the BMS ensures that SMME taxpayers comply with tax laws and contribute effectively to government revenue.

The effectiveness of the BMS in Tanzania

The implementation of the BMS has been highly effective in achieving its goals, as evidenced by its positive impact on SMME taxpayers' compliance with their tax obligations (Kgatla, 2016; Chalu & Mzee, 2018; Rono, 2020). This success is demonstrated by a significant increase in revenue yield and taxpayer numbers, as well as improved monitoring and cooperation with local authorities, resulting in a greater number of businesses registering and paying taxes (Chalu & Mzee, 2018; Rono, 2020).

The success of the BMS in achieving its revenue targets is evident in the figure above, which shows a clear upward trend in revenue collection following the implementation of the system. Overall, the BMS has proven to be an effective tool in increasing tax compliance among SMMEs and achieving revenue targets in various countries.

Figure 1: Performance indicators of the BMS implemented in Tanzania



Source: Adapted from African Tax Administration Forum (2014)

Figure 1 indicates that the number of SMME taxpayers increased from 372,600 in 2010 to 432,012 in 2011, and then to 493,714 in 2012. With the increase in SMME taxpayers, tax revenue collection also increased, from US$500 million in 2010 to US$600 million in 2011 and US$900 million in 2012 (African Tax Administration Forum, 2014; Kgatla, 2016).

The BMS has been particularly successful in improving the administration of presumptive taxes, with the number of presumptive taxpayers increasing from 199,448 in 2005-2006 to 376,673 in 2009-2010 (Dube & Casale, 2016). Additionally, the BMS has been instrumental in reaching previously unreached taxpayers, as evidenced by the 16%, 43% and 41% of newly registered businesses in the 2006-2007, 2007-2008 and 2008-2009 assessment years respectively (Fjeldstad & Heggstad, 2012; Dube & Casale, 2016). In 2015-2016, Tanzania had 2.2 million registered taxpayers (National Bureau of Statistics, 2021). By 2020-2021, Tanzania had 4.107 million registered taxpayers which was a 29.1% increase from the 3.181 million registered taxpayers in 2019-2020 (National Bureau of Statistics, 2021).

Other African countries have also been inspired by the success of the BMS. For instance, the Zimbabwe Revenue Authority (ZIMRA) adopted BMS with effect from 1 January 2023 (Zhakata, 2023). Zambia, Malawi, Kenya, Rwanda, Mauritius and Uganda have also implemented the BMS after seeing its success in Tanzania (Chalu & Mzee, 2018; Rono, 2020).

Recommendations for taxing the minibus taxi industry

To enhance tax collection from the minibus taxi industry, the South African National Treasury may consider implementing a BMS designed specifically for this industry. Similar to Tanzania's implementation, a block would be a sectorial activity or corporate entity; in this instance a block could be developed for each taxi association, such as a taxi rank or route. Each block would be responsible for registering, assessing, collecting and keeping track of all revenue collected by designated taxi associations. Each block would be able to conduct audits and enforce tax rules within the designated taxi associations.

To prevent corruption and bribery, officials could rotate between blocks, as is done in Tanzania.

Taxi associations regulate taxi ranks and routes and charge weekly and one-time fees for each minibus taxi operated by their members. These fees could range from R25 to R2,000, with joining fees ranging from R50,000 to R80,000 (Kerr, 2018). From these weekly membership fees, taxi associations could potentially earn between R5 million[1] and R400 million[2] each week, or between R260 million[3] and R2.08 billion[4] per year. One of the factors contributing to high joining fees is the substantial profits from operating a minibus taxi (Kerr, 2018). This is the case for several routes, as minibus taxi ownership is profitable due to entry barriers and monopoly price controls (Kerr, 2018).

Taxi associations would therefore play a significant role in South Africa's minibus taxi industry, collecting membership fees that generate annual revenues of between R260 million and R20.8 billion. Taxi associations are in a unique position to be targeted for taxation as they are supported by membership and joining fees, which qualify as gross income under Section 1 of the SA Income Tax Act, 58 of 1962. Since taxi operators must pay these fees to operate their taxis (Bähre, 2014), taxi associations are successful in collecting them due to their strict enforcement policies. This means that partnering with taxi associations could allow the SARS to effectively collect taxes from minibus taxi operators.

