2024 - Fourth Quarter - Issue 95
www.ifaaza.org

NEW AGENDA

SOUTH AFRICAN JOURNAL OF SOCIAL AND ECONOMIC POLICY

Corruption vs Democracy

Hand-in-hand across the world on International Anti-Corruption Day, December 9

Inside:

Three-part focus on the global threat of corruption

New Agenda is published in partnership with the Institute for Social Development, University of the Western Cape.
PRINT ISSN: 1607-2820

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) at the University of the Western Cape (UWC).

CONTACT US

Email: admin@ifaaza.org

Website: www.ifaaza.org

Facebook: @InstituteforAfricanAlternatives

Twitter: @IFAACT

Instagram: @ifaa_new_agenda

YouTube: https://www.youtube.com/channel/UC8ZTT4EOd8GAar- HwezS5kSA

Tel: +27 21 461 2340

Address:

Community House,

41 Salt River Road, Salt River

Cape Town 7925

PUBLISHERS

Institute for African Alternatives (IFAA)

Institute for Social Development (ISD),

University of the Western Cape

New Agenda is accredited with the Department of Higher Education and Training.

New Agenda is funded by the Rosa Luxemburg Foundation and the University of the Western Cape.

New Agenda is published quarterly by IFAA and ISD, UWC. The opinions expressed are not necessarily those of IFAA and/or ISD, UWC. The publishers are not responsible for unsolicited material.

FRONT COVER CAPTION

"Together Against Corruption!" The poster on our cover was awarded first place in the 2018 International Youth Social Anti-Corruption Advertising Competition, an annual event organised by the Prosecutor General's Office of the Russian Federation.

The artists are Mukhanov Asylbek (35 years) and Gulin Sergey (12 years), Russian Federation. The posters submitted for the 2024 competition will be available for viewing on International Anti-Corruption Day (December 9th, 2024). See https://anticorruption.life./en/greeting/

ISSN: 1607-2820

Contents

– Issue 95





Editorial

-- by Martin Nicol

Resilience surprises!

Let's just say 2024 has been the year of elections for Africa, and the results have for the most part been unexpected, to say the least. While the usual stories abound about vote rigging, corruption and 'stay on a bit longer' shenanigans, voters in some African countries have turned things around and challenged the status quo in states that have looked as if those in power would be there forever ... South Africa being a case in point.

In contrast with the doom and gloom of many of the contributions published in a recent issue of *New Agenda* which marked 30 years of democracy in South Africa, this issue of *New Agenda* brings a close to the journal for 2024 with a series of articles that reflect and record the fortitude of our democracy, and the people's determination to defend and preserve it.

The Institute for African Alternatives (IFAA) has made the unusual editorial decision of publishing in this issue a comprehensive three-part focus on a subject that has preoccupied us greatly over the past years – the relationship between corruption and democracy.

IFAA thanks the author, founder and former Director of Corruption Watch, David Lewis, for choosing *New Agenda* as the platform to publish this analysis of South Africa's downhill slide into the chaos of state capture and now a chance of recovery. While the Government of National Unity (GNU) is decidedly precarious at this time, it seemed fitting that we end 2024 by publishing a forward-looking article that signals much-needed change and possibly an opportunity to reset and revive the democracy South Africa started out with in 1994.

When you read "Corruption v Democracy" parts 1, 2 and 3 you will be reminded how very close the country came to irreversible disaster. The attempt at state capture – by the Zumas, the Guptas, the Bosasas and their running dogs – very nearly succeeded. Lewis looks at how this corrupt syndicate, united by a drive to use state power for personal profit, rigged institutions and structures in an effort to hold onto unbridled power and control. However, unlike many other countries (Russia, Algeria, Egypt…) they were halted; South Africa's key institutions of democracy, particularly the judiciary, but also the media and civil society, fought back and interrupted the steal.

But the cost was, and still is, high. Lewis argues that the major loser in the state capture story has been the ANC, which split ruinously and lost its majority in parliament. Control of the ANC, particularly through its branches, was a key requirement for state capture.

South Africa is not out of the woods yet. Corruption still abounds, and very seriously at local government level and in some major provinces. Our burdened law enforcement institutions are still trying to convict villains fingered in the Zondo Commission report. Several of these bottom feeders are now honourable members of the seventh democratic parliament, having been allowed onto the electoral lists of the MK Party after the election was over. (Even though the Constitutional Court found that the party leader himself, former President Zuma, was barred from standing for election to parliament because he is a convicted criminal who was sentenced to a jail term longer than one year.)

The 2024 election has provided South Africa with a respite. The future of democracy is still based on the rainbow nation in all its diversity. Does the political system have sufficient capacity to correct course and, most critically, to tackle persistent and widening inequality and massive unemployment?

The other articles in this issue of *New Agenda*, and indeed the work of IFAA and civil society in all its formations, is driven by the urgent need to find the way forward to achieving that goal.

A year of elections

2024 was called the "year of elections". Almost half the world's population lives in countries that were scheduled to vote during the year. Some planned elections were cancelled – for example in South Sudan, Burkino Faso and Mali. Some produced spectacular support for incumbents who had meddled with the electoral process to disadvantage opposition parties in one way or another – Kagame was awarded 99% of the vote in Rwanda, Saïed in Tunisia achieved 91% and Tebboune in Algeria secured 84% in his landslide re-election win. Some were transparently and blatantly rigged, as in Mozambique. Chad's military leader, Mahamat Idriss Déby (who seized power after the former president, his father, died in 2021), was declared the winner of a disputed presidential election with 61% of the vote.

But there were also surprises. Elections in Senegal in March, after the courts rejected a 'stay on a bit longer' move by President Macky Sall, made opposition politician Bassirou Diomaye Faye the new president. Faye was released from prison days before the election, which he won with 54% of the vote. In Botswana the long-ruling government party was bundled out of parliament in a landslide defeat. The President conceded even before the results were confirmed, and wished his successor all the best.

In South Africa, the defeated ANC formed a Government of National Unity (GNU) that includes the former main opposition party, the Democratic Alliance (rather than the shards of the populist Economic Freedom Fighters [EFF] and uMkhonto weSizwe [MK] parties). Commentators speak of "a seismic shift" (*Economist*, 7

October 2024), but these were the seventh set of stable, free and fair elections since 1994. And the GNU, as a coalition, does not have a settled policy on anything.

Periodisers of South African history will note that the GNU was formed exactly a century after the 1924 "Pact Government", where the whites-only Nationalist and Labour parties defeated Smuts' South African Party. This ushered in a period of radical change marked by tariffs to encourage local industry and transformative labour legislation. That was a seismic shift – not so sure about the GNU.

One year of the revamped *e-New Agenda*

New Agenda's Issue 95 marks the end of the first year of the journal's move into the digital age, with the launch of the new look digital journal. We hope you like it. IFAA aims to take our work further into the public domain using the opportunities provided by technology. We gratefully thank our long-standing funder, the Rosa Luxemburg Foundation, for its steadfast support in this ongoing digitalisation of IFAA's flagship publication and other information and communication channels.

We also thank the University of the Western Cape (UWC) for partnering with us in our move into the online content management system run by the UWC library and providing us with the requisite open source "OJS" software. All of our four issues for 2024 are now housed on the UWC portal. All articles are available in PDF format on the site, and each has a Digital Object Identifier (DOI) to enhance discoverability and citation tracking. DOI allocation provides a permanent and unique link to the articles, facilitating easier access for readers and ensuring that the scholarly contributions are properly attributed.

The registration of our e-ISSN is in progress, to provide an electronic complement to the long-existing ISSN. *New Agenda* and its publishers are extremely grateful to Mark Snyders, Manager of Scholarly Communication at the Main Library, UWC, and his team for training, hand-holding and support this year.

We are still experimenting with the best ways to develop our character as a "hybrid" journal that includes both peer-reviewed academic articles and commentaries, reviews and essays that reflect our history as a vehicle for political and social activism. Some of this content comes from the campaigns and events (virtual as well as face-to-face) that are generated by the socially engaged activities of IFAA. This is of fundamental importance to the profile of the journal.

The 'balance' between peer-reviewed academic content and commentaries varies, sometimes markedly, between issues. Issue 94 was a Special Issue on food security in Africa that featured academic outputs from a visionary international programme to develop the capacity of younger researchers in Africa. All content in the issue underwent a double blind peer review process. This issue, no 95, contains only one academic article (by Sergio Carciotto). For the rest we have focused on our work as IFAA, for example our exciting Living Rights Festival, which we hope to develop into an annual event.

The Living Rights Festival was a unique collaboration of Cape Town artists, actors, poets, writers, scholars and activists in a call for justice, peace and human rights in response to escalating global conflicts and deepening humanitarian crises. Initiated by IFAA, it a community-led initiative to address the growing global violence and injustice that threatens the planet's collective future and offered a programme of panel discussions and cultural interventions to confront injustice, advocate for essential freedoms, and inspire a new vision of global peace and dignity.

We are continually reviewing our performance against the 'better journal guidelines' from the Academy of Science of South Africa (ASSAf), which oversees compliance with the Department of Higher Education and Training's academic accreditation requirements, as well as those provided by African Journals Online (AJOL), the Committee on Publication Ethics (COPE) and Electronic Information for Libraries (EIFL). We already follow the guidelines (although there is always space for improvement). Our challenge is updating and particularising on the *New Agenda* web platforms all the information we provide authors and reviewers. There are three of these 'portals', each being enhanced as our capacity allows.

As 2024 ends, IFAA's editorial collective wants to express its enormous thanks to the Institute for Social Development and all UWC colleagues for their support and guidance, and to our editorial board who has accompanied us on this journey. *New Agenda* is so much stronger, and more centred as an African journal because of its partnership with this storied university and the support of the international academics who comprise the editorial board.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

Corruption v Democracy part one

Capturing the South African state

– By David Lewis

In a three-part analysis, DAVID LEWIS unpacks issues of corruption and governance in South Africa – and more widely across the world. He shows how state capture undermined democracy – and how South Africa's democratic institutions, despite all odds, were able to fight back. Part one outlines the modus operandi employed by the dominant Zuma/Gupta syndicate.

Lewis dedicates this analysis to the memory of the late minister Pravin Gordhan in recognition of his role in ending state capture.

Does corruption undermine democracy? Does democracy constrain corruption? Is democracy a necessary condition for successfully combatting corruption?

These questions were initially posed from the intensely practical perspective of a non-governmental organisation (NGO) dedicated to combatting corruption. And so, reformulated from that perspective I ask: is it necessary to actively promote democracy in order to combat corruption? Or conversely, does the current global decline in the quality of national democracies compromise the fight against corruption?

Although difficult to measure, much less compare across time and countries, industrial scale corruption appears to be an increasingly ubiquitous global phenomenon. To name but a few instances, Brazil and South Africa were recently engulfed by the wholesale capture of state power by moneyed interests from which South Africa, certainly, has not yet recovered. The president of Russia and the recently re-elected president of the USA, Donald Trump, all appear to have abused their high offices for vast personal enrichment and in order to maintain their political dominance. Corruption on a grand and petty scale is an everyday phenomenon in the countries of central and south Asia. The Covid pandemic occasioned veritable orgies of corruption in public procurement, including in Britain, long a global leader in money laundering.

Regular leaks of email troves have underlined the role of secrecy jurisdictions in laundering the proceeds of corruption. The critical role of global banks, law firms, auditing firms and advisory firms in facilitating corruption has been highlighted. In South Africa alone, global household names like McKinsey, Bain, and KPMG have all featured heavily in tales of grand corruption and state capture.

It is also widely accepted that the past decade has seen a precipitous decline in the quality of national liberal democracies. Nor has this been confined to the relatively fragile democracies of Africa, Latin America and Asia. The decline in the quality of the well-established democracies is evident in the USA and in certain of the developed countries of Europe as well – think Italy, Hungary and Slovakia, but also think of the emergence into mainstream politics of powerful anti-democratic political parties in France, Belgium, the Netherlands, Germany and even in the traditionally benign social democracies of Scandinavia.

Remarkably, the hollowing out of democracies across the board of high-, middle-, and, with some exceptions, low-income countries has been driven by democratically elected leaders and the leaders of democratically elected political parties. While there are certainly legitimate questions around the quality of the elections themselves – and the decline in the quality of elections is in many countries a key marker, both cause and effect, of the decline in the quality of the democracies – there is no gainsaying that the Trumps, Modis, Erdoğans, Dutertes, Orbáns and, indeed, the Zumas and numerous others, all ascended to the highest offices in their lands by way of elections that met at least the minimum requirements for being deemed 'fair and free'. With the exception of a number of least developed countries, the military juntas of yore are no longer in the vanguard of those threatening democracy. What then is the link, if any, between rising corruption and declining democracy?

A Transparency International (2019:1) analysis of the link between corruption and democracy concludes:

The relationship between corruption and democracy is a complex one. However, it is clear from the literature review that the two are closely intertwined. When democracy deteriorates, there is almost always an increase in corruption due to the erosion of institutional checks and balances, fewer independent courts and frequent restrictions on the space for civil society actions and citizens' political rights. Likewise, when corruption is widespread, newly democratic states can hardly consolidate. Unresolved corruption also undermines the trust of citizens in established democracies and provokes all sorts of citizens' reactions, like abstention and votes for populists and anti-establishment parties that further deteriorate the democratic system. Given the large negative impact of corruption on democracy, sustained efforts to limit corruption can strengthen democracy.

While a minimalist understanding of democracy emphasises regular elections above all else, the functioning of democracy requires a much broader institutional framework than elections and a national representative assembly composed of the elected representatives of the political parties that populate that assembly:

The competitive electoral process is at the heart of modern democracies, but other factors complement it. The democratic election component refers to the electoral game, and it is equivalent to the 'electoralist' democracy definition. Freedom of speech, association and protest form the 'political participation rights component'. Civil *rights provide protection from illegitimate state interference into the life of an individual and are therefore linked to the protection of minorities, individual liberty and property. Horizontal accountability ensures the mutual interdependence and autonomy of the legislative, executive and judicial power as well as the functioning of oversight institutions such as audit institutions and ombudsmen (checks and balances). Finally, the effective power to govern ensures that only 'those elected are entitled to make binding political decisions without the interference of other actors or interest groups like the military'.* (Transparency International, 2019:3)

I want to examine the relationship between democracy and corruption by reference to the South African experience of democracy, and in particular the era of 'state capture' that has come to characterise the 2009-2018 period of the administration of former President Jacob Zuma.

South Africa's constitutional framework

Examining the democracy/corruption interface in South Africa must begin with the observation that the South African Constitution provides for a democracy that extends significantly beyond the liberal democratic framework, even in the expanded definition of that framework elaborated in the passage cited above. The sweep of the Constitution is captured with characteristic eloquence and compassion by former Deputy Chief Justice Dikgang Moseneke in a judgment of the Constitutional Court in which he locates the achievement of equality as "a core and foundational value", a value which is, moreover, "guaranteed and justiciable". Moseneke attributes the Constitution's unusual preoccupation with equality to the "deeply divided, vastly unequal and uncaring" society in which it was rooted. He emphasises that the Constitution explicitly commits our society to "improve the quality of life of all citizens and free the potential of each person".[1]

Nor does the South African Constitution confine itself solely with the lofty ideals of equality, nation-building and social justice. It also, clearly with a prescient eye on systemic vulnerabilities to corruption, engages with the more parochial business of prescribing standards for public procurement. Section 217(1) provides that: "When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective."

Democratic South Africa: pre-state capture

Confining this narrative to the Zuma administration is not to suggest that there were not major corruption episodes during the Mandela and Mbeki administrations. The large armaments procurement contract – the 'arms deal' – which commenced shortly after the installation of a democratic regime in 1994 is the standout corruption episode in the pre-Zuma administrations (although, as I will explain below, Zuma himself is presently on trial on charges stemming from his conduct in the arms deal, conduct which long predated his accession to the presidency).

Except for the trial of Zuma's financial advisor and now Zuma himself, the arms deal allegations have never been tested in a South African court of law. Much later, the report of a judicial commission of enquiry headed by a senior member of the Supreme Court of Appeal and which extraordinarily found no corruption, was, in a judicial review, excoriated for its palpable bias (Feinstein *et al*., 2019).

However the arms deal is a vanilla procurement corruption case, comprising a series of large, discrete contracts. Multinational armaments companies bribed, either directly or through politically connected intermediaries, relevant public officials and politically powerful individuals to decide the outcomes of the bids in their favour. Although some individual names surfaced in several of the corrupted contracts, the composition of the corrupt syndicates – the payers and recipients of the bribes and the various intermediaries and agents – were constituted with respect to each of the separate bids. In contrast with the later era of state capture, the evidence does not point to a well-planned, comprehensive capture of the decision-making centres of the state.