Moreover, taxi associations are required to register with Provincial Taxi Registers as well as the CIPC to operate (Ahmed, 1999; Department of Transport, 2020), making it easier for the SARS to identify and audit them for tax compliance. This approach would enable the SARS to obtain assurances regarding the amount of tax owed by taxi associations, based on their membership figures and the set membership fees that each member must pay. Taxing taxi associations could lead to the SARS receiving a portion of their membership and joining fees, ultimately increasing its total tax collection from the minibus taxi industry.

In summary, the formalisation and taxation of taxi associations could be a viable solution for increasing tax revenue from South Africa's minibus taxi industry. By partnering with taxi associations and enforcing tax compliance, the South African government could ensure that these important stakeholders are contributing their fair share to society while simultaneously improving the overall sustainability and safety of the industry.

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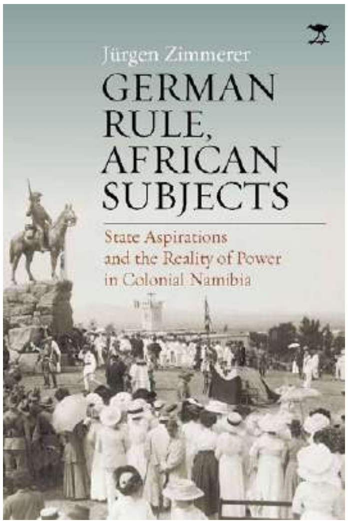
ENDNOTES

1. R25 X 200,000 MINIBUS TAXIS = R5,000,000
2. R2,000 X 200,000 MINIBUS TAXIS = R400,000,000
3. R5,000,000 X 52 (NUMBER OF WEEKS IN A YEAR) = R260,000,000
4. R400,000,000 X 52 = R20,800,000,000 NA



German Rule, African Subjects:

State Aspirations and the Reality of Power in Colonial Namibia

Jürgen Zimmerer

Jacana Media, 2022, R330

Review by Mohamed Adhikari

This landmark work is a most welcome addition to my bookshelves, as I am sure it will be for those, who like myself, have an abiding interest in the history of German colonial rule in Namibia – but do not read German. The book, which is based on Zimmerer's doctoral thesis of 1999, first appeared as *Deutsche Herrschaft über Afrikaner: Staatlicher Gewaltanspruch und Wirklichkeit im kolonialen Namibia* in 2001. Though its translation into English has been two decades in the making, this volume nonetheless remains of wide-ranging scholarly interest not only because of the continued relevance of its content, but also because of its enduring impact on historical writing on German colonialism in Namibia, as well as on re-assessments of Wilhelmine imperialism.

Though lasting merely three decades – from 1884 when Germany laid formal claim to the colony, through to 1915 when it capitulated in the face of the South African invasion as a result of the outbreak of World War One – German dominion over Namibia was extraordinarily destructive of indigenous societies. Between 1904 and 1908 the colonial state, with the full backing of Kaiser Wilhelm II and the German High Command, unleashed genocidal warfare, first against the Herero and then against the Nama peoples in response to their respective rebellions in January and October 1904.

An estimated 80% of all Herero and 50% of all Nama perished as a consequence. Though not directly targeted, perhaps as much as a third of the Damara community also died. After the wars, ongoing state-sponsored and settler violence that would likely have resulted in the genocide of the San peoples, who were concentrated north and northeast of Hereroland, was averted by the South African invasion.

The book is not a study of German colonialism in Namibia as such, but rather of a particular phase – the last eight years, when the administration finally had sufficient control over the surviving indigenous population to try to realise its utopian vision of how this settler society should function. It focuses closely on the endeavours of the bureaucracy with limited reference to the settler and indigenous sectors of German South West Africa (GSWA). The volume is essentially about the stark disjuncture between the idealism that informed "Native Policy" and the realities of German rule.

It was only after the concentration camps had been closed and the war against the Nama had wound down by 1907-08 that the administration was able to implement in any meaningful way its ideal of the "model colony" of agricultural settlement that had animated the imagination of the governing elite from the mid-1890s onwards. In this fantasy, GSWA would operate in terms of a strict racial hierarchy, in which a fully privileged German settler establishment would dominate a rightless, landless, indigenous population living in reserves, with these distinctions inscribed in law. Zimmerer explains that this "vision of dominance" included:

> ... universal registration and policing of the African population who should be integrated into the economic system of the colony as a cheap workforce and, by a process of social control, re-educated to become compliant workers. In this way the economic development of the colony could be accelerated... (Zimmerer, 2008)

The German nation would then have acquired significant new *lebensraum*[1] as followers of prominent geographer and originator of the term, Friedrich Ratzel, had predicted from the late nineteenth century; and the colony would become "our new Germany on African soil" ➤➤

in the words of Clara Brockman, who settled in Namibia in 1907 and soon after wrote two booster volumes to attract immigrants to GSWA (See Wildenthal, 1993:68, 70).

The first three chapters are contextual and narrative, and the latter three thematic in nature. The first chapter provides broad context by sketching relevant aspects of the colony's history from the establishment of the *Schutzgebiet* (protectorate) in 1884 through to the exterminatory wars and the genocidal conduct of concentration camp policy. The ending of hostilities was a phased process because Germany unilaterally declared an end to the war in March 1907, but Zimmerer correctly asserts that the war only ended with the closure of the concentration camps by mid-1908 because the policy of incarceration was implemented so harshly as to be war by another means.

The second chapter details the creation of the legal framework in terms of which the colonial utopia was meant to operate. Leading bureaucrats set about enacting a code of "native law" to regulate the lives of indigenes in the interests of the settler establishment and to ensure that they would never become a threat to the colonial order again.

At the centre of this code stood three notorious "native ordinances" passed in September 1907. In terms of the Control Ordinance, no indigene was allowed to own land, cattle or horses without the permission of the governor, to ensure that they would not be economically independent and therefore would be available to the colonial economy as cheap labour. Land formerly occupied by the Herero was confiscated by the state, mainly to be sold off to colonists. The names of all Herero were to be entered into a central register that would record their location and details of employment to optimise the exploitation and control of this resource.

The Pass Ordinance decreed that all Herero over the age of eight had to carry a visible pass at all times. They were to be issued with metal disks embossed with the emblem of the Second Reich on one side and on the other a number that was to be used to control them as units of labour. They were required to wear their passes around their necks, without which they would not be able to obtain work, food or lodging. Any settler could demand to see their pass and hand offenders over to the police. Anyone leaving their place of residence needed a travel pass, without which they would be prosecuted as vagrants.

The Masters and Servants Ordinance stipulated that no more than ten indigenous families would be allowed to live on the property of their employer. This measure was meant to ensure efficient distribution of scarce labour, to promote effective surveillance and to prevent any resurgence of organised resistance or ethnic solidarity. The main aim of these laws was to create an amorphous class of indigenous helots that would serve settler labour needs in perpetuity.

The conspicuously short chapter three – it is less than a quarter the length of the longest chapter – outlines post-war demographic, economic and institutional developments and provides context for the thematic chapters that follow. Chapter four, titled "Securing Colonial Control", discusses the logistical challenges faced in the implementation of "Native Policy" and the failures that resulted, while the next chapter, "The Labour Market", focuses on the debacles of the system of servitude the bureaucracy tried to enforce. The final chapter deals with the administration's vaporous ideas of instilling into Africans a regimen of social discipline through which they were expected to accept their status as landless, rightless and deracinated drudges. Here Zimmerer specifically analyses the education and taxation policies.

The implementation of "Native Policy" presents readers with a litany of failures as the state did not have the capacity to enforce the regulations anywhere near the desired extent, nor to impose them in the face of mass defiance given Namibia's low population density, poor infrastructure and inhospitable terrain. The colonial bureaucracy was small, inefficient, riven with rivalry, and the policing system inadequate to ensure compliance. Some Herero absconded, preferring to live as fugitives off a combination of hunter-gathering and stock pilferage. Others threw away their passes and worked for employers of their choice. There were also not enough metal badges to go around, and maintaining the labour register posed insurmountable obstacles. Many settlers themselves undermined the regulations because earlier exterminatory policies as well as the post-war economic boom resulted in fierce competition for labour. The opening of the Otavi copper mine after the completion of the railway line to Swakopmund in 1907, the discovery of diamonds near Luderitz in 1908 and the more than doubling of the settler population after the war exacerbated the labour shortage.

Despite this fiasco, there is nonetheless a strong argument to be made that German post-war rule remained genocidal. Although the overt killing of indigenes had dramatically tapered off and German policy had shifted from intentionally inflicting mass death to one of extreme exploitation by 1908, the attempts at suppressing any form of ethnic affiliation or cultural attachment among indigenes displays continued genocidal intent – especially when viewed in the light of preceding exterminatory practices. Because genocide is not simply about killing, but about the destruction of social groups, systematic cultural suppression under such dire circumstances is clearly genocidal.