This is not to understate the significance of the arms deal. The sums of public money involved were huge. Undertakings by the global arms companies to invest in South Africa – the 'offsets' which were key selling points of the arms deal – were not honoured. It is said that the arms deal represented the 'loss of innocence' on the part of the newly democratic state, hitherto celebrated as the manifestation of the triumph of good over evil, of democracy over racial oppression and exclusion and institutionalised corruption.

Nor did key institutions of the democracy escape the fall-out from the arms deal. While the evidence doesn't implicate senior political leaders of the time in personal enrichment, there are suggestions that kickbacks from those who did personally benefit were used to fund the governing ANC. This would square with another major corruption scandal of the pre-state capture era, namely the Chancellor House scandal in which an ANC-owned investment company received equity in selected multinational companies in exchange for facilitating massive contracts with the South African state.

The independence of the Standing Committee on Public Accounts (Scopa), the parliamentary committee tasked with oversight of public expenditure, came under severe attack from the executive and the governing party leading to the removal of two members, including the chair of the committee, who were most intent upon probing arms deal-related expenditure. The Office of the Speaker of the National Assembly, where, like Scopa, a high premium is set on independence, was also severely compromised. Even the Auditor General, an office which managed to escape untainted through the later period of state capture, was compromised. And the arms deal has had a long tail.

In a grim portent there were, in the Mbeki administration, signs of political interference in the criminal justice system. Indeed the perception that Mbeki supporters in the leadership of the Scorpions, the independent elite anti-corruption investigative and prosecutorial directorate, had weaponised their vast powers in support of Mbeki by implicating Zuma in arms deal corruption, was a significant factor in ensuring Zuma's subsequent victory. This allegation was then invoked as the *raison d'etre* for disbanding the Scorpions immediately after Mbeki's removal from office and its replacement by the Hawks, a significantly less resourced and less independent institution initially placed within the command structure of the South African Police Services (SAPS).

The Zuma administration: state capture

State capture is effectively the takeover – the 'capture' – of key decision-making structures of the state by syndicates composed of moneyed interests, political leaders and senior law enforcement officials. The institutions and operations of the state are then re-cast to serve the interests of its captors rather than those of the public. The private moneyed interests who are members of the predatory syndicate gain privileged access to state resources, particularly access to state procurement contracts, and influence over regulatory decisions, and a much reduced risk of detection and prosecution.

As for the political leaders who are members of the syndicate, they and their families are personally enriched, while a significant portion of the state resources that flow to the moneyed interests is devoted to ensuring that the political members of the syndicate retain political power. Indeed the corruption literature uses the term 'political corruption' to describe what South Africans have come to refer to as 'state capture'.

A captured state is distinguishable from a state in which serial acts of grand corruption are a regular feature. In the latter the composition of private and public interests that aim to secure the targeted contract with the state, or the regulatory decision that will favour a particular private interest, must be formed and re-formed in order to secure the particular public decision required to serve the private interest.

This is not to say that there is always a bright line to be drawn between, on the one hand, a single act or series of acts of grand corruption, and, on the other, state capture. It is by no means uncommon for the private beneficiary of an act of grand corruption to compensate a political counterpart by supporting the latter's election campaign or her political party. As already intimated, it's widely believed that part of the largesse that accrued to the private beneficiaries of the arms deal found its way to the coffers of the governing party. We have also seen how in order to cover-up a series of corrupt contracts as numerous and as large as those that characterised the arms deal, it is necessary to undermine key institutions of the state, particularly those responsible for oversight of public expenditure.

There are also instances of state capture that are focused on particular institutions of the state and, as such, are of limited breadth. For example, in 2010 key decision-making structures of Gauteng province's

Department of Public Health were allegedly captured by a private sector firm in cahoots with the then MEC of health. In this instance the firm went beyond corrupting individual contracts by securing a contract to second its own employees to key posts in the department's finance and supply chain management directorates thus ensuring the captor easy access to all tenders issued by the health department. The trial of the alleged perpetrators has recently commenced.

In another, considerably larger series of acts of corruption, a local firm, Bosasa, set its sights principally on the procurement budget of the national prison service. Its principal modus operandi appears to have been the payment of regular bribes to key prisons officials. However, the sheer volume and monetary value of corrupted contracts that they secured with the state, and the vulnerability to detection made it necessary for them to extend their payment of bribes to leading officials in the criminal justice authorities and highly placed politicians, allegedly including President Zuma and his close associates. They were also very large contributors to the ANC.

However the Zuma/Gupta conspiracy was the iconic state capture syndicate of the Zuma administration. Composed of the Zuma family, with Jacob, the family patriarch and head of state, and the Gupta family, a carpetbagging Indian business family, it took state capture to new dimensions.

The three Gupta brothers, the scions of a moderately wealthy Indian trading family, arrived in South Africa from the family seat in Saharanpur, a fly-blown city in Uttar Pradesh, soon after the installation of the first democratic administration. Urban legend has it that the family patriarch, in an effort to expand his modest empire, had dispatched his sons to a number of countries in transition including China and South Africa. This prescient decision paid off in South Africa.

No sooner had Atul Gupta, the second oldest of the brothers and the family's vanguard, arrived in South Africa than he began cultivating individual members of the political establishment, then dominated by Thabo Mbeki, Nelson Mandela's deputy and, in 1999, his successor. It appears that the Gupta's first significant business breakthrough was a large contract to supply computer equipment to the Department of Basic Education.

Zuma was amongst the many politicians cultivated by the Gupta family. In 1990, Zuma was one of the first leading members of the ANC to return from exile. He was immediately deployed to KwaZulu-Natal, his home province and the site for many years of bitter, murderous conflict between the Inkatha Freedom Party (IFP) and the ANC. Throughout the 1990s Zuma played a leading role in ending the violent conflict between the two political parties, in the process delivering the turbulent and politically contested province to the ANC.

In 1997, Nelson Mandela stepped down from the leadership of the ANC. Thabo Mbeki was elected ANC president, with Jacob Zuma as his deputy. In 1999, following the ANC's victory in the national elections of that year, Mbeki became the second democratically elected president of South Africa. Mbeki appointed Zuma as deputy president of the republic.

In 2005, following the trial in which Schabir Shaik, Zuma's erstwhile financial adviser, was found guilty of corruption for soliciting a bribe on behalf of Zuma from one of the bidders for an arms deal contract, Mbeki removed Zuma from the deputy presidency of the country. However, Zuma and his supporters – with, as outlined below, a number of provincial party barons and the ANC Youth and Women's Leagues in their corner – staged an aggressive fightback. At the ANC congress in 2007 Zuma roundly defeated Mbeki in the race for the ANC presidency. Some nine months later Mbeki was recalled from the presidency of the country by the Zuma-dominated National Executive Committee (NEC) of the ANC. The ANC installed a caretaker national president. Following the ANC's victory in the 2009 general election Zuma ascended to the presidency of South Africa.

Zuma's accession to the presidency was intimately bound up with his allegedly corrupt conduct during the arms deal. As noted above, Mbeki first fired Zuma following the imprisonment of his financial adviser for soliciting a bribe for Zuma from a French arms manufacturer. In December 2007, shortly after Zuma's victory in the race for ANC president, the Scorpions, the anti-corruption unit of the SAPS, indicted Zuma for a range of corruption, fraud and racketeering charges related to his conduct in the arms deal. Zuma challenged this indictment, which was set aside by the High Court on the grounds that the Scorpions and the National Prosecuting Authority (NPA) had allowed political considerations to dictate the decision to indict Zuma. This became the *cause celebre* for the recall of Mbeki from the Union Buildings. A short while thereafter the Supreme Court of Appeal overturned the High Court judgment but by then Mbeki had been removed from office and Zuma was firmly enroute to the president's office. After a lengthy battle, fought in the courts, the streets and the structures of the ANC and extending over the duration of the Zuma presidency, Zuma is, as I write, finally on trial for his conduct in the arms deal, although his adroit utilisation of delaying tactics – the 'Stalingrad strategy' – has ensured that the court has yet to hear the merits of the matter.

Zuma thus assumed the presidency of the country with law enforcement attention firmly focused on his previous conduct. And he lost no time in using his strong support within the ANC and his newfound powers as head of state to subjugate the key law enforcement agencies, particularly the NPA, the crime intelligence division of the SAPS and the Hawks, the successors to the Scorpions.

The Guptas lost no time in consolidating their relationship with Zuma. He was ripe for the picking. As was graphically revealed in the Schabir Shaik trial, Zuma, the breadwinner of a huge family comprising four or five wives and over 20 children and debts that needed to be paid to those who assisted him in his accession to the Presidency, clearly needed money and managed it badly.

The Guptas were there to provide the wherewithal. In the first instance the mechanism employed by the Guptas for relieving Zuma's financial pressures was to employ his twin children, Duduzane and Duduzile, said to be his favourite children, in the Gupta family businesses. Still in his 'twenties, Zuma's son, Duduzane, acquired significant wealth through the patronage of the Guptas. The quid pro quo was to facilitate the Gupta's influence over key state institutions.

It appears that two rent accumulation platforms loomed large in the Gupta's ambitions. Firstly, the mining sector and secondly, the procurement budgets of the large state-owned enterprises (SOEs), with the giant electricity utility, Eskom, the transport company, Transnet, the arm manufacturer, Denel and South African Airways (SAA) as their focal points. There were important synergies between their interest in mining and state procurement budgets – Eskom purchased over 50% of the country's coal production. Moreover, as elaborated below, had Zuma succeeded in his ambition to add a fleet of Russian-built nuclear power plants to Eskom's coal-powered fleet, a loss-making mothballed Uranium mine purchased by the Guptas would have been amongst the key beneficiaries.

Zuma's principal contribution to the syndicate resided in his power to appoint the leadership of key public institutions. The South African Constitution gives the president unfettered power over the appointment of the Commissioner of the SAPS, the Commissioner of the South African Revenue Services (SARS) and the National Director of Public Prosecutions (NDPP), the head of the NPA. In certain instances, most notably the SAPS and the NPA, the president is also responsible for appointing the principal deputies of the leaders of these vital institutions. The president, of course, enjoys sole discretion over the appointment of cabinet ministers and, as important, he is also responsible for the appointment of the directors general of government departments. Other key public appointments were notionally the responsibility of cabinet where submissions by the responsible minister are rarely challenged and the president naturally enjoys massive influence. These cabinet appointments also included the chairpersons and members of the boards of SOEs and, in many instances, the appointment of key executives of those enterprises.

The only institution capable of limiting the president's powers of appointment was the ANC. Invoking a tradition, real or imagined, of collective leadership, the ANC played a central role in 'cadre deployment', the appointment of ANC leaders to key positions in the state. This introduced a degree of vulnerability and uncertainty with respect to Zuma's ability to play his mission-critical role in the work of the state capture syndicate. Indeed, the ANC held sway over Zuma's very position as head of state. Just as Mbeki was defeated by Zuma in an ANC leadership contest and soon thereafter recalled by the NEC from his position as head of state, so too could Zuma suffer the same fate.

As already noted, a feature of the contemporary attack on democracy is that it is, with few exceptions, led by elected leaders. Appreciative of the power of elections, the elected demagogues move rapidly to shore up their power by taking steps to ensure their victory in future electoral contests. Gerrymandering and techniques of voter repression ensure the rigging of future elections.

One of the principal architects of the attack on liberal democracy, Hungarian prime minister, Viktor Orbán, has clearly outlined the key pillar of what he has himself termed 'illiberal democracy'. *The Atlantic* described Orban's approach:

> *Orbán's first stint as prime minister ended after four years, with his defeat in the 2002 elections. The loss caught him by surprise, and it was followed by another, four years later. Orbán vowed that he would never suffer defeat again. In a closed-door speech in 2009, leaked to Hungary's formerly robust media, he said that he wanted to create 'a central political force field' that would allow conservatives to rule for 'the coming 15 to 20 years.' As he put it in another speech, 'We have only to win once, but then properly.'* (Foer, 2019)

However, in the South African case the perceived foreseeable threat to Zuma's position in the state capture syndicate, and, given the two-term limit of the head of state, to the ability to determine his successor, emanated not from the general electorate – Zuma himself famously declared that the ANC would be in power until Jesus returned – but rather from the membership of the ANC structures responsible for the election of the political party's leadership. And so, while there was no urgent imperative on the part of the state capture syndicate to compromise the conduct of state elections, it was imperative to see off any possible threat from within the ANC. In short, in order to shore up Zuma's position in the syndicate, the possibility of inconvenient outcomes emanating from the internal democratic processes of the increasingly factionalised ANC had to be limited.

Capturing the ANC

The quasi-federal nature of the ANC lent enormous power to its provincial leadership and, in turn, to local branches. The latter elected the delegates to the provincial conferences, which in turn elected the provincial leadership of the party. They in turn determined the composition of the provinces' delegations at national conferences of the ANC, which elected the leadership of the ANC, including the composition of the NEC which, between conferences, was the ANC structure empowered to recall an ANC deployee, including the person 'deployed' to the presidency of the state.

The thoroughgoing corruption of the ANC, corruption pursued in order to reduce the uncertainty that came with the leadership of the ANC, was significantly abetted by the quasi-federal nature of the state. The provincial governments raise no taxes but control very significant budgets, particularly though not exclusively, the public health and education budgets. These and other provincial powers – for example, administration of the mining royalties owed to mining communities – gave the provincial ANC leadership, who doubled as the provincial government leadership, the vast sources of patronage necessary to keep the branches sweet.

The deal between Zuma and the provincial heads, implicit or otherwise, appears to be one that permits the provincial party barons to do as they will with the provincial budgets – health and education are amongst the most corrupted and poorly delivered services – which serve not only to enrich individual members of the provincial leadership but, more important, it funds the patronage necessary to shore up their leadership of the provinces and, in turn the leadership of the national ANC and the state.

The national leadership, including the dominant Zuma/Gupta syndicate, accumulate through national budgets and spend, including the procurement spend of the large SOEs. A significant portion of this rent was also deployed to feed the costly and cash-hungry patronage machine that maintained internal control of the ANC. It is not for nothing that, parodying the fanatical interest of South Africans in English professional football, the premiers of three of South Africa's provinces that were most powerful in determining the outcome of internal ANC elections were collectively referred to as the 'premier league'.

The brazen corruption inside the ANC and its impact on the functioning of the state, including the delivery of key social services, did not go unnoticed by the electorate, whose response is evidenced in a decline in support for the ANC and a concomitant increase in support for opposition parties. This was most marked in the 2016 local government elections in which the ANC lost control to coalitions of opposition parties in major metropolitan areas, including Johannesburg and Tshwane (Pretoria). It won the 2019 national elections with a reduced majority, elections which were also marked by a notable decrease in voter registration and participation, particularly amongst first-time and young voters. While these reversals at the polls have not resulted in significant attempts to corrupt the formal electoral machinery and process, it has led the ANC to devote significantly increased resources to electioneering. Some of the sources of this funding – to the limited extent that they are known – confirms the compromised state of the ANC.

The decline, indeed the corruption, of established political parties is a widespread phenomenon. Think countries as diverse as the USA, the UK, South Africa, Brazil and India. Or think France where the president owed his electoral success to the fact that he eschewed alignment with any of the established parties. Either the established parties enter a period of terminal, irreversible decline – think the SDP in Germany and the socialists in France – or they too embrace populism, of the right or left, under charismatic, demagogic leadership. It is certainly true that hitherto fringe populist movements and parties are the beneficiaries of the decline in traditional parties. In South Africa the lead actor in that role was the EFF – the Economic Freedom Fighters – a breakaway of the leadership of the ANC Youth League from the mother party.

As its name suggests, the EFF takes its cue from the incontrovertible fact that political emancipation has not been matched by economic freedom. South Africa remains one of the most unequal societies in the world, with the divisions still reflecting its racialised past. The EFF's economic policy positions are intended to address these and to appeal to that vast and diverse swathe of the population who remain excluded from participation in the economy, whether the army of unemployed, the rural poor, black professionals who cannot access the lucrative accounts of large corporates which they perceive to be the preserve of closed racially-defined professional networks, the small black-owned manufacturing or services company that also has difficulty accessing corporate and public sector supply chains, or the township dweller reliant on public services who justifiably perceives the poor quality of those services to be the consequence of rampant, brazen corruption on the part of the political leadership and public officials.

In the period of the Zuma administration, opposition parties, with the EFF playing a leading role, have, in their efforts to challenge the governing party, predictably focused their rallying calls on rampant corruption.

A critical public institution that has been severely damaged by the corruption of the governing party and by the concomitant singular focus of the opposition on corruption is that intended pillar of democracy, parliament. Far from being the platform for robust debate of policy alternatives, parliament became the site on which opposition parties exposed and expressed outrage at the corruption of the governing party. This was accompanied by non-adherence to the rules of the game that are necessary for the functioning of a parliamentary democracy. Zuma's brazen abuse of his office, rightly called into question his very legitimacy, and with it the legitimacy of the majority party. This in turn legitimised – even amongst those who do not support the EFF – extremely disruptive conduct that effectively denied the leader of the governing party and the head of state the ability to engage with parliament. On those rare occasions when Zuma was permitted to engage with parliament, his evasiveness and palpable dishonesty served as further confirmation of his illegitimacy.