In this, and other ways, the book is likely to raise questions in readers' minds about linkages and continuities between genocide in GSWA and the

Third Reich's depredations in eastern Europe less than four decades later. It is thus fortuitous that Zimmerer will next year be following up this volume with the translation into English of another of his major works, *From Windhoek to Auschwitz: On the Relationship between Colonialism and the Holocaust*.

My biggest gripe with this book is not one of commission but of omission. I feel that English language readers would have benefitted greatly from a more substantive update on historiographical and political developments relating to German colonialism in Namibia than what is offered in the four and a half page "Preface to the English edition". Much of this historiography is not available in English, and responses to *Deutsche Herrschaft* was a major stimulus to debate in German-language writing on the genocides of the Second Reich.

Also, brief commentary on critical issues such as ongoing court cases, negotiation around reparations and activism relating to the return of human remains would have been welcome, especially given Zimmerer's involvement in these matters as a public intellectual. These could easily have been accommodated in an extended "Preface" or a post-script of some kind.

This is nonetheless a volume I would strongly recommend to anyone interested in the history of Germany, Namibia, or southern Africa in general. Scholars in the fields of genocide, settler colonial, and indigenous studies will also find much on which to ruminate.

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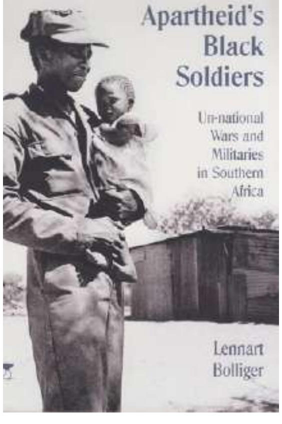
ENDNOTE

1 Literally meaning "space to grow", referring to a German notion of nationalist expansionism popular at that time – ed. NA



Apartheid's Black Soldiers:

Un-national Wars and Militaries in Southern Africa

Lennart Bolliger,

Jacana Media, 2023. R330.00

Review by Lance Siddert

It is the fate of the numberless legions of black soldiers in the employ of European imperial and settler states in southern Africa over the past two centuries to be forgotten. Their employers, for whom they were always and only cheap and expendable labour, feared post-war claims for the rights exclusively reserved for whites by the various imperial/settler regimes, while their adversaries, when they finally inherited the imperial/settler states, reviled them as collaborators undeserving of these rights that had been so hard won for all the people by the liberation struggles.

The effect of this erasure has been to privilege the imperial/settler experience of the myriad wars fought across the subcontinent to establish and maintain the *pax colonus*.

Thus the post-independence historiography of the apartheid state's so-called "border war" fought in its Namibian colony and surrounding colonies-cum-states in the final third of the twentieth century against an ensemble of black liberation movements and their allies continues, a generation on from its end, to still be written overwhelmingly from a settler perspective (see for example Baines and Vale, 2008; Baines, 2015; Van der Waag and Grundlingh, 2019).

Lennart Bolliger's book is thus a long overdue corrective to "the enormous condescension of posterity" to black soldiers in the imperial/settler state armies of southern Africa that promises to explain how and why black southern Africans joined the apartheid army and police and the post-war legacies of their doing so. According to Bollinger black soldiers comprised 70% of the apartheid state's South »

West African Territorial Force (SWATF) in 1990 (they also made up 53% of the South African Defence Force [SADF] permanent force in 1994) (See Mashike, 2007).[1]

The book focuses on three all-male units consisting of predominantly black troops with white officers that were at the sharp end of the war in Namibia/ Angola: the SWATF's 101 ("Ovambo") battalion; the SADF's 32 battalion; and the South African Police's paramilitary counterinsurgency unit, Koevoet.

The book is a reworked Oxford doctoral thesis and comprises six chapters bookended by an introduction and conclusion. The first chapter provides a potted history of the Namibian colony to independence; the second deals with black recruits to 101 battalion and Koevoet; the third with black recruits (many of them "Angolan") to 32 battalion; the fourth with the different cultures of the three forces; the fifth with the post-war experience of these black recruits in Namibia; and the sixth with the post-war experience of the black recruits who relocated to South Africa in 1990 (mainly from 32 battalion and Koevoet). Thus chapters two and three address Bolliger's how and why question and chapters five and six the legacies question.

Given the value of this oral history archive and its centrality to the book we are told surprisingly little about either these informants or their interviews. Other than all coming from northern Namibia and being overwhelmingly male (just 6.2% female) we are given no basic demographic data on the informants either individually or in aggregate, e.g. age, education, marital status, children, post-war employment, etc., nor does Bollinger appear to attach any importance to such data in the analysis. The claim that informants' names were "anonymized" owing to "continued political sensitivity" (p.239) also appears to be contradicted by the use of informant names throughout the book. There is a similar seeming contradiction

The book rests on a unique archive of 145 interviews conducted in Namibia in July-August 2014 and February-November 2016 with veterans of the three subject apartheid army battalions/ units, as follows:

Force	**Battalion**	**Number of Interviews**	**Percentage**
SADF	32	47	32.4
SAP	Koevoet	32	22.1
SWATF	101 (Ovambo)	25	17.2
	102 (Kaokoland)	10	6.9
	201/3 (San)	6	4.1
	202 (Kavangoland)	5	3.5
	Multiple	6	4.1
Others		14 (5 whites and 9 women)	9.7

between the statement in the book that San veterans took a collective decision not to speak to Bollinger and the appearance of six San veteran informants in the above table of interviews.

There is a similar dearth of information about the interview process itself and no indication of if and how the interviews were recorded, what languages were used, if and how they were translated, whether they were transcribed or where the interview records are archived?

A half page "Note on Interviews Conducted by the Author" is buried at the back of the book. However, in the Introduction we learn that the interviews were not "conducted by the author" alone, but that the research process was appropriated by the Namibian veterans in their ongoing battle with the post-independence South West African People's Organisation (SWAPO) government for recognition and benefits. Thus two veterans of SWATF's 101 battalion and former leaders of the leading SWATF/Koevoet veterans organisation, NAMVET, "took a personal interest in my research and became good friends. ... They arranged all interviews with former soldiers. ... In Namibia the interpreters were all former soldiers. In South Africa, the interpreters were young family members of former soldiers" (pp. 48-49). Bollinger doggedly insists that this in no way impacted either the interview data or its analysis, but the book's own silences/evasions strongly suggest otherwise.

There are two main silences/ evasions which are related to one another. The first concerns what the informants did during the war and the second, the economics of the war. Bollinger excuses the first on the grounds of trauma and his own lack of qualification to deal with it and the second on grounds that there is already a scholarship on black soldiers' economic reasons for enlisting in the apartheid state army, though the examples they give amount to no more than a handful of partisan wartime texts dutifully toeing the SWAPO party line.

Instead, Bolliger argues that their informants enlisted primarily for non-economic reasons, more specifically obedience to chiefs, fear of SWAPO violence and SADF propaganda (all of which coincidentally also conveniently displace culpability for enlistment onto others [chiefs, SWAPO, the apartheid state]). Strangely, the author's argument is completely at variance with their own informants quoted in the book, who repeatedly explicitly assert economic need as their primary reason for enlisting.

Thus a Koevoet recruit tells Bolliger that, "many young men enlisted in SWATF or Koevoet 'for money'" (p. 5). Another relates that, "no one in my family worked so I decided to be the breadwinner … I only joined Koevoet for money. … I decided to join because my family was living in poverty and there was no one who was going to help us" (p. 48). A SWATF recruit explained, "there were no jobs. The only jobs were to be a doctor or a teacher or a soldier. … Now I was not educated enough to be a teacher or to be a nurse. … I only got standard five and then my only option was to be a soldier so that I can get money" (p. 48). A headman recruiter targeted, "especially … young men who were unemployed and 'would take any opportunity they get'" (p.54) when seeking new men for training in violence work.

An Angolan informant enlisted in 32 battalion "only to get a job" and another because he "had no money and no food" and "to make a living" (p. 87 and p. 89). A third's soldiering journey started in Angola, where he "had a good time" in the FNLA because he "received a salary every month", which was "the reason why everyone wanted to join the FNLA" (p. 90). Black recruits' primary economic motivation was also apparent to their new employer, the apartheid state, which quickly weaponised it by paying these three units alone *"kopgeld"* (literally "head money") for confirmed enemy kills (see pp. 99-101 and p. 106).

If Bolliger's answer to the why question fails to convince, chapters five and six on the legacies of black soldiers who enlisted in the apartheid state army are more plausible, providing a useful if pedestrian introduction to the post-war politics of black apartheid army veterans on both sides of the Gariep from the perspective of NAMVET.

Bolliger makes far too much of the transnational/un-national nature of some of the black recruits to the apartheid state's armies, forgetting that this was equally true of its white recruits (and also of all national liberation struggles) and also without following the transnational/un-national black veterans of 32 battalion who relocated to South Africa and skilfully exploited their status as "lost people" to continue to ply their trade on the global violence market created by the post-war neoliberal new world order. But then such veterans are unlikely to be part of NAMVET's network.