And while the EFF, with their taste for uniforms and military titles, adopted the approach of the stormtrooper, the Democratic Alliance (DA), the sober, centre-right and largest opposition party, tabled successive motions of no-confidence in Zuma and litigated in court. Thanks then to the sudden presence of robust opposition parties, galvanised by the decline in the ANC's popular support and evident dissatisfaction at Zuma in particular, the hitherto supine parliament emerged as a threat to Zuma's continued leadership of the governing party and, with it, his value to the state capture syndicate. The response of the party leadership was to effectively weaponise key parliamentary offices in defence of Zuma and his executive. In order to defend her party and its leader, the then Speaker of the House of Assembly cast aside any pretence at non-partisanship; the parliamentary committees meant to exercise oversight of the executive took on the primary role of defending the president and the executive from a rampaging opposition.

The executive's ability to impose its will on the ANC's parliamentary caucus is massively abetted by the system of proportional representation that determines the composition of the national assembly and the provincial legislatures. It appears that this system of representation was originally introduced in order to limit racial polarisation in the democratically elected parliament. However it has become a major impediment to democratic governance. Not only does it deprive the voting constituencies of directly elected and accountable representatives, it effectively means that the representatives are accountable to the leadership of the party which determines the electoral list and thus an individual's membership of Parliament. Indeed it was only when a significant group of ANC parliamentarians voted with the opposition in the fourth motion of no-confidence in

Zuma, that the writing on the wall became clear. It is interesting to note that this vote was, for the first time, following a decision of the Constitutional Court, conducted by secret ballot.

The decline in the quality of democracy is frequently attended by political party and parliamentary dramas such as those described above. Look no further than the USA and the UK for evidence of this. However, there are also more prosaic, and arguably more powerful factors underpinning the hollowing out of the representative institutions of democracy. The increasing complexity of the issues and the institutions over which parliamentary bodies are charged with exercising oversight is a major contributory factor. The upshot is that parliamentarians are either hopelessly outgunned by those who are notionally accountable to them or they come to rely increasingly on privately funded think tanks and lobbyists to close this gap with a concomitantly increased influence of moneyed interests over the decision-making of parliamentary representatives. This inevitably extends to increased money influence over the electoral process itself.

The complexity of law-making and parliamentary oversight and the increasing influence of money is reflected in the professionalisation of political representation and the increasing social distance between the electorate and their representatives. Take this confirmatory 2017 data from the UK: Going back to 1979, no less than 10% of MPs from the three main parties have been lawyers (while 0.22% of the UK population are lawyers). Over the same period, the percentage of MPs who were manual workers – such as miners – has decreased steadily from 15.8% 45 years ago to below 4%. Just 7% of children go to private school in the UK, but 48% of Conservative MPs, 17% of Labour MPs and 14% of Lib Dems MPs were privately educated. The basic annual salary for MPs was £91,346 in 2024, while the UK median pre-tax full time salary was £34,963. MPs earned more than the bottom 90% of the country. Less than 2% of UK adults were millionaires, while at one point two-thirds of David Cameron's cabinet were millionaires.[2]

Liberal democracy's approach to countering both the information and technical asymmetries that disadvantage parliament and the influence of money over legislature elections and processes is to place decision-making in the hands of institutions of professionals – regulators, courts of law, administrative tribunals, central banks – whose foundational statutes explicitly seek to immunise them from external influence. Those who engage with and amplify the voice of the citizenry and who are most effective in holding these unelected elites accountable are increasingly non-governmental organisations (NGOs) and civil society organisations (CSOs), also organisations of unelected elites, funded, for the most part, by private philanthropic foundations, more unelected elites. The upshot is that the responsibility for creating and defending rights in liberal democracies is increasingly the responsibility of unelected elites rather than democratically elected representatives, a phenomenon characterised by the political scientist, Yascha Mounk (2018), as "rights without democracy".

What then is the verdict on the interplay between democracy and corruption in the era of state capture in South Africa? It is clear that in order to sustain political corruption on the scale of the South African state capture project, it was necessary to attack key pillars of the democracy. The principal targets were the criminal justice agencies, including the NPA, which were weaponised in order to protect the state capture project and its protagonists and to attack opponents of the project. This was largely effected through the abuse of Zuma's near unrestrained powers of leadership appointment. Having reduced the risk of detection and prosecution it was necessary to reduce the risk of political sanction which emanated from the volatile ANC. The corruption of the ANC was achieved with relative ease.

Following this the accumulation platforms targeted for capture were key ministries and the boards and executive suites of the major SOEs. Once this had been achieved, also by deploying Zuma's powers of appointment, the extraction of rents followed a predictable pattern. Essentially they looted targeted SOEs, with Eskom, Transnet, Denel and SAA receiving special attention. Companies associated with the Guptas were granted favourable access to government tenders, particularly those emanating from the captured SOEs.

Where there were no Gupta-owned companies available to supply goods and services into the SOEs' supply chains, the Guptas established companies with no discernible assets other than the political connections of their beneficial owners. These entities then interceded between the captured SOEs' boards and procurement authorities, on the one hand, and, on the other, the potential supplier. In exchange for a massive 'commission' the Gupta-linked sham company then 'facilitated' the introduction of the would-be supplier to the SOEs' decision makers. There are countless examples of this, amongst the most infamous being an IT contract entered into between SAP, the giant German multinational, and Transnet; another between South China Rail and Transnet; and a third between McKinsey and Eskom.

The Guptas also abused the black economic empowerment programmes and laws in order to loot the SOEs' procurement budgets. In one particularly notorious instance the US blue chip advisory firm, McKinsey, took on a Gupta-linked management advisory firm as a 'supplier development partner' and, although its 'partner' supplied no services at all, cut it into a massive contract with Eskom.

The Gupta's ambitions were boundless. The lion's share of Eskom's procurement budget was in the supply of coal to the SOEs' fleet of power stations. In order to gain a significant slice of Eskom's coal supplies a Gupta crony, until then a little known provincial politician, was installed as Minister of Mineral Resources, who immediately, in collusion with the leadership of Eskom, used his ministerial powers to force Glencore, the multinational minerals giant, to sell its South African coal mines to a Gupta company. The most audacious project taken on by the Gupta/Zuma syndicate – and the rock upon which it ultimately foundered – was the attempt to introduce a significant component of nuclear power into South Africa's energy mix, despite all technical and financial advice to the contrary. The power stations were to be built by the Russians with the rumour mill suggesting that Zuma had already received a considerable down payment on their purchase, and the fuel was to be supplied by a mothballed and hitherto unprofitable uranium mine purchased by the Guptas!

The politicisation of the criminal justice institutions was not the only damage wrought by the exigencies of corruption on the institutions of the democracy. As already elaborated, in order to address Zuma's vulnerability to the vagaries of the factionalised ANC, the internal democracy of the organisation had to be destroyed. And with it went parliament. The verdict must surely be that state capture or political corruption is not sustainable in a well-functioning democracy – in order for the former to flourish, the latter must be rendered powerless. The evidence generated by South Africa's experience of state capture supports that verdict.

REFERENCES

Feinstein, A., Holden, P. and Van Vuuren, H. 2019. Decision to set aside Seriti Commission findings will have a profound impact, *Daily Maverick*, 21 August. Available at https://www.dailymaverick.co.za/article/2019-08-21-decision-to-set-aside-seriti-commission-findings-will-have-a-profound-impact/

Foer, F. 2019. Viktor Orbán's war on intellect. *The Atlantic*. June. Available at https://www.theatlantic.com/magazine/archive/2019/06/george-soros-viktor-orban-ceu/588070/

Mounk, Y. 2018. *The People versus Democracy – Why Our Freedom Is in Danger and How to Save It*. Harvard University Press.

Transparency International. 2019. *Corruption and the crisis of democracy – The link between corruption and the weakening of democratic institutions*. 6 March. Anti-Corruption Helpdesk Answer by Eliska Drapalova. Available at https://knowledgehub.transparency.org/helpdesk/corruption-and-the-crisis-of-democracy

ENDNOTES

[1] Minister of Finance and Other v Van Heerden (CCT 63/03) [2004] ZACC 3; 2004 (6) SA 121 (CC); 2004 (11) BCLR 1125 (CC) ; [2004] 12 BLLR 1181 (CC) (29 July 2004) Paras 22-25

[2] These data are from varying dates, but they demonstrate the general point. See https://www.theguardian.com/news/datablog/2011/apr/04/solicitors-number-england-wales-ethnicity; https://yougov.co.uk/news/2014/07/24/public-want-more-mps-factory-fewer-courtroom/; http://www.suttontrust.com/newsarchive/one-third-of-mps-in-new-house-of-commons-was-privately-educated/; http://www.parliament.uk/about/mps-and-lords/members/pay-mps/; http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2015provisionalresults; https://equalitytrust.org.uk/scale-economic-inequality-uk/; https://equalitytrust.org.uk/scale-economic-inequality-uk/

David Lewis, a former trade unionist, academic, policymaker, regulator and state-owned company board member, was a co-founder and the director of Corruption Watch.

Read *Corruption v democracy* part two at https://ifaaza.org/sas-democratic-institutions-were-able-to-fight-state-capture/
Read *Corruption v democracy* part three at https://ifaaza.org/david-lewis-unpacks-issues-of-corruption-and-governance-in-sa-part-three/
See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

This article was submitted on 6 November 2024.

Corruption v democracy part two

Democratic institutions fight back

– By David Lewis

In part two, DAVID LEWIS returns to the question of the relationship between democracy and corruption and argues that for political corruption on the scale he describes in part one to thrive with impunity, democracy would have to be hollowed out.

I use 'hollowed out' in reference to the South African democracy advisedly. This is not a military coup in which power is taken by force, where elections are no longer held and all the other features of democracy – parliament, an independent judiciary and media, civil society organisations (CSOs), independent unions, political parties – are viciously repressed. Nor is it a dictatorship of the contemporary Russian variety which relies on the support of the military and the intelligence apparatus to be sure, but where blatantly rigged elections are held, where a sham parliament, with only the most obeisant opposition parties granted access, functions after a fashion, where the courts are subjugated to the dictator and where there is no mechanism for effecting a transition in power.

In South Africa the capture of the state was, as already mentioned, effected by a democratically elected leader. He moved quickly to subjugate key oversight institutions – the law enforcement agencies and other key economic institutions such as the South African Revenue Services (SARS); and he prised open the state institutions and ministries that his more commercially oriented syndicate partners targeted.

But Zuma's power was constrained, as we shall see, by those institutions of democracy which Zuma couldn't, or didn't deem necessary to, contain, and which ultimately brought him down.

Alternative narratives

This account of the capture of the South African state is firmly located within a corruption narrative. Its captors are identified as a criminal syndicate *tout court*. This is not unique to South Africa. The Latin American narco states are also captured by criminal syndicates as are several of the central Asian states. In each instance the criminal syndicates are headed by powerful politicians, senior law enforcement officials and moneyed interests. In these cases the moneyed interests are mainly drug cartels, whereas in South Africa they presented themselves as legitimate business people. Nevertheless the scheme, in the South African case, is no less criminal and the modus operandi is similar.

The Zuma/Gupta syndicate corrupted the law enforcement authorities in order to evade detection and prosecution for a range of criminal offences including, but not limited to, bribery, extortion, money laundering and the falsification of business records. That few of these crimes have been successfully prosecuted speaks to the success achieved by the syndicates in neutering the law enforcement authorities.

On the face of it, the South African case appears to approximate the Brazilian 'car wash' scandal in which the moneyed interests were also represented by legitimate business interests who sought to advance those interests by criminal means which, too, entailed an attack on the state.

Former president Thabo Mbeki has recently presented an alternative analysis of state capture. He attributes the state capture project to former intelligence operatives of the apartheid state who remained fearful of the prospect of the ANC or the South African Communist Party (SACP) moving away from the state of national democratic revolution towards socialism. With this in mind, they activated their agents who had already infiltrated the ANC to remove Mbeki as ANC president at the 2007 Polokwane conference and to replace him with Zuma, who, in a thinly disguised reference, Mbeki describes as a 'wolf in sheep's skin', in other words, as an infiltrated agent of the former apartheid regime.[1]

In order to further weaken the country and demonstrate the inability of the ANC to manage the economy, these agents chose two targets, the first being SARS, the second being Eskom. Mbeki reminds us that the gutting of SARS, a particularly effective public institution, was one of the state capture projects in which Zuma was directly involved. Mbeki asks how it is possible to explain why a head of state would participate in the destruction of an institution upon which the ability of the state to discharge its responsibilities depended. He posits that the only logical answer to this question is that the head of state must have been an agent of counter-revolution. There are of course, other logical explanations for why ambitious thieves might wish to control a country's revenue service.

The second target, argues Mbeki, of the counter-revolution's agents was Eskom, responsible for the reliable delivery of a vital economic input and public service. The electricity blackouts – 'loadshedding' – were engineered in order to demonstrate the ANC's inability to guarantee sufficient energy to firms and to households.

Congress of South African Trade Unions (Cosatu) protest against state capture *Source: Wikimedia Common*

It is in the nature of Mbeki's explanation that the best evidence which he is able or willing to present is purely circumstantial and so we are left with the assurance that 'time will tell' whether his 'logical deductions' are correct.

If political leaders are inclined to explain the conduct of their adversaries by reference to elaborate conspiracies mounted by hostile intelligence operatives, then scholars will be inclined to seek their explanation in the grand march of history, motored by class struggle and class formation. And so, Ivor Chipkin and Mark Swilling (2018), in their book *'Shadow State: the politics of state capture'* assert, in the first definition of their 'key terms', that:

> *The aim of state capture is not to bypass rules to get away with corrupt behaviour; the term 'corruption' obscures the politics that frequently informs these processes, treating it as a moral or cultural pathology. Yet corruption, as is often the case in South Africa, is frequently the result of a political conviction that the 'rules of the game' are rigged against specific constituencies and it is therefore legitimate to break them. The aim of state capture is to change the formal and informal rules of the game, legitimise them and select the players who are allowed to participate.*

The constituency whose interest state capture seeks to advance are, according to Chipkin and Swilling, "a new black business class in the making". This is not a persuasive argument. Zuma was a political leader, the head of state and of the governing party. He abused his power to enable his business cronies, principally the Gupta family, to gain access to the resources of the state. The Guptas benefitted from their relationship with Zuma to the tune of billions of Rands. So too did Zuma and his family benefit handsomely – certainly it is well documented that his son, Duduzane, and other members of his family acquired considerable wealth as a result of the 'business' activities of the Guptas, as did other important ANC leaders and their families, for example the family of Ace Magushule, then premier of the Free State province. However, in order to keep the taps open, or, given the two-term limit on the presidency, a hand-picked successor had to occupy Luthuli House, the headquarters of the ANC. In order to ensure this, Zuma had to turn the ANC into a patronage machine, of which he was the leading patron. I have already outlined the process of capturing the ANC.

Zuma was also head of state. I have outlined how he abused his powers as head of state in order to gain access for his business cronies, the Guptas, to public resources. But the conspicuous and rapidly acquired wealth of the Guptas and members of his own family, and the brazenness with which the Guptas displayed their close proximity to political power, drew the attention of the media and CSOs and, through them, the South African public.

Zuma had to shore up his legitimacy as head of state. He sought to achieve this by casting his patronage networks beyond the ranks of ANC leaders and activists. And so state contracts were directed towards aspirant and emerging black businesses and their owners and away from established white businesses, frequently, but by no means always, through corrupted procurement processes. Is this class formation or patronage pure and simple?

Granting small business people preferential access to state contracts is, to be sure, a class formation intervention, even if a subset of those contracts are awarded corruptly. Granting access to a powerful politician's network of carefully selected beneficiaries is patronage. But it takes a politician far less canny than Zuma to present a patronage programme as a legitimate class formation intervention. Patronage is perpetrated by reserving part of that programme for those personal networks that would pay for that favour by shoring up public and party support for a corrupt president. How convenient to be able to present a patronage project under the guise of a larger and legitimate state class formation project. And how doubly convenient to present it as a project in which the previous beneficiaries are presented as 'white monopoly capital' who had lost out to black-owned small business. This is then a state capture project perpetrated by criminals and not a legitimate class formation project led and managed by a state agency.

The political fall-out was, and to a significant extent, remains, undeniably dramatic. Major state-owned entities (SOEs) were crippled, the public procurement system was trashed, the law enforcement agencies were hopelessly politicised, the ANC was shattered, corruption dominated the political discourse in the country to the exclusion of all else. This was because criminals had captured the state, not because an intense class struggle was being played out with the president (and the Guptas?!) leading one of the contending classes. To believe the latter is to accord more credit to the Zuma administration than it deserves and is, frankly, risible.

My argument, of course, bears out the wisdom of Occam's Razor: if you have two competing ideas to explain the same phenomenon, then prefer the simpler one!

Democracy strikes back

Just as it has been established that democracy must be severely compromised in order for political corruption or state capture to thrive, so does South Africa's experience also provide evidence for the argument that democracy is an effective counter to, or, at least, constraint upon, political corruption. This evidence is provided by a number of state and non-state actors who not only survived state capture but who played a vital role in opposing it. Each of these mutually supportive institutions owes their existence and their strength to the democracy that continued, against considerable odds, to undergird the South African political system.

The judiciary stands out amongst the state actors who provided a robust counter to corruption. The South African judiciary and the judges that populate it have remained remarkably free of the taint of corruption. There are a variety of reasons for this – a long history of 'lawfare', of utilising the law and litigation in defending and promoting human rights and social justice, and the concomitant presence of a strong human rights bar and innovative public interest law firms are important parts of the explanation.

Clearly, though, a strong factor that has protected the judiciary from state capture and one that throws into sharp relief the capture of other elements of the justice system, is the process that governs the appointment of high court judges, including judges of the Supreme Court of Appeal and the Constitutional Court. In brief, candidates for judicial office are publicly interviewed by a body, the Judicial Services Commission (JSC), chaired by the Chief Justice and comprising senior members of the judiciary, the legal profession, political parties and the executive. In the case of appointments to the Constitutional Court and Supreme Court of Appeal the JSC recommends a shortlist to the president who is required to appoint from those shortlisted candidates. The JSC

… the ANC was shattered, corruption dominated the political discourse in the country to the exclusion of all else.

makes appointments to lower courts. The executive possesses nothing approximating the power that it enjoys over appointments to the rest of the leadership of the criminal justice system.

The range of judicial intervention that has struck at the heart of the state capture project is extraordinary and has raised some predictable concern about judicial overreach. Suffice to say – and bear in mind the key features of the state capture process outlined above – that the Constitutional Court has, despite apparent presidential and executive prerogative, set aside, on grounds of legality and rationality, appointments to the leadership of key criminal justice institutions, including, on two occasions, the National Director of Public Prosecutions. It has ordered parliament to exercise its oversight functions and it has provided strong judicial guidance on the voting process in parliament that ensured secret balloting in a motion of no-confidence. The High Court has reviewed and set aside the findings of a judicial commission of enquiry that effectively whitewashed the investigation of the arms deal. It has strengthened the powers of the Public Protector, an ombuds office that distinguished itself by its willingness to stand up to executive power. It has intervened decisively in irregularly awarded public procurement contracts. An independent judiciary is a hallmark of a functioning democracy and has played a vital role in combatting state capture.

Three other democratic pillars of the state have resisted state capture and have been instrumental in opposing it. These are the Public Protector, an ombud responsible for receiving allegations of, and further investigating, malfeasance on the part of state institutions, public officials and politicians; the Auditor General (AG); and the Independent Electoral Commission (IEC). These belong to a small group of institutions provided for in Chapter 9 of the Constitution which describes them collectively as 'state institutions supporting democracy'. The IEC may well have escaped capture because, given the ANC's prior overwhelming electoral dominance, there was no apparent need to rig elections. The AG, although vital in exposing corruption and malfeasance in the management of public resources was not, until a recent amendment to its statute, empowered to enforce its findings which were, for the most part, simply ignored.

Similarly, while the Public Protector enjoyed considerable powers of investigation its findings were not considered binding until, upon application by the Economic Freedom Fighters (EFF) and a number of CSOs, the Constitutional Court decided otherwise. The significance of this decision was underlined by the fact that the Constitutional Court's ruling was based on the outcome of the investigation into the multi-million Rand upgrade, at taxpayer expense, to the private home of the president. The Public Protector ordered Zuma to repay this money to the state.

The other state actor that played a vital role in resisting state capture was the Treasury and the cluster of institutions over which the Minister of Finance exercised executive oversight. The necessity to capture these institutions was the rock upon which the state capture project ultimately foundered and is examined below.

… the ANC may well turn out to be the institution most severely damaged by state capture.

The non-state actors that have taken the lead in opposing state capture are CSOs and parts of the media. South African CSOs have a proud history of mobilising popular opposition to oppressive government. Born in South Africa's particular history of racial and class oppression, civil society opposition has taken the form of non-governmental organisations (NGOs) and popular movements each dealing with a vast array of diverse, oppressive social conditions and grievances. Honed in the opposition to apartheid in the 1980s, CSOs came together to constitute the ANC-aligned United Democratic Front. However, these organisations largely disarmed themselves at the advent of the democracy for which they had fought so valiantly.

In the democratic era, CSOs revived themselves in response to the HIV/AIDS pandemic, and they did so again on a broader canvas in response to state capture in the Zuma administration. CSOs have played a pivotal role in opposing state capture on a number of fronts. They have been largely responsible for initiating litigation that has led to some of the most far-reaching judgments of the courts. They have exposed and mobilised popular opposition to state capture. They have encouraged and enabled whistleblowing, an essential ingredient in tackling grand corruption. And relatively spontaneous civic action has remained a hallmark of the South African political landscape.

The media – in particular a number of small teams of investigative journalists – were, and remain, at the centre of exposing state capture. Again South Africa has a strong history of significant pockets of robust, independent media. In the state capture exposés investigative journalists have been enormously abetted by a trove of emails – the 'Gupta emails' – handed to them by whistle blowers.

Each of these state and non-state actors owe their existence and their impact to the democracy in which they play their respective, but mutually supportive, roles. Hence the CSOs are closely identified with their stated respect for the Constitution and the rule of law, naturally including their support for an independent judiciary. CSOs and the media actively scrutinise judicial appointments. By the same token, although Zuma and his cronies muttered darkly about 'foreign funded' CSOs and politically motivated media, the South African courts, drawing on constitutionally enshrined principles, would not have countenanced the sort of constraints imposed on CSOs and media freedom in illiberal democracies as diverse as India, Hungary and Turkey.

And so, while South Africa's experience of state capture is testament to the corrosive effect of corruption on democracy and its key institutional manifestations, it also provides evidence of the constraint imposed on corruption by institutions that characterise a still-functioning democracy such as the courts, CSOs and the media.

But these pillars of democracy are vulnerable. For example, threats to the media are clearly present in South Africa. A particularly notorious attempt by the Gupta/Zuma syndicate to cast its opponents as the elite representatives of a racially-based counter-revolution – 'white monopoly capital' – was conceived and driven, largely on social media, by the British public relations firm, Bell Pottinger, and paid for by the Guptas. The fall-out from this attempt to fan the flames of racial discord in South Africa led to the global demise of Bell Pottinger, although its efforts to racialise the state capture narrative were by no means entirely unsuccessful.

The Guptas themselves established a daily newspaper and a television channel which enjoyed considerable financial support from government, courtesy of the syndicate's man in the presidency. The Gupta's media empire did not resonate with the South African public and ultimately collapsed under the weight of its own crudity and incompetence. Highly influential journalists working for some of South Africa's leading media platforms have been exposed as being in the pay of the state capture syndicate. One of South Africa's largest newspaper groups has been bought by notoriously corrupt business interests.

Moreover, each of these actors – state and non-state – are vulnerable to being cast as unelected elites whose views and actions run counter to the elected representatives of the people. This is a common refrain in the various national attacks on democracy – the protagonists of Brexit decry the need for 'experts'; Orbán and Erdoğan target universities; Donald Trump rails against the likes of the *New York Times* and the *Washington Post*, the media of the elite; Jacob Zuma refers to his middle-class black detractors as 'clever blacks'. This is the stuff of demagoguery, rendered all the more powerful by the crude half-truth at its heart. Above all it suggests that while each of these actors are vital buttresses of democracy, they cannot substitute for effective representative institutions.

The end of the beginning

The Treasury was the critical department of state that held out against state capture. The larger the rents accumulated by the Gupta/Zuma syndicate and the more audacious its ambitions, the greater the imperative to capture the Treasury. The Treasury was the custodian of the procurement laws and regulations; it had to sign off on sovereign borrowings and guarantees; it comprised a family of institutions, most notably SARS, the Public Investment Corporation (PIC), the Financial Intelligence Centre (FIC) and the South African Reserve Bank (SARB), charged with gathering potentially sensitive information and who enjoyed significant powers of investigation and detection. As the scale of procurement capture increased and became more difficult to hide, as income that was not, and could not be declared, flowed into the coffers of Gupta-linked companies, as suspicious banking transactions designed to launder illicitly acquired wealth and income proliferated and as the necessity to off-shore their ill-gotten gains intensified, so did capturing the Treasury and its associated institutions become a blinding imperative.

The Gupta's excessive Sun City nuptials in 2103 was an early sign of the family's extraordinarily extravagant lifestyle *Source: Flickr*

The syndicate had already made important inroads into the capture of these institutions with the appointment in 2014 of Tom Moyane as SARS commissioner. The appointment of the SARS commissioner is one of those critical posts over which the president enjoys unfettered discretion. Zuma exercised his discretion by appointing the former commissioner of prisons to the post of SARS commissioner. Moyane had no previous tax or economic policy experience and his conduct in previous government positions had already aroused strong suspicions of corruption. However, since his days in exile he had been a particularly close crony of Zuma, his singular 'qualification' for this vital post.

SARS had, under a former commissioner, Pravin Gordhan, acquired a global reputation for probity and competence. Gordhan's tenure at SARS ended when, in 2009, Zuma appointed him Minister of Finance in his first cabinet. At the beginning of Zuma's second term Gordhan was reassigned to head the ministry responsible for poorly functioning local government. He was replaced by Nhlanhla Nene who was summarily dismissed from cabinet in December 2015.

A brief detour is necessary to recount the extraordinary events surrounding the removal of Nene, arguably the defining moment in the denouement of the Zuma/Gupta syndicate. Essentially Nene was dismissed because he refused to sign off on the financing of a nuclear energy deal which was destined to be the high point of state capture. The extraordinary sweep of the Gupta ambitions that were revealed by the planned nuclear deal is briefly described above. Apart from the massive procurement spend required by a nuclear power station, the Gupta's were in pole position to profit from nuclear power stations which would have provided the market for the output of the Gupta's recently acquired uranium mine.

The overwhelming advice of energy, environmental and financial experts, all of whom vehemently opposed nuclear power, was simply ignored. But the Minister of Finance's support was formally required for the onerous financing arrangements and Nene refused to give his consent. Nene's deputy, Mncebisi Jonas, has testified that the Gupta's offered him a R600 million bribe if he agreed to replace Nene and, naturally, do their bidding from thereon. Jonas refused. Nene was dismissed by Zuma on 9 December 2015 and replaced by a relatively unknown parliamentarian and former small town mayor, Des van Rooyen. Van Rooyen immediately pitched up at the ministry offices in the Treasury with several Gupta associates in tow who were to serve as his advisers. The market reaction was swift and brutal and business leaders were finally galvanised into action. Van Rooyen's tenure as Minister of Finance lasted precisely five days whereupon Zuma recalled Pravin Gordhan to the finance ministry.

Gordhan immediately confronted Moyane's efforts to neuter SARS. I will not attempt to detail the destruction of SARS. Suffice to say it was effected with the high-priced assistance of global management consultancy, Bain, auditing firm, KPMG, and law firm, Hogan Lovells, each of whom engaged in the most extraordinary level of corruption and professional misconduct. Purges of the most dedicated, competent SARS staff members were the order of the day. Highly successful operating units were summarily closed down. The intelligence agencies, the Hawks and the NPA, were weaponised, and sections of the media were compromised in order to discredit Gordhan and key SARS officials who resisted the capture of the tax collector.

Gordhan and Jonas, having survived this daily war of attrition for 15 months, were both fired by Zuma on 31 March 2017 – they were abruptly recalled from London where they were heading an international Treasury roadshow to engage with already nervous international investors.

But although the attack on the Treasury and SARS, in particular, caused enormous damage to these institutions, sealing their capture proved a bridge too far for the Zuma/Gupta syndicate. It exposed Zuma's abuse of the intelligence and criminal justice apparatus, it confirmed the Gupta's influence over key government decisions, it brought thousands of South Africans out onto the streets, it galvanised vocal business opposition to Zuma and it internationalised the opposition to state capture by drawing in international investors who expressed their disquiet in the shape of downgrades by the international ratings agencies and a precipitous fall in the value of the currency. And of paramount importance, it gave voice to rumbling discontent in the ranks of the ANC – venerable ANC veterans demanded the removal of Zuma, a significant number of ANC parliamentarians, including several cabinet ministers, voted for an opposition motion of no confidence in Zuma and parliament began to demonstrate some signs of life by belatedly commencing investigations into corruption allegations at Eskom and other SOEs.

In December 2017, the ANC conference elected Cyril Ramaphosa to the presidency of the party, giving him a razor-thin majority over Nkosazana Dlamini-Zuma, the preferred candidate of Zuma's ANC faction. In February 2018, with the threat of recall imminent, Zuma resigned the presidency of the country. His co-conspirators, the Gupta brothers, were, by then, firmly ensconced in their multi-million dollar estate in Dubai.

A 'new dawn'?

Upon his inauguration as president of South Africa, Cyril Ramaphosa heralded the arrival of a 'new dawn'. His mandate was confirmed by the 2019 general election in which the electorate gave the ANC a reduced, but still substantial majority.

Ramaphosa's first term as president of the party was characterised by a relentless war of attrition led by the still powerful Zuma faction against his leadership of both party and country, coupled with public impatience at what was perceived of as his unwillingness or inability to confront his corrupt opponents in the party and the state.

However, the reformist Ramaphosa administration undoubtedly made progress in strengthening the state's anti-corruption armoury. The Zuma-appointed top leadership of key law enforcement and information-gathering institutions – for example the NPA, the SAPS, Hawks and SARS – were replaced by people of competence and integrity. An Investigating Directorate (ID), staffed with investigators and prosecutors, initially principally tasked with investigating and prosecuting crimes referred by the Zondo Commission, was established by proclamation. It has now been provided with a statutory basis and is charged with investigating and prosecuting serious and complex corruption cases. A Special Tribunal has been established to which the Special Investigating Unit (SIU) has exclusive access for the purpose of speedily instituting civil proceedings to set aside irregular contracts with the state and to secure the preservation and forfeiture of state assets acquired in terms of these contracts.

This institutional strengthening has recently begun to bear fruit in high-profile investigations, prosecutions and asset seizures. However, there remain significant difficulties in the criminal justice institutional environment, not least in the South African Police Services (SAPS) itself, a bloated, incompetent and deeply corrupted institution. Questions have recently been raised regarding the competence and integrity of the courts, particularly directed at the politicisation of the Judicial Services Commission, the body responsible for the appointment of judges.

The boards and executive suites of the major SOEs have also been revamped although evidence of 'cadre deployment' – party loyalty rather than competence and qualification driving appointments – remains strong. However, the depth of corruption and incompetence that characterised these victims of state capture has proved extremely challenging. Clearly, the extent to which these institutions had been damaged had been underappreciated.

The Commission of Enquiry into State Capture – the Zondo Commission – graphically exposed the nature and extent of state capture, including the key role of the political leadership of the state and the ANC.

A comprehensive National Anti-Corruption Strategy has been developed by a task team comprising representatives of leading CSOs, the business establishment and key state actors and endorsed by cabinet. The task team's recommendation that government consider establishing a dedicated anti-corruption agency is endorsed by the president's appointment of the National Anti-Corruption Advisory Council, a body established to advise the president on implementation of the recommendations of the National Anti-Corruption Strategy and the Zondo Commission.

But it is the ANC that has proven to be the most resistant to reform. As already noted, Ramaphosa was elected to the leadership of the party by the narrowest of majorities over Nkosazana Dlamini-Zuma. From day one of his administration, Ramaphosa's person and authority was assailed by the powerful and obstructive group of Zuma loyalists who remained in the leadership of the ANC, including none less than the organisation's Secretary General, Ace Magashule, also elected to his office by a slender majority of the 2017 annual conference.

However, the fight against corruption within the ANC, spurred largely by public outrage, and supported by the fragile internal democracy still flickering in the party, has occasionally come to the assistance of the Ramaphosa-led reformists. In particular, it has given rise to the 'step-aside resolution' adopted at the 54th conference of the ANC. This resolution provides that ANC members indicted for corruption are required to temporarily step-aside from any positions held in the organisation whilst their charges are adjudicated. Failure to do so would lead to suspension.

The step-aside resolution – a significant advance on the oft-repeated mantra of those charged with corruption of presumed innocence – generated deep divisions and conflicting interpretations within the ANC leadership. This is, of course, not surprising given that key ANC leaders stood accused of serious corruption, usually on the basis of the work of investigative journalists, CSOs and the Zondo Commission. Several high profile national and provincial ANC leaders have been compelled to step-aside pursuant to this resolution, most notably the Secretary General, Ace Magashule, who, after having been charged with serious corruption allegedly perpetrated while premier of the Free State province, refused to step-aside and was suspended and subsequently expelled from the organisation.

However, corruption remains rife within all levels of the organisation and, thus, in those levels of the state to which the party's leadership has access. That the step-aside resolution only applies to those *charged* with corruption, means that important leaders persuasively *accused* of corruption remain beyond its reach. The upshot is that while the wheels of justice slowly creak, several palpably compromised ANC leaders remain in position in the party and the state. This is evident within the NEC and, most controversially, within the parliamentary caucus of the ANC, and is reproduced in the provinces. That the reformists within the ANC have been compelled to accept within its leadership ranks those publicly accused but not (yet) charged with serious corruption evidences the limits of the reformists' power. Of course it is possible that the reformists' weakness may be attributable to the presence of compromised individuals within their own ranks. Or, of even greater concern, it is possible that the ANC itself may be a beneficiary of the proceeds of particular acts of corruption.

That having been said, the step-aside resolution has undoubtedly become an important feature of the governance of the ANC. It has recently claimed the scalps of the Speaker of the House of Assembly, charged with corruption during her tenure as a senior cabinet minister and several high-ranking ANC members, whom the Zondo Commission had recommended be further investigated by the law enforcement authorities. All stood down from their positions pursuant to the step-aside policy.

However the electorate is clearly unconvinced by the efforts of the reformists, as evidenced by the mould-shattering outcome of the 2024 elections.

REFERENCE

Chipkin, I. and Swilling, M, with Bhorat, H., Qobo, M., Duma, S., Mondi, L., Peter, C., Buthelezi, M., Friedenstein, H., and Prins, N. 2018. *Shadow State: the politics of state capture,* Johannesburg: Wits University Press.

ENDNOTE

[1] Observations by Thabo Mbeki to mark the 30th Anniversary of South Africa's Democracy: 30 April 2024. See https://www.politicsweb.co.za/documents/how-our-democracy-went-off-track--thabo-mbeki

David Lewis, a former trade unionist, academic, policymaker, regulator and state-owned company board member, was a co-founder and the director of Corruption Watch.

Read *Corruption v democracy* part one at https://ifaaza.org/corruption-vs-democracy-in-south-africa-part-1/
Read *Corruption v democracy* part three at https://ifaaza.org/david-lewis-unpacks-issues-of-corruption-and-governance-in-sa-part-three/See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

This article was submitted on 6 November 2024.

Corruption v democracy – Part three

The 2024 elections

- By David Lewis

Part three reflects on the new Government of National Unity that was formed after the 2024 general elections, when the ANC lost its parliamentary majority. The most urgent and most difficult task facing the GNU is to make its impact felt at the provincial and local spheres of government, which remain more deeply corrupted than that of national government.

For the first time since 1994 the ANC's share of the national vote has fallen below 50%, declining from 57.5% in 2019 to 40.2% in 2024. As significant, the provincial shares in Gauteng and KwaZulu-Natal (KZN) provinces fell well below 50%, with the recently formed uMkhonto weSizwe (MK) party, led by none other than Jacob Zuma, capturing 45.35% share of the KZN vote and the ANC share dropping from 54.2% to a paltry 16.9%. In Gauteng the ANC's share of the vote declined from 50.2% to 34.6%. The Democratic Alliance's (DA's) share remained approximately stable at 27.5% in Gauteng and 21.8% nationally.

The ANC leadership has publicly acknowledged that corruption and, associated with it, extremely poor delivery of social services (largely a provincial and local government responsibility), is a leading cause of the electorate's devastating judgment. The upshot is that in the national government and in three provinces (Gauteng, KZN and the Northern Cape), the ANC has had to form or constitute part of a coalition government to continue to participate in a majority government.

In the name of national unity, the ANC, still the largest if not the majority party, has initiated the formation of a national coalition government. Dubbed the 'government of national unity' (GNU) – the ANC invited all parties represented in parliament to join it in co-governing – a national government has been constituted with those parties willing to accept the ANC's invitation comprising the ANC, the DA, the IFP and a number of the smaller parties. The larger of the parties who, in what may turn out to be a major strategic blunder, rejected the ANC's invitation are the Economic Freedom Fighters (EFF) and Zuma's MK party. It is clear that, given their disparagement of the Constitution and the judiciary, both the EFF and MK party would have had difficulty meeting, to the satisfaction of all parties already in the GNU, the first 'fundamental principle' to which all GNU member parties are required to commit namely 'respect for the Constitution, the Bill of Rights in its entirety, a united South Africa and the rule of law.'

The controversy surrounding the GNU centres, predictably, on the ANC's partnership in government with the DA, which garnered the second largest share of the national vote. The ANC has long cast the DA as a 'neo-liberal' white party, determined to reproduce the racial inequality and poverty that, 30 years after the demise of political apartheid, still characterises economic relations and outcomes in the country. The DA, for its part, casts the ANC as irredeemably corrupt and incompetent and, despite its strongly stated commitment to non-racialism, disrespectful of minority rights.

There is a kernel of truth in each of these caricatures. But in dispassionate reality what one is confronted with is a left-of-centre political party and a right-of-centre political party, one of whom overwhelmingly represents the African majority, while the other represents the white minority, entering into what each intends to be a stable governing coalition. Stability would have had no chance of success in an alliance with the EFF, a fact of political life established by its record of deceit and disruption in the metropolitan government co-governance arrangements in which it has participated. The MK party with its rogues gallery of Zondo Commission accused in parliament and a leader, Jacob Zuma, who has committed (for what that's worth) to reject any arrangement with 'Ramaphosa's ANC', refused the ANC's invitation to participate in the GNU. The MK party has now assumed the role of official opposition.

At the time of writing, we were a bare five months into this novel – for democratic South Africa – mode of governance. It is far too early to predict the future path of the GNU. It is a predictably fragile arrangement. My tentative assessment is that the large areas of disagreement will be successfully managed. For example, it would be difficult for the DA to reject the principle of universal health care. It would be equally difficult for the ANC to question the necessity for massive improvements in the provision of public education and other vital public services from water to transport to housing. Once the nature of the problem is agreed, it should not be beyond the ken of a seasoned negotiator like Ramaphosa to lead his ministers – regardless of their party affiliation – in charting a way forward.

However, certain sacred cows – owned by both the DA and the ANC – will have to be slaughtered. The ANC will, quite reasonably, demand affirmative action employment policies and will insist on preferential procurement policies that favour black-owned firms. The DA will have to accept that these requirements are a central aspect of the policy framework governing employment and procurement. Indeed the DA urgently needs to transform the racial composition of its leadership. Neither policies that favour black candidates for

The first Cabinet Lekgotla of the Government of National Unity, held at the Sefako Makgatho Presidential Guest House in Pretoria
Source: GCIS

employment over candidates of equal merit from other race or genders, nor, dare I say, a more transformed DA leadership need compromise merit. By the same token, the ANC will have to accept that decisions regarding the appointment of senior public officials, including the leadership of state-owned entities (SOEs), are made by the state and not by the ANC.

Differences between the ANC and the DA over foreign policy will be difficult to resolve. However this is an area where strong presidential prerogative is widely accepted admittedly in political systems where an executive president is directly elected, but my view is that while this will remain heavily contested terrain, it is unlikely to lead to a breakdown in the coalition government.

The ANC and DA need each other. While the arithmetic enables the ANC, still by some distance the largest party in parliament, to constitute a majority coalition that excludes the DA, it would be a coalition with the smaller parties or it could notionally constitute a governing coalition with either or both of the EFF and the MK party. The former would be unstable, the latter would be politically highly unlikely and, if constituted, chronically unstable. Neither of these combinations would contribute to an ANC-led coalition government's ability to deliver key services, to encourage investment or confront corruption. For all these reasons, arithmetic possibilities notwithstanding, the ANC needs the DA to be part of the national governance arrangement.

The DA, for its part, has probably reached the ceiling of its national share of the vote. It either remains a permanent opposition party or it enters into a co-government arrangement which, if judged successful by the electorate, may enable the DA to break through its current ceiling.

The survival of the GNU depends on the development of an effective dispute resolution mechanism and on the good faith of the two leading members of the coalition and of their understanding that both parties need the coalition. The former – an effective dispute resolution mechanism – requires some variant of an 'agree to

The outcome of the 2024 election thus represents the definitive transition of the ANC from liberation movement to modern political party.

disagree' option which allows a party to the coalition to opt out of support for a policy supported by a cabinet majority where the dissenting view had been adopted prior to the formation of the GNU.

As for the necessity for good faith, or, at least, recognition that both the ANC and the DA need the coalition, it's clearly the DA that needs to review urgently the palpable reluctance of key leaders of the party to maintain the coalition. Despite clear opposition within the ranks of the ANC to the coalition, the national leadership of the party has firmly stood its ground. On the other hand, powerful leaders of the DA have been carping and argumentative and while certain of their ministers have been energetic and communicative, their public crowing has suggested that, far from crediting the GNU, their early achievements have been used simply to promote the DA and to undermine the competence of their coalition partners.

This is not to deny that the most threatening opposition to the GNU comes from within the ranks of ANC supporters. Having long vilified the DA as the party of 'white monopoly capital' or 'neo liberalism' it has proven difficult to persuade young activists that a governing alliance with the DA is necessary or consistent with the objectives of the 'national democratic revolution' or, much less, with socialism. There is an influential current within the ANC that would have preferred to risk cobbling together an unstable alliance with the EFF and even the MK party, rather than to co-govern with their sworn enemy, the DA. While this is not reflected in the national leadership of the ANC, opposition to the national coalition emanates from the South African Communist Party and, most significantly from the leadership of key provinces, Gauteng and KZN.

In KZN, where the MK party won by a significant margin the largest share of the vote, although one that fell narrowly short of a majority, the IFP, the ANC and the DA have cobbled together a razor thin majority. However, given the rampant history of corruption and poor service delivery in the province, coupled with Zuma's talent for disruption, it is difficult to imagine sustained political stability in this, the most populous province in the country. At the time of writing, it is rumoured, following tensions between the ANC and DA in the IFP/ANC/DA governing coalition, that the ANC and the MK party are actively contemplating forming a coalition government.

In Gauteng, the economic heartland, an urban province housing four metropolitan governments, and with arguably the most diverse, sophisticated electorate in the country, the ANC's share plummeted from 51% to 35%. While the hiding that the ANC took in KZN may be attributed, in part, to the Zuma factor and ethnic mobilisation (though undoubtedly the extremely poor record of ANC governance eased the task of their opponents), the massive decline in electoral support in Gauteng appears to be largely attributable to the quality of ANC provincial government reflected in appalling service delivery and rampant corruption.

The EFF has a history of co-government in several of Gauteng's metropolitan governments with both the DA and the ANC. These experiences are characterised by corruption, declining service delivery and opportunistic king-making on the part of the EFF, manifesting in extreme political instability. Nonetheless, the ANC leadership in Gauteng clearly prefer a governing alliance with the EFF, despite the composition of the national government coalition. While it is wholly possible for provincial coalitions to be constituted differently from the national coalition, the Gauteng ANC has ultimately opted for minority government in a coalition with a number of very small parties thus ensuring continued ANC domination of the provincial executive. A provincial coalition encompassing the ANC and the DA would have ensured a majority government. However if the approach of the GNU were adopted – and the DA insisted on this – the ANC and the DA would, given the close election outcome (the DA received 28% of the provincial vote), have ceded a substantial share of executive posts to the DA. In the event, the Gauteng ANC leadership offered a derisory share of the executive to the DA which was predictably rejected. While, to the limited extent that the provincial ANC has explained its hostility towards a coalition government with the DA, it has invoked ideological differences, a more prosaic (and persuasive) speculation is that ceding too much of the executive to the DA would have exposed the extent and the identities of the ultimate beneficiaries of the massive recent upsurge of corruption in Gauteng.

It's also not clear why the EFF has not joined the Gauteng provincial coalition. Given the national leadership position, entering into a provincial coalition with the EFF may have been a step too far for the provincial ANC. In any event, at the time of writing the EFF appears to be in a rapid downward spiral following a decline in its electoral support in favour of the MK party. Floyd Shivambu, formerly Malema's high profile deput, has decamped to the MK party where he has been appointed secretary general, followed by several high profile MPs as well as Dali Mpofu, erstwhile chairperson of the EFF. While it is speculated that the decline in the EFF may be attributable to major differences within the party concerning participation in the GNU coalition, more persuasive explanations cite the relative electoral success of the MK party and Malema's unyielding domination of the leadership of the EFF. Zuma will be no less jealous of the leadership of the social movement he has generated than his counterpart in the EFF, but sheer mortality may inspire greater hope amongst aspirants to the leadership of the MK party.

The formation of the national GNU has generated a degree of cautious confidence in government. The local business community and international investors are clearly more bullish and the cynical, despairing mood on the street has shifted to one that is more upbeat. This is probably spurred by a variety of factors: the sense of urgency conveyed by the new multi-party cabinet, the fact that there have been no electricity blackouts for almost six months, the productive cooperation forged by Ramaphosa and business leaders, evidence of the revival of law enforcement and greater accountability of political leaders, whether through the application of the ANC's step-aside rule against leading cadres or successful public pressure imposed upon the DA leader's offensive choice of senior ministry staff, and, least convincing, the promise of an improvement in the provision of basic social services.

Let's be clear: it is the operation of democracy that has brought us to this point principally manifest in a fair and free election in which a large proportion of a dissatisfied electorate either turned away from the erstwhile liberation movement or refused to vote. Despite its three decades of electoral dominance, the ANC leadership has accepted the outcome of the election with admirable grace. It has publicly attributed its electoral decline to the corruption and poor service delivery associated with its governments at the national, provincial and local tiers. The DA has, with strong exceptions amongst its leadership ranks, been able to put aside its hostility to the ANC and the ANC's disparaging attitude towards it and joined it in a governance arrangement that reflects the outcome of the election and which recognises the governance crisis in which the country has been mired.

This represents a fundamental change in the ANC's character, one that commenced in 1994 and which is confirmed by this governance arrangement. An organisation waging an underground struggle in order to displace a manifestly anti-democratic government is a liberation movement. It is entitled, indeed it is compelled, to operate in secrecy and to demand unquestioning obeisance to its underground leadership. It is also entitled to demand recognition as representative of the people, particularly when its domination of the liberation struggle has been effectively uncontested for as long as has been the case with the ANC. It appropriately led the people when the conditions of surrender were negotiated with the representatives of the illegitimate government.

When the negotiations are concluded and, as in the South African case, it agrees to contest democratic elections it effectively commenced the transition from liberation movement to political party. Transparency, both with respect to its relationship with the public and in its internal operations, replaces secrecy and opacity. And 'the people' become 'the electorate'. When, in the first few elections, the erstwhile liberation movement cashes in its liberation dividend in the form of massive electoral majorities, it may be forgiven for continuing to believe that its status as representative of the people still pertains, when in fact its claim to representativity only extends to those who voted for it. Accordingly when those huge post-liberation electoral majorities decline, as they invariably do, this claim rings increasingly hollow. When it loses the majority support of the electorate and it is no longer capable of governing on its own, its transition from liberation movement to political party is complete. It will govern, if at all, in proportion to its share of the electorate.

The outcome of the 2024 election thus represents the definitive transition of the ANC from liberation movement to modern political party. As noted, the ANC leadership has accepted this transition with grace and admirable pragmatism, something that few liberation movements have achieved.

There are those in the ANC who continue to insist on its past status as a liberation movement representing the people, despite the fact that by the objective measurement of representativity in a democracy it received the support of about 40% of the votes cast, with those only representing about 58.6% of eligible registered voters.

There are those, usually the same individuals, who mourn the derailment of the national democratic revolution, a consequence, it is argued, of the co-governance alliance with the DA, but who insist that it's a temporary expedient that will be ended as soon as the ANC majority is restored. They are wrong on both counts.

Firstly, the restoration of the ANC's electoral majority is nowhere on the horizon. It will take several electoral cycles for the public to forget the extremely poor governance record of the ANC majority

Despite its three decades of electoral dominance, the ANC leadership has accepted the outcome of the election with admirable grace.

administrations, particularly in the period since the accession of Zuma to the presidency. If the GNU succeeds in reversing the depredations of state capture and its long aftermath then the ANC will have to share the plaudits with its coalition partners who will be sure to milk a positive, stable coalition government experience for all its worth. Moreover, democratic elections tend to favour small governing majorities and proportional representation favours small parties. So there is no reason to expect the restoration of an ANC majority anytime soon. On the contrary, if the Gauteng government, a minority government but dominated by an ANC that has chosen to co-govern with the small parties only, continues on its present destructive path of corruption and purposeful distance from its national leadership, the electorate will justifiably assign responsibility to the ANC alone. The consequences will be particularly hard felt in the 2026 local government elections.

Secondly, far from delaying the journey towards the realisation of a national democratic revolution, the transition of the largest party from liberation movement to political party and the electoral impetus that favours the centre advances the realisation of a national political democracy. However there is one significant obstacle on the path to the realisation of a stable democracy and that is the increasing inequality in wealth, income and economic opportunity.

This challenge confronts democracies across the globe. The fact is that while liberal democracy has, in the period since the 1980s, created and defended an array of individual and collective rights, the same period has been characterised by increasing national inequality and economic insecurity. It has, in other words, not delivered its promise of improved living standards for a large segment of the population. This contrasting experience in the delivery of individual rights and deteriorating living standards is grist to the mill of the new populist demagogues and a withering critique of liberal democracy.

In the relatively longstanding democracies of north America and Europe not only are an array of once powerful interest groups – interest groups that were beneficiaries of post-war democracy and economic growth – on the wrong end of growing inequality and insecurity, their diminishing fortunes and perceived lack of influence over elite decision-makers is easily viewed as a sharp contrast with the increasing array of rights perceived to be enjoyed by other groups. This fed into the culture wars in which allegedly traditional values are pitted against an array of groups – women, LGBTI+ groups, immigrants, refugees – whose culture and rights appeared to be more robustly promoted and defended by courts, non-governmental organisations (NGOs) and centre and left-of-centre political parties. It particularly contrasted the economic fortunes and prospects of the traditional working class with those who were perceived, usually without evidence, to be economically benefitting from the declining fortunes of the national working class, namely immigrants and foreign nationals. And not only foreigners: many of the groups, including women and people of colour, who were perceived as unfairly advantaged by the various elite formations in the culture wars, were also perceived, again with scant evidence, to be treated preferentially in access to economic opportunities, notably jobs and education.

The new democratically elected populist regimes are true to their electoral base inasmuch as they explicitly rail and legislate against those groups deemed to be culturally alien and their liberal elite supporters in the NGOs and philanthropies. They have set about weakening the judiciary and the regulators who were deemed to have undergirded these rights in the process attacking and diminishing the rights acquired under liberal democracies. This attack, initiated and led by democratically elected representatives, is characterised by Mounk (2018) as 'democracy without rights.'

However, while the demagogues have successfully fuelled the culture wars, they have not been able to reverse their voters' economic decline. Nor is this surprising. Powerful competing nationalisms, not to mention global supply chains, make trade wars and protectionism difficult to sustain and potentially damaging, even in the short term, to the aggressor. Moreover, while the illiberal democrats may present themselves as allies of 'the people' in the culture wars, they remain wedded to – and financed by – the economic elites who have with increasing intensity since the 1980s been the principle proponents of small government expressed as tax cuts (benefitting the rich) and austerity, at least with respect to social programmes, thus prejudicing those who rely upon public services.

South Africa confronts particular problems in this regard. Inequality and unemployment rank with the highest in the world. Economic growth barely registers. Training and education produce abysmal outcomes with the result that a large proportion of those who are unemployed, including those who have just completed their secondary, and even tertiary education, are unemployable in a modern economy. Basic economic and social

President Cyril Ramaphosa hosting a working dinner with leaders of political parties that are signatories to Government of National Unity (GNU) at Genadendal, the President's official residence in Cape Town. Source: GCIS

infrastructure – think Eskom and Transnet – have been run into the ground. And those who are on the wrong side of the inequality divide, who are jobless and who are reliant on deteriorating public services, mirror the racial divides of apartheid. There can be no gainsaying the damage that state capture has done to South Africa's democracy and economy. Indeed, as the country confronts the task of reconstruction, the damage to key institutions appears greater than the worst estimates. Fixing the democracy will constrain corruption and this will undoubtedly lay the necessary foundation for economic recovery. But much more is required and as long as the South African democracy proves incapable of improving the lives of all those who live in it, so long will the demagogues and populists find fertile ground on which to confront democracy.

The following represents a bare minimum of what is required from the GNU:

- Detailed and sustainable policy solutions to the huge problems of poverty and inequality and the powerful racial profile of each are beyond the remit of this article (and the capabilities of the author). However, note the following headline observations: Poverty and inequality are best tackled by employment creation and the reliable provision of basic quality public services like health, housing, education and transport. Public services are largely the responsibility of provincial and local government, tiers of government more deeply corrupted than that of national government with a predictable impact on these basic public services. If the GNU is to be the harbinger of reduced corruption and improved public services, its impact has to be felt at the provincial and local tiers of government. This will not occur naturally. If the GNU cannot drive it, the toxic impact of continued rampant corruption at these tiers of government will undermine the credibility of a corruption-resistant, democratic GNU and the entire house of cards will collapse. This is possibly the most urgent and most difficult task facing the GNU and the provincial coalitions and underlines the danger of continued political instability and rampant corruption in Gauteng and KZN.

- This emphasis on effective, corruption-resistant delivery of basic services suggests that particular attention should be accorded to the governance of the metropolitan and large town governments. However five of the nine metros are in Gauteng and KZN. Whether a Johannesburg or an eThekwini can thrive in the context of corrupt and unstable Gauteng and KZN provincial governments is doubtful. Certainly in Gauteng, the corrupt provincial ANC leadership seems more concerned to capture the governments of the metropoles than to provide effective health and education services.

- If the metropoles are to be centres of economic renewal then it is urgent that services and living conditions in the high-density urban areas are vastly improved. This will entail moving large numbers of people out of these high-density inner city areas. Consequently new high-density housing provision must concentrate on the urban areas not on townships that are vast distances from work opportunities *a'la* apartheid.

- Mass employment creation will occur, if at all, in the private sector and not the public sector. This requires a substantial increase in investment which is indisputably repelled by rampant corruption and political instability. It is well documented that investment in the extractive sector, which usually has a higher appetite for risk than other sectors, has been put off by corruption and incompetence in the relevant government agencies. In general, private investment is highly responsive to the external environment including the regulatory environment and the quality of public services – for example, employee transport – which in turn are heavily conditioned by the extent and character of corruption.

- Small enterprises, including informal enterprises, are celebrated for their labour intensity. These enterprises are significantly under-represented in South Africa's industrial structure. Both are heavily dependent on the quality and character of local services – for example zoning regulations, reliable electricity provision and security services – all of which are significantly impeded by corrupt local government. For example, there is no doubt that the informal sector in Johannesburg's old Central Business District is the regular prey of a corrupt metropolitan policing service.

While improvements in the living standards of the poor will go a long way towards consolidating the South African democracy there are other vital institutional measures that need to be taken if the democracy is to be consolidated. These include tighter regulation of party political funding, indeed wide-ranging regulation of political parties; reviewing the electoral system to strengthen the accountability of parliamentary representatives to the electorate; and providing for a system of appointing senior public officials that undergirds the relative autonomy of the state from political parties. The most vital institutions that need protection if the democracy is to be sustained are the Independent Electoral Commission (IEC) and the judiciary. In the case of the latter particular attention has to be given to protecting the independence of the Judicial Service Commission (JSC).

In conclusion then, the South African experience of state capture demonstrates that in order to sustain corruption on the scale of that practiced during the Zuma administration, it is necessary to destroy the institutional pillars of democracy. Those crippled by the efforts of Zuma and his cronies included the criminal justice institutions, parliament, the ministry of finance and key associated institutions such as the South African Revenue Service (SARS) and the then overwhelmingly dominant ruling party. But democracy struck back in the shape of four institutions inextricably associated with a functioning democracy – the judiciary, an independent body governing elections, a relatively independent media and an active civil society.

Above all if democracy is to be sustained and if these institutions are to be protected, then it must be clearly demonstrated that its benefits are manifest in significant improvements in the material well-being of all the people, classes, races, genders and regions of the country.

REFERENCE

Mounk, Y. 2018. *The People versus Democracy – Why Our Freedom Is in Danger and How to Save It*. Harvard University Press.

David Lewis, a former trade unionist, academic, policymaker, regulator and state-owned company board member, was a co-founder and the director of Corruption Watch.

Read *Corruption v democracy* part one at https://ifaaza.org/corruption-vs-democracy-in-south-africa-part-1/
Read *Corruption v democracy* part two at https://ifaaza.org/sas-democratic-institutions-were-able-to-fight-state-capture/See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda
This article was submitted on 6 November 2024.

What to do about the South African economy?

- By Adam Aboobaker

Some progressive economists argue that a bigger budget deficit is the solution to the country's socio-economic woes. But ADAM ABOOBAKER argues it isn't that straightforward. This article was originally published online on 25 June 2024 in Africa Is a Country, a site of opinion, analysis, and new writing on and from the African left, at https://africasacountry.com/2024/06/what-to-do-about-the-south-african-economy.

President Cyril Ramaphosa officiates at a Nissan South Africa Investment Ceremony *Source: Flickr*

It goes without saying that in terms of economic performance South Africa is in dire straits. As many commentators have identified, per capita incomes have stagnated or fallen for over a decade, manufacturing – a sector of historical significance to long-term growth worldwide – has also fared poorly, and the disastrous state of key labor market indicators is known to all. It's not only the state of the economy that leaves much to be desired; the state of economics commentary also needs to be strengthened through robust debate. Misgovernance and inappropriate policy choices have played a role in economic performance; there is and ought to be extensive conversation about this. For Duma Gqubule[1] and several other commentators, the public deficit has been much too low, and it is possible to forecast (to one decimal point) macroeconomic outcomes if the ANC's macro-policy choices were to persist after five or ten years of a possible coalition between the ANC and the center-right Democratic Alliance. A bigger deficit is seen to be a panacea.

Ignoring the difficulties of forecasting in general and particularly forecasting outcomes of yet-to-be-determined policies of a coalition government, the question of whether poor economic performance ought to be attributed to the size of the deficit is a serious question for academic and non-academic debate.

A simple (and transparent) exercise questions the claims about the need for larger public deficits. If the ratio of change in the capital stock corresponding to the change in output (the incremental capital-output ratio) is ~ 4, as a conservative estimate, to achieve an annual real GDP growth rate of 8% in line with late-industrializers the share of *net* investment in GDP will have to be approximately one-third. Gross capital formation in South Africa has not once risen above one-fifth of GDP in the last 15 years – a very large increase in the investment share is required to raise growth.

A long tradition in development economics (Lewis 1955) has questioned how this is compatible with growing public deficits: from accounting and keeping trade balanced, the private investment share, public consumption and investment to GDP ratio, and private consumption-GDP ratio must sum to one; macro-balance necessitates that it is only possible to raise the investment share if the public or private saving rate increases.

Recognition of this point is often mistaken as building the case for austerity or anti-poor interventions. That is not the case. If anything, it underscores that class antagonisms are at the core of any development process – capitalist or non-capitalist. The key to progressive development policy is finding the elite interests and forms of rentierism that can be tackled to promote national interests. In South Africa's situation, there is a strong case that national development ought to be promoted by penalizing obscene levels of elite consumption – luxury vehicles, mansions, second homes, etc., and channeling the resources into investment.

A tight fiscal policy, shrinking the budget deficit through tax hikes, particularly on South African elites (who enjoy extraordinary living standards by international comparison), is compatible with progressive priorities around distribution in multiple senses. Any program promoting a regime of excess demand raises the specter of "profit inflation" – the solution of macroeconomic disequilibrium through the (regressive) redistribution of income from labor to capital. Taking as fact that South Africa needs a higher investment share, and assuming the deficit increases in line with the hopes of some commentators, the remaining adjusting variable is the private saving rate which is increasing in income inequality; promoting a high public deficit would perversely expand inequality of market incomes in a fast-developing economy. The obsessive focus on expanded public deficits in some quarters is at best a distraction embodying a lack of imagination amid the country's multidimensional development and distributional challenges. At worst it obscures a regressive class program for economic development.

A corollary is that a tight fiscal policy can be progressively redistributive (in terms of both market and disposable incomes) and is compatible with, but will not cause, a high share of investment in GDP. What other progressive development policies ought to be considered then? A series of interventions might plausibly reduce inequalities and improve firm performance. Democratizing access to cities might fulfill such a purpose.

The high transport costs imposed by apartheid and pre-apartheid spatial planning plausibly impede industrial development in a manner analogous to the Corn Laws in 19th-century Britain (Engels 1842). Spatial segregation and the accompanying social service inequity either lowers the real consumption wage (the nominal wage indexed against consumer prices) or raises the real product wage (the nominal wage relative to the firm's output price.) The former harms workers and the latter harms firm investment; neither is good for social and economic development. In the short term, a public transport campaign against transport rentiers should be part of the policy discussion. In the longer term, it is hard to see how South Africa can progress without a larger redistribution of the elite infrastructure in schooling, health, and housing that reproduces the stagnant social and economic structure.

As another example, the state should be wary of permanently gutting its ability to price energy in a manner consistent with developmental priorities. Indeed, a key success of the democratic era is the significant expansion of electrification for the masses. A historical driver of industrial development in South Africa was undoubtedly access to energy on favorable terms. There seems to be little mainstream interest in defending such a role in an era where the overriding acceptance of its incapacity dominates the perception of the state after years of "state capture." That may be true in the here and now, but progressives must also adopt forward-looking perspectives that sustain the possibility of state-directed industrial development. The expansion and public control of energy provision on favorable terms could be important in this respect.

There has been much talk about the "social democratic" character of the ANC in the aftermath of its latest split. But programmatically it is unclear what is meant here beyond platitudes. The Nordic social democracies were centrally characterized by tight fiscal policy, "solidaristic wage bargaining," and efforts against decommodification of key services. The strategists behind Swedish social democracy, Rehn and Meidner, favored tight fiscal policy partly because they believed it helped, in the medium term, restrain the share of profits in income. In the long term, Rehn and Meidner believed the profit share should be constant so as not to jeopardize growth. More generally, they sought to prioritize a regime of low inflation, full employment, high growth, and most importantly low wage inequality. All are highly relevant ambitions for any progressive economic program in South Africa, even if they will take some time to realize. There are good reasons to believe that compressing the wage distribution as well as de-commodifying and democratizing access to healthcare, education, housing, and cities can function as industrial policies.

Does utilizing the corresponding tools or realizing these various objectives require a bigger fiscal deficit? It is not clear that it does and there are strong arguments for why it will not. Democratizing access to the finite resources of good teachers, medical professionals, and housing very likely means redistributing access to them, not merely increasing their rate of utilization. Moreover, the types of economic activity South Africa needs to promote (rapid public and private investment) require less of its national product to be consumed conspicuously by its elite. In other words, creative and robust progressive tax policy must remain firmly on the agenda. A narrow pursuit of fiscal deficits for its own sake misses the multidimensional nature of South Africa's inequality and how it can be reduced in line with a development strategy.

The proponents of deficit-financed attempts to address these structural inequalities would have you believe that free lunches abound, and democratizing the economy need not tackle entrenched interests. This is questionable economics – and regressive politics in a country where elites monopolize access to good schools, healthcare, and housing, and where a decentralized transport system allows for unnecessary expenditure at both ends of the distribution. Increasing aggregate demand for its own sake will not fix these issues.

The recent ructions in party politics make room for a rare opportunity to redraft formal and informal alliances beyond just party politics. A coalition of progressive groups embedded in civil society, the state, and particularly low-wage workers ought to find allies in manufacturing capital willing to collectively mount a meaningful social democratic challenge on South Africa's flagging development. It will not be easy – particularly because a crucial ingredient of wage solidarism requires more trade union unity than has recently been displayed. It also requires moving beyond a questionable fixation on increasing the public deficit, getting serious about squeezing superfluous and conspicuous elite consumption and decommodifying and redistributing assets necessary for entering employment less expensively.

REFERENCES

Engels, F. 1842. The Position of the Political Parties. Footnote #184 to *Marx Engels Collected Works*, Volume 2, New York, NY: International Publishers. Available at https://marxists.architexturez.net/archive/marx/works/1842/12/19.htm

Lewis, W.A. 1955. *Theory of Economic Growth*. London: George Allen & Unwin (Reprinted 2003 in Routledge Library Editions - Economics)

ENDNOTES

[1] The reference is to a post on X reading: "ANC has learnt nothing from political calamity. It has a death wish. With doomsday ANC-DA coalition dressed up as GNU, GDP will grow by 1.2% a year for next 5 years. Number of unemployed people will increase by 2.2m to 14.3m. Unemployment rate will increase to 44.8% from 41.9% 41.9%
7:21 AM ·Jun 12, 2024. 39.7K. Views https://x.com/DumaGqubule/status/1800760273353248879

Adam Aboobaker lectures development economics at the University of Manchester. He is affiliated to the World Inequality Lab at the Paris School of Economics and the Southern Centre for Inequality Studies at the University of the Witwatersrand.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

Africa holds weak and strong cards

to deal with the challenges of poverty on the continent

-- by Martin Nicol

MARTIN NICOL's thought piece on the economic challenges facing Africa was presented at a seminar at the University of the Western Cape (UWC) on 19 July 2024 as part of the 'Changing Political Economy of Africa' project. This was a collaboration between UWC's Institute for Social Development (ISD) and the Institute for African Alternatives (IFAA), sponsored by the National Institute for the Humanities and Social Sciences (NIHSS) to build research capacity and encourage dialogue among African scholars.

Twenty-five years ago, as a not-so-young economist, I worked as a diplomat for South Africa to promote trade and investment with Canada and the UK. We did not often meet with our African counterparts, as we were competitors, all trying to win over the same foreign investors and purchasers of our exports. In any event South Africa was not popular. It did not even get support from the rest of Africa when it bid to host the 2004 Olympic Games in Cape Town.

One exception was in 2000, when Canada organised "Africa Direct" – a week-long early example of an "Africa plus one" event where a rich country (such as Japan,[1] China,[2] Russia, even Italy[3]) calls for an economic or diplomatic meeting with "Africa" (see Usman, 2023; Soule, 2021). The rich country sets the agenda and chooses the venue, and all the African delegations come, cap in hand.

At the Canadian event, South Africa presented itself as a beacon of competence on the continent, 'the gateway to Africa', with a modern economy and a world-class financial sector. Nigeria, on the other hand, said "Look how terrible things are in Nigeria – never any electricity when you need it, an economy in chaos. You can see how very badly we need Canada to help us." That same week, as the Africa Direct road-show toured from Toronto to Calgary and Ottawa, The *Economist* – an international business newspaper – came out with a brutal cover: a deathly-armed African soldier within a cut-out map of Africa and a tag-line – *The hopeless continent*.

The Canadians were unimpressed, and with good reason, because they were the first to pick Africa as a place of opportunity at that time. Over the following decade, African economies grew faster than all others (except for China). Off low bases, Mozambique and Ethiopia led the growth. The *Economist* cover stories were headed "Africa rising" in 2010 (with a child flying a rainbow kite) and "Aspiring Africa" in 2013 (featuring a giraffe with an ultra-extensive neck).[4] It did not last. The most recent *Economist* cover is not about economics at all, but about Africa losing faith in democracy (with an image of Africa on a bullet-pierced road sign for a U-turn – 7 October 2023.)

The reader may find these thoughts on Africa's economic challenges in 2024 disappointingly general. But they must form the base for any appreciation of the economic prospects for the continent, a huge place of contrast and potential, where each country expresses its own agency in a changing world order.

Poverty is Africa's main economic challenge. Extreme poverty is defined as living below the International Poverty Line of $2.15 (about R35) per day. Poverty profiles vary as much within each country as between them, but the overall poverty picture sets Africa apart from the rest of the world. In 2021, 78% of people in Africa were unable to afford a healthy diet, compared to 42% in the world as a whole (and just 3% in developed countries).[5] Many countries have succeeded in tackling poverty, and in reducing it significantly. The economic challenge is to improve the standard of living for people in Africa.

African countries hold both weak and strong cards for dealing with poverty in 2024. Each poverty profile is obviously particular, so generalisations are perilous. However, as this is a 'think piece' not a full survey, we can consider just three of each:

Weak cards – which make it hard for Africa to turn back poverty

Low productivity

Productivity – the amount of output per unit of input – is low in much of Africa because of poverty. People suffer more from health problems and disease and have less access to education than on any other continent. Unreliable or non-existent electrical power hampers the adoption of new technology. Bad roads, broken rail-links and generally weak communications all impede economic progress. Production levels are lower still because of unemployment and a lack of investment.

Heavy debt burden

Many African countries bear a heavy burden of debt. This is caused both by poor governance and by bad luck. The implications are that the cost of future borrowing is very high, if loans can be raised at all, and large parts of government revenues are diverted to service debt instead of going towards investment or service delivery.

There is a lot of hope – and hype as well – attached to the agreements for an AfCFTA.

Insecurity

Insecurity disrupts the prospects for families and for business generally. It takes multiple forms, from criminal economies, insurgency and war to the uncertainties that flow from corruption and the absence of the rule of law. Africa has millions of people displaced by internal conflicts. Add to this the insecurity of food and water from climate disasters.

Strong cards – could make a difference in development

Natural resources

With 18% of the world population, Africa possesses around 30% of the world's mineral resources (*Economist*, 2024b). Extraction of raw products for export is the main activity at present. But this could be repurposed to support more development in the host regions by moving up the value chain. Historical legacies do make this more difficult. The energy transition is going to intensify extractivism: "an average electric vehicle requires six times the amount of minerals as a conventional car … an onshore wind turbine requires nine times more mineral resources than a gas-fired power plant" (Dawson, 2024: Introduction at note 54). As demand for minerals intensifies, African countries have huge opportunity.

Human resources

African countries have more young people because of high birth rates. There is a need to train and educate increasing numbers to be able to take advantage of this "demographic dividend" compared with other countries. More people are also clustered in growing cities that concentrate talent and opportunity.

Opportunity to learn lessons from successful development elsewhere, and skip ahead

To adopt the argument of the Nigerian banker at the Ottawa engagement I referred to earlier, the very fact that African countries are lagging last shows that they could do better. Leading countries prove this. There is huge space for improvement. Others have succeeded, so can Africa. Coming late allows access to technology and experience that other countries came to only gradually. Computers, digital technology and advances in artificial intelligence can provide tools that other countries did not have access to on their development journeys (Humeau & Deshpande, 2024). This is also, and most particularly, the case with electrical power, where the cost of generating electricity, and the cost of having it available everywhere, has fallen dramatically in the last five years alone. Another key lesson is how better nutrition for pregnant women and for children in infancy has significant advantages for intellectual development and health in later life.[6] Relatively small investments here generate huge economic and social returns. These can be all the more valuable in a continent with a growing population.

Africa in the world

It is a striking fact that in 2024 the total population of Africa is very close in size to that of the largest and second largest countries in the world, India and China. It is also of interest that Africa, with its 54 countries, has a total population that is similar in size to the 38 rich and developed countries who are clubbed together in the Organisation for Economic Co-operation and Development (OECD).[7] The table below of population estimates can tell a multitude of stories.

Table 1: Africa and world population estimates – 2023/4[8]

Countries		Population 2023	Yearly Change	Net Change	Density (P/Km²)	Area (Km²)	Migrants (net)	Fertilty Rate	Median Age	Urban Pop %	World pop. Share
54	Africa /AU	**1,460,481,772**	2.37%	33,745,467	49	29,648,481	-535,151	4.2	19	45%	18%
1	India	**1,428,627,663**	0.81%	11,454,490	481	2,973,190	-486,136	2.0	28	36%	18%
1	China	**1,425,671,352**	-0.02%	(215,985)	152	9,388,211	-310,220	1.2	39	65%	18%
38	OECD	**1,384,817,871**	0.01%	139,081	39	35,628,189	488,694	1.5	41	82%	17%
100	Other	**2,345,710,766**	1.08%	25,058,076	33	71,301,929					29%
194	**World**	**8,045,309,424**	0.88%	70,181,129	54	148,940,000		2.4	31	57%	100%

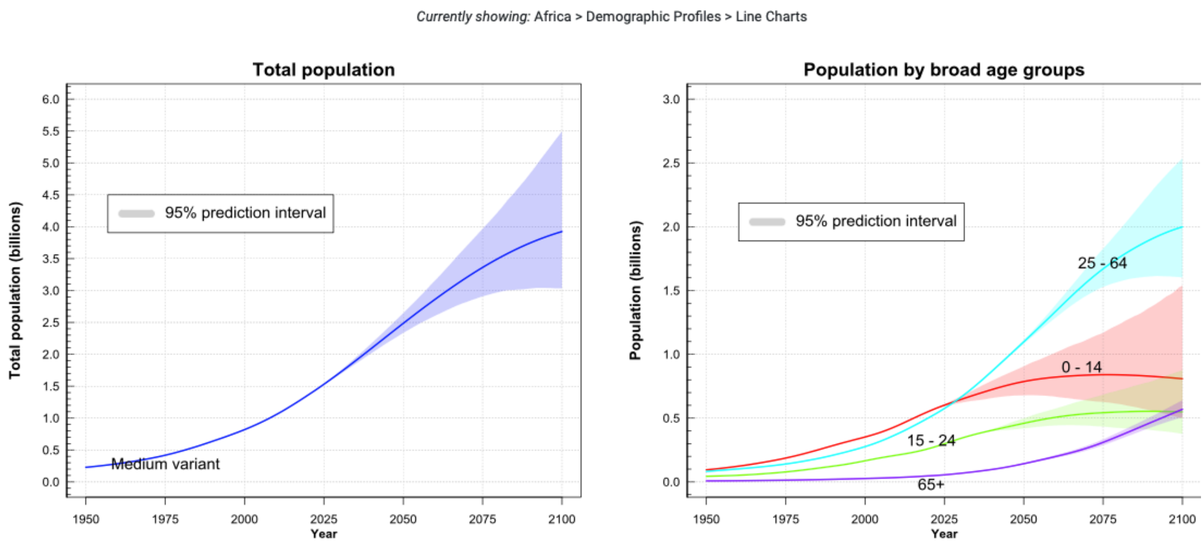
First, one notices the great annual population increase in Africa, compared with India, China, the OECD and the remaining 100 countries in the world. This explains the low median age of 19 years in Africa. (The median means that half of all Africa's people are older than 19 and half are younger than 19.) The young profile and the fast population growth are due to the fertility rate. A Total Fertility Rate (TFR) of 2.1 represents the Replacement-Level Fertility, which is the average number of children per woman required for each generation to exactly replace itself without needing international immigration. A value below 2.1 will cause the native population to decline.[9] It is below this level in India, China and in the OECD countries. Their populations will (or are) declining from peak levels and their populations are getting older.

Second, one can see the flow of migrants from poorer countries to richer countries. Third, there is internal migration from rural areas into cities. These global trends condition both geo-political and economic trends across the world. Africa – particularly if it is better united and integrated – can be a huge force in the world in the future.

Two pivotal issues for economic development in Africa

Let us look in a little more detail at two features that will impact on Africa's economic profile and prospects: demography and electrical power.

Figure 1: Africa: demographic 'dividend' – more young people[10]



The continent's working age population is expected to double by 2050, accounting for 86% of the total global increase (AUC/OECD, 2024:9). The graph on the left shows the total population of Africa is expected to grow from the present 1.4 billion to 2.5 billion by 2050. The graph on the right shows a huge, sharp growth over this period in the number of people in Africa aged 25 to 65 years. This 'working age' population doubles from 500 million to just over one billion by 2050. This is an extraordinary number of people needing education and jobs. It is also an extraordinary potential boost for African economies if they can provide productive work for them.

The challenges are the provision of education and decent employment. The African Union Commission (2024:9) talks of "an unprecedented pool of talent". But without other opportunities, crime, drugs and migration beckon. A total of 17% of tertiary-educated individuals born in Africa lived abroad in 2020 (AUC/OECD, 2024:43). There is lots of high-skilled emigration from Africa to high-income countries but, at the same time, there is a lack of high-skilled migration within Africa (AUC/OECD, 2024:33). Free movement of African people is not part of the talked up plans for free trade in Africa under the agreements for an African Continental Free Trade Area (AfCFTA). Over 80% of African youth in school aspire to work in high-skilled occupations, while few – only 8% – are able to find such jobs (AUC/OECD, 2024:47).

Africa's unprecedented pool of talent will stagnate if it is not refreshed, and it will be there for no developmental purpose if its potential is not properly used. But it is there, and is growing every day – it can be the defining advantage to improve standards of living in Africa.

Solar-powered future for Africa

Economic progress depends on power. But Africa's use of electricity – the critical form of power for modern technology and for lighting, temperature control and cooking – is astonishingly low across the continent: 603 kilowatt-hours per capita in 2020.

Table 2: Electricity comparisons – Africa and the rest

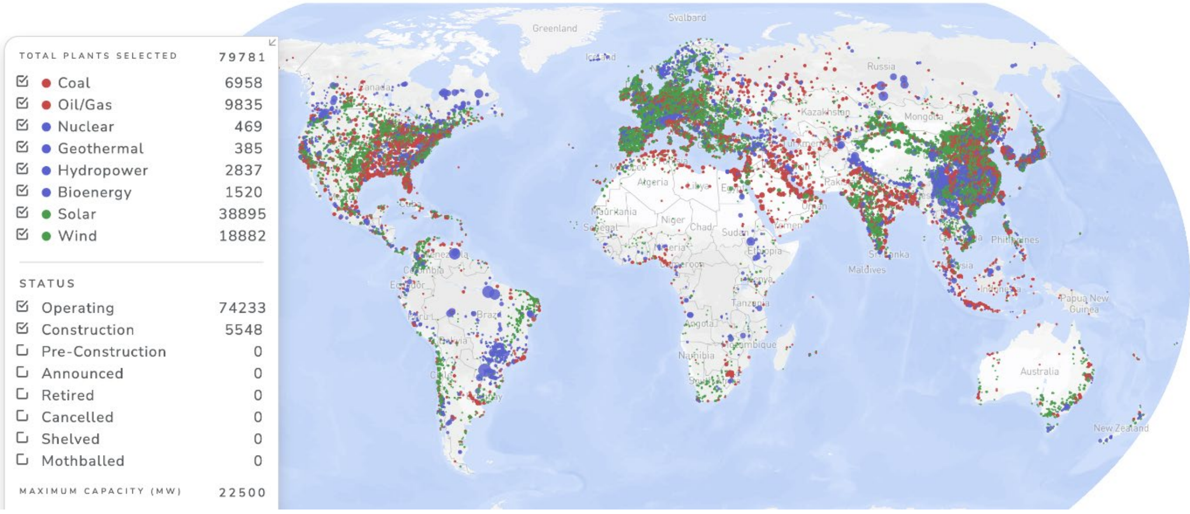
	Population 2020	Total electricity generation in gigawatt-hours (GWh), 2020	Electricity generated per capita 2020 KWh
India	1,342	1,621,136	1,208
China	1,425	7,779,070	5,459
OECD	1,370	10,924,720	7,972
Africa	1,359	819,225	603
World outside Africa	6,436	25,787,827	4,007
World	7,794	26,607,052	3,414

Author's calculations from AUC/OECD, 2024:249, Table 26; Wikipedia: Electricity_sector_in_India; and https://ourworldindata.org/energy/country/china

International data that report greatly improved electricity access in Africa is misleading, partly because the minimum that counts as "access" is extremely low (and it may be intermittent!) and because it reflects greater urbanisation. Electricity is not available outside towns.[11] In the last five years the potential for spreading access to electricity everywhere in Africa has utterly changed. Decentralised, commercially driven solar power could transform African economies. I am specifically not referring here to the "just transition" away from fossil fuels. I am pointing to new access to a form of electrical power never previously available. You can call it part of "the green economy" if you want to, but that is beside the point.

Costs of solar systems have plummeted. Between 2019 and 2023 the cost of photovoltaic (PV) cell panels fell by 15%, and the cost had already declined by almost 90% in the 2010s. Battery storage systems now cost about half as much as five years ago. "Distributed renewable energy" (DRE) can connect to micro-grids that provide electric power to local areas. There is no call for prohibitively expensive national reticulation schemes, with pylons looping cables between huge transformers (*Economist,* 2024a). Electricity is the magical power that can give all parts of Africa access to modern technology and devices to improve productivity. The real possibility for actual transformative change is shown in the world map below, from the web site of the Global Energy Monitor Integrated Power Tracker.

Figure 2: Representation of electrical power generation capacity – July 2024



Source: Global Energy Monitor | Global Integrated Power Tracker. Creative Commons Attribution 4.0 International Public Licence at https://globalenergymonitor.org/projects/global-integrated-power-tracker/tracker-map/

The map has an overlay that represents the electricity generation capacity of 79,781 power stations from unit-level information on their size and fuel source (red for fossil fuels; blue for nuclear, geothermal, bioenergy and hydro; and green for solar and wind). The point of the illustration is to emphasise the lack of electrical power today in Africa, and how Africa lags behind compared to the rich OECD countries, China and India. Also look at Indonesia, the fourth most populous country in the world. The map suggests how very transformative it could be for African economies if solar power – supported by batteries – could be widely adopted. There is no doubt that this would incentivise and accelerate economic activity and improve the standard of living of people in Africa.

"Soviets plus electrification equals Communism" was a slogan in the early years after the Bolshevik Revolution in Russia. Promoted by Lenin, the impulse was to combine worker-directed government with the heavy industry that had produced significant economic growth in the rest of Europe, Japan and the USA.[12]

Figure 3: "Communism is Soviet power plus the electrification of the whole country"

This slogan appeared on a huge sign on the banks of the Moscow River opposite the Kremlin in 1921. Could it be appropriate now, a century later, to re-constitute the slogan for Africa? Heavy industry is not the starting point, but it is electrification, powered by the African sun. Soviets, however, would be a hard sell! Worker organisation in Africa is weak and discouraged.

The excellent historian of Africa, Kevin Shillington (2019), has written, "it is only with stable government, answerable to the people, that there is any hope of real economic and social benefit for the mass of the African population."

That gives us "Solar power plus stable government, answerable to the people, can move Africa forward, past poverty."

*Source: https://soviethistory.msu.edu/1921-2/electrification-campaign/electrification-campaign-images/#bwg35/340 *

Evaluating economic challenges in Africa

Some of the best sources of writing and research on Africa and its economic development challenges are held captive behind inaccessible paywalls or are available only in incredibly expensive books. There may be no option but to use open-access literature from the internet. It is vital to read widely and critically, the more so because it is so easy for bad actors or people with narrow agendas to package and post on internet sites. Conspiracy theories abound, and there is no attractive, interesting and incorrect interpretation without an apparently excellent source.

Africa may have a higher population than China, but it is 54 countries, not one. So be careful when making generalisations. Regions can be so different, so can countries. Above all, always look for 'African agency'. For every Chinese company spiriting cassiterite out of Dar Es Salaam, there is a multinational company based in Zurich or the Bahamas doing the same thing—and all operate together with African actors and enablers. Instability and insecurity also attract business. Artisanal mining under terrible conditions occurs across much of Africa. Local warlords and crime bosses benefit far more than they would from a stable government that is able to enforce the rule of law. Local politics have a strong effect on economic activity, as has always been the case. And there are leaders of neighbouring states with their own motivations. Zero sum games abound.

This thought piece originated in a presentation for researchers working on a project sponsored by NIHSS. Colleagues have pointed out two key areas they found missing. The first has to deal with African agency, the second the opposite.

Boosting intra-Africa trade

There is a lot of hope – and hype as well – attached to the agreements for an African Continental Free Trade Area (AfCFTA). What could make better sense than for African countries to trade with each other? Trade openings will help economies to diversify, becoming more resilient and richer in the process, with huge impacts for improved incomes and poverty reduction. A 2023 booklet from the AfCFTA secretariat leads the hype:[13]

> *The economic integration of our continent is not merely an abstract concept, it is a tangible vision with profound implications for the hearts and minds of every African citizen. It is an opportunity to break the shackles of fragmentation, overcome historical divisions and rise as a united force on the global stage. It is an invitation to chart a new path of self-reliance, self-determination, and self-sufficiency. Through the AfCFTA, we aim to … promote regional value chains, encourage the export of our homegrown products, ultimately reducing our reliance on external markets. By embracing the spirit of intra-Africa trade, we can stimulate industrialisation, bolster agricultural productivity and improved standards of living for our people.*

AfCFTA has an active and digitally sophisticated secretariat which is making bold efforts to accelerate progress in this very complex project – their work merits admiration and support. But there is a huge gap between an agreement (even if it is widely ratified) and reality. Optimistic projections say that AfCFTA will boost Africa's intra-continental exports by more than 81% by 2035. But "the crucial factor for substantial outcomes lies in the removal of non-tariff barriers (NTBs) and implementation of trade facilitation measures" (Mofu, 2024).

The secretariat itself says: "African businesses face non-tariff barriers (NTBs) when trading goods across intra-African borders, including excessive delays, ad hoc fees, cumbersome document requirements, and restrictive product standards and regulations. These NTBs hinder trade and limit economic growth within the continent."[14] Standard Chartered (2023), a multinational bank, has highlighted reservations on the likelihood of the AfCFTA being implemented successfully. "African markets face complex and uncertain trade rules, poor governance, underdeveloped infrastructure, and high costs of capital."

Specifically in the case of Angola, a recent analysis has said: "The poor quality of road infrastructure will further make it difficult for Angola to integrate its economy in the region and thus dampen the economic ambitions of the AU on free trade across Africa" (Mphigalale, 2020:151). In principle, it is perfectly possible to build roads and railways and solve the infrastructure weaknesses. However, increasing trade between the 54 countries of Africa also requires political will – a scarce commodity across the continent. Conflicting national and regional objectives limit market access and hamper efforts to build integrated regional value chains. The AfCFTA is a hopeful indicator for African agency, but not yet a strong card for Africa's development (Erasmus and Hartzenberg, 2024).

Fending off boarders

There is renewed international strategic interest in Africa, not only because it has critical minerals needed for the green transition. Resources are identified as a strong card for Africa's development. But what of the dangers that they get stolen (again!)? India and China are growing ferociously and need resources. So do western countries. China is certainly winning the competition to build strong economic and political relations with African countries. More African heads of state went to China's recent Forum on China-Africa Cooperation (FOCAC) meeting in Beijing than attended the United Nations opening this year. China is Africa's biggest trading partner, but the balance is in China's favour – and, as always, it is raw materials out (from rare rosewood and cobalt to avocados and fish) and manufactured goods in (from cell phones and cars to garments and plastics).

In 2006, South African President Thabo Mbeki warned, on his return from an earlier FOCAC meeting in Beijing, that Africa would need to tread carefully in dealing with China. The continent had to avoid a replication of Africa's historical relationship with its former colonial powers. This would occur if African countries just exported raw materials to China while importing Chinese manufactured goods (Nicol, 2022). China has had a strategy for dealing with Africa that pre-dates the Xi era. Africa has yet to formulate a strategy for dealing with China and to leverage its resources for greater benefit than before. Several international mining companies are in partnership with Chinese mining companies.[15] In the DRC and Zambia they will soon be able to choose to turn west to export copper through the newly US-financed Lobito Corridor in Angola, or east to send it via the port of Dar es Salaam – either by road or on the Tazara railway, which China is planning to rehabilitate. (Until then it is the long road to Walvis Bay via the Caprivi Strip, or the longer road to congested Durban.)

China and the US are by no means the only players. Russia and remnants of the Wagner Group accumulate spoils in the Central African Republic and across the Sahel. Turkiye has been establishing new diplomatic missions across the continent. Geopolitical interest in Africa is keen from the former colonising powers in Europe and also from India. India skilfully used its 2023 presidency of the G20 – the world's premier economic co-ordination body – to secure the inclusion of the AU as an international member, alongside the European Union.

REFERENCES

African Union Commission (AUC)/OECD. 2024. *Africa's Development Dynamics 2024: Skills, Jobs and Productivity*, AUC, Addis Ababa/OECD Publishing, Paris. Available at https://doi.org/10.1787/df06c7a4-en or https://au.int/documents/74

Bond, P. 2017. 'Africa Rising' in Retreat – New Signs of Resistance, *Monthly Review*, Volume 69, Issue 04 (September). Available at https://monthlyreview.org/2017/09/01/africa-rising-in-retreat/

Carlin, W., Schaffer, M. and Seabright, P. 2013. Soviet power plus electrification: What is the long-run legacy of communism? *Explorations in Economic History*, Volume 50, Issue 1: 116-147. Available at https://doi.org/10.1016/j.eeh.2012.07.003

Dawson, A. 2024. *Environmentalism from Below: How Global People's Movements Are Leading the Fight for Our Planet*. Chicago: Haymarket Books.

Economist. 2024a. Africa shining – The Light Continent/Special Report: Dawn of the solar age. 22 June. Available at https://www.economist.com/middle-east-and-africa/2024/06/18/private-firms-are-driving-a-revolution-in-solar-power-in-africa

Economist. 2024b. Africa's surprising new age of rail – Sino-American tensions are playing out on the tracks, 20 July. Available at https://www.economist.com/middle-east-and-africa/2024/07/18/africas-surprising-new-age-of-rail

Economist. 2024c. Small investments in nutrition could make the world brainier. 11 July. Available at https://www.economist.com/middle-east-and-africa/2024/07/18/africas-surprising-new-age-of-rail

Erasmus, G. and Hartzenberg, T. 2024. Review of the AfCFTA Agreement: What is to be done and why? *Tralac Trade Brief No. GT4TB05/24.* Stellenbosch, Tralac, 06 September. Available at https://www.tralac.org/publications/article/16521-review-of-the-afcfta-agreement-what-is-to-be-done-and-why.html

FAO, IFAD, UNICEF, WFP and WHO. 2023. *The State of Food Security and Nutrition in the World 2023. Urbanization, agrifood systems transformation and healthy diets across the rural-urban continuum,* Rome, FAO. Available at https://doi.org/10.4060/cc3017enpgs 207-211

FAO, IFAD, UNICEF, WFP and WHO. 2024. *The State of Food Security and Nutrition in the World 2024 – Financing to end hunger, food insecurity and malnutrition in all its forms*, Rome, 24-July. Available at https://doi.org/10.4060/cd1254en

Geronin, E. 1958. The Implementation of Lenin's Plan of Electrification, *Problems in Economics*, *1*(6), 13-17. Available at https://doi.org/10.2753/PET1061-1991010613

Humeau, E. and Deshpande, T. 2024. *AI for Africa: Use cases delivering impact*, July. London: GSMA. Available at https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2024/07/AI-for-Africa-Use-cases-delivering-impact.pdf

Mofu, L. 2024. Rules of origin and investment in textiles and apparel within the African Continental Free Trade Area, June, TIPS *Policy Brief 4/2024*. Pretoria. Available at https://www.tips.org.za/policy-briefs/item/download/2557_e6e304b2d7cd0d3fe7d8293a439ba8af

Mphigalale, T.V. 2020. Infrastructure investment in Sub-Saharan Africa: Opportunities, risks and prospects for economic development. Unpublished PhD thesis. University of Western Cape. Available at https://etd.uwc.ac.za

Nicol, M. 2022. What is China doing in Africa? – It's more complex than it seems – and more interesting, *New Agenda: South African Journal of Social and Economic Policy*. Number 85, Second Quarter, pgs 5-10. Available at https://ifaaza.org/new-agenda/

Roser, M. 2020. "The world's energy problem", OurWorldInData.org. Available at https://ourworldindata.org/worlds-energy-problem

Salter, W. E. and Reddaway, W. B. 1969. *Productivity and technical change* (2nd ed). Cambridge University Press.

Shillington, K. 2019. *History of Africa* (4th ed). London: Red Globe Press. Kindle loc 11956

Soule, F. 2021. How Popular Are Africa+1 Summits Among the Continent's Leaders? 6 December. *Commentary: Carnegie Endowment for International Peace*. Available at https://carnegieendowment.org/posts/2021/12/how-popular-are-africa1-summits-among-the-continents-leaders?lang=en

Standard Chartered, 2023. *Future of Trade: Africa – Spotlight on the African Continental Free Trade Area*. 5 October. Available at https://www.sc.com/en/banking/banking-for-companies/future-of-trade-2023/

Usman, A. 2023. Africa should push back against 'One-Plus-Africa' diplomatic summits. *LSE Blog*. 16 August. Available at https://blogs.lse.ac.uk/africaatlse/2023/08/16/africa-should-push-back-against-one-plus-africa-diplomatic-summits/

ENDNOTES

The number of countries in the world, their borders and their status, is under dispute. The AU covers all 54 countries of Africa, from Nigeria (number one in population) to the Seychelles (number 54). There are disputes over Western Sahara (Saharawi Arab Republic, which is recognised by the AU, but governs no country) and over Somaliland (which is not recognised by the AU, but governs its territory on the horn of Africa). The UN has 193 members. Palestine is an observer – counted in *Figure 1* as number 194.

[1] Japan was the initiator of this trend with the first Tokyo International Conference on African Development (TICAD) in 1993. TICAD9 will be in Yokohama in 2025.

[2] China established the Forum on China-Africa Cooperation (FOCAC) as the key institution shaping Africa-China relations with a major event in Beijing in 2006, attended by 50 African leaders. FOCAC meets every three years – alternating between Beijing and African venues (Nicol, 2022).

[3] Italy hosted the Italy-Africa summit in Rome, January 29, 2024. The AU and 45 African countries attended.

[4] https://spectator.clingendael.org/nl/publicatie/afrikas-economische-vooruitgang-misverstanden-en-feiten. Also see Bond (2017) for an alternative perspective.

[5] See FAO *et al*., 2023, pgs 207-211, Table A3.1. The method to assess the affordability of a healthy diet was updated on 24 July 2024. The revised data still show African countries have almost double the percentage of people unable to afford a healthy diet compared with the world as a whole. Also see FAO *et al*., 2024: Box 4.

[6] See Economist (2024c).

[7] The OECD is a club of 38 rich countries in North Ameria and Europe and including Japan, Australia and Chile.

[8] Data from the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, July 2023-July 2024 estimates from the 2022 U.N. Revision via https://www.worldometers.info/world-population/population-by-country/ and https://www.worldometers.info/world-population/
OECD fertility rate: https://www.oecd.org/en/publications/2024/06/society-at-a-glance-2024_08001b73.html
OECD median age was 40.8 in 2020: https://doi.org/10.1787/f7f135c1-en
OECD urban population was 82% in 2023: https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=OE.
World urban population was 57% in 2023: https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS
Fertility rate see https://en.wikipedia.org/wiki/Total_fertility_rate#/media/File:Total_Fertility_Rate_Map_by_Country.svg.
For the population in a given area to remain stable, an overall total fertility rate of 2.1 is needed, assuming no immigration or emigration occurs.
World median age 30.5 2023: https://www.worldometers.info/demographics/world-demographics/#median-age

[9] https://ourworldindata.org/fertility-rate

[10] UN Department of Economic and Social Affairs :Population Division – World Population Prospects 2024 at https://population.un.org/wpp/Graphs/DemographicProfiles/Line/903 (accessed 15 July 2024.

[11] "Having access to electricity is defined in international statistics as having an electricity source that can provide very basic lighting, and charge a phone or power a radio for 4 hours per day." (Roser, 2020) The AU provides this data: Percentage of population with access to electricity, 2020, Urban: 82.23%, Rural: 35.94%, Africa total: 56.09% (AUC/OECD, 2024: 249 Table 26).

[12] Sources are elusive but see Carlin, Schaffer and Seabright (2013) and Geronin (1958). The traditional authority is EH Carr.

[13] https://au-afcfta.org/wp-content/uploads/2023/11/ENGLISH-FACTSHEET-BOOKLET-.pdf

[14] https://www.tradebarriers.africa/

[15] See the excellent work of The China-Global South Project (CGSP), formerly known as The China Africa Project at https://chinaglobalsouth.com/podcasts/

Martin Nicol is the editor of *New Agenda*. He taught African Economic History at the University of Cape Town at times from 1977 to 1985, and in 2011. He spent ten years as a trade union official with the National Union of Mineworkers, and was for ten years a rank and file member of NEHAWU (working for the Department of Trade and industry and for Parliament). He has a PhD in Economic History from UCT. He completed the Examination on RSA Actualities and Introduction to Diplomacy (Higher Grade) at the Foreign Service Institute, Pretoria in 1998.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

The politics of international labour migration and globalisation in Africa

-- By Sergio Carciotto

While the conventional discourse on migration often emphasises the developmental effects of remittances and diaspora-driven investments on poverty reduction, in this article SERGIO CARCIOTTO also considers how the processes of globalisation and liberalisation that have resulted in the concentration of economic activities in large cities have driven significant population displacement of Africans not only seeking improved economic opportunities but also escaping conflicts, violence, natural disasters and climate change, highlighting the need for the protection of migrant workers' rights in the face of increasing precarity and exploitation.

This article was presented at a seminar at the University of the Western Cape (UWC) as part of The Changing Political Economy of Africa project. This work is based on the research supported by the National Institute for the Humanities and Social Sciences (NIHSS). The opinions, findings, conclusions or recommendations expressed are those of the author and are not to be attrributed to the NIHSS.

Refugees from the humanitarian crisis caused by El Nino at the African Union Mission in Somalia Source: Rawpixel

The politics of international labour migration and globalisation in Africa

By Sergio Carciotto

Published in *New Agenda: South African Journal of Social and Economic Policy*, issue 95, 4th Quarter, December 2024
Submitted 30 October 2024; Accepted 30 November 2024.
https://doi.org/10.14426/na.v95i1.2602
This is a peer reviewed article, published following a double blind peer review process

Dr Carciotto is a research fellow and lecturer in the Institute for Social Development at the University of the Western Cape (UWC), South Africa.
scarciotto@uwc.ac.za
https://orcid.org/0000-0002-5142-2081

Abstract

This article examines the intricate relationship between migration, globalisation and socio-economic dynamics in Africa. It highlights the prevalence of intra-African migration, characterised by short-distance movements primarily driven by economic factors. The study critiques the dominant narrative framing migration as a purely developmental tool, arguing that the benefits of remittances and diaspora investments are often overshadowed by structural inequalities and the precarious conditions faced by migrant workers. The article also explores the role of states and international organisations in shaping migration policies, revealing a tension between the aspirations for regional integration and the realities of restrictive immigration