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ENDNOTE

1 If the Bantustan armies of the so-called TBVC states (Transkei, Bophuthatswana, Venda and Ciskei) are included then the white share of the SADF permanent force falls to just 40.4%. NA

Tribute to a true comrade

Wilson Sidina: fearless struggle icon

By Ryland Fisher

When someone like Wilson Sidina dies, it is almost like a part of our history dies with him. He leaves a void that goes much deeper than the loss of an individual. It erodes the memory of the people who became involved in the struggle because of noble goals and not because they wanted to enrich themselves.

Sidina, who passed away at the age of 81 at the end of July 2023 after a long illness, in many ways encapsulated what it means to be a comrade, a term that has lost some of its value in recent years because of the crime and corruption conducted by people who call themselves by that name.

But Sidina was one of those who deserved to be called a comrade, because he embraced the values of non-racialism, unity, ubuntu, cooperation and selflessness that informs most of the decisions and actions of true comrades. And he lived it until the end.

An unheralded struggle icon who lived most of his life in Gugulethu, Cape Town, Sidina was one of a group of leaders in Cape Town's African townships who embraced nonracialism and served the ANC loyally until his passing – despite some misgivings in recent years.

Sidina was a prominent activist who was involved in civics, trade unions and progressive sport organisations and who also recruited many young people to join the military wing of the ANC, Umkhonto we Sizwe (MK), during the struggle. Those who were involved with him – some younger, some older – included people such as Oscar Mpetha, Zoli Malindi, Christmas Tinto, Annie Silinga, Mama Mtiya, Mama Holo, Mildred Lesea, Alpheus Ndude and Mziwonke Pro Jack. Of these, I think only Mildred Lesea, who turned 90 a few months ago, is still alive.

My first interaction with Sidina was in 1980. I was a young reporter at the *Cape Herald* and the newspaper reported quite prominently on the meat workers' strike, which led to a red meat boycott in order to put pressure on the employers to give into the wage demands of the striking workers.

Sidina was one of the organisers of the General Workers' Union who mobilised the workers at the Maitland Abattoir. He realised that all tactics could only work for a limited time frame, and this also applied to the meat boycott. He gave me my first scoop as a young reporter: the suspension of the meat boycott. It was a tough decision for the strike organisers but with hindsight it was the right decision at the time.

Sidina, a union organiser and also an activist, believed in supporting community and workers' struggles irrespective of where they took place. In the early 1980s he was involved in the Wilson Rowntree strike and boycott, the Leyland workers' strike, and the schools and bus boycotts.

My interactions with Sidina were plentiful over the past four decades, mainly as an activist but also as a journalist.

He was one of the first people I would contact if I was confused by decisions taken by the township leadership on any issue. He always took the time to explain their position on the issue to me.

Sidina was at the forefront of trying to resolve many conflicts in the townships, including in Crossroads where a violent war had raged between Johnson Ngxobongwana's "witdoeke" and the rival group led by Oliver Memani.

Sidina was one of those leaders who believed that one could not only play a political role, but one had to be involved in various strata of society.

He had played rugby as a young man and was considered one of the best flank forwards of his generation. He was one of the founder members of the Fly Eagle Rugby Club in Nyanga and later he became involved in sports administration.

After the banning of the ANC and other organisations in 1960, he played a major role in recruiting young people to join MK in exile. Many of his recruits came from the various sports clubs with which he was involved.

Sidina was among hundreds of activists in the Western Cape who were detained during the state of emergency in 1985. When he was released in 1986, he was slapped with a five-year banning order.

After the ANC was unbanned in 1990, Sidina became the first chairperson of the ANC branch in Section 4, Gugulethu and served the ANC in many other capacities.

After South Africa became a democracy and the ANC leadership returned from exile, Sidina was one of those who were never fully recognised for the role they played in the struggle.

He became an ANC councillor in the City of Cape Town for many years, but he could have done much more.

The last time I saw Sidina was at Alpheus Ndude's 80th birthday. He expressed some unhappiness with the state of our democracy. We agreed we would have a catch-up soon, but that never happened.

It was clear to me then that he was no longer as healthy as he used to be, even though he still displayed some of his normal wit.

I am sorry we never had our catch-up meeting. I really wanted to hear what he thought has gone wrong with our democracy. NA

John S. Saul (1938-2023)

We mourn the death of John Saul, inspirational supporter of African liberation, embodiment of international solidarity, tough critic of all forms of discrimination and oppression.

Contact us:

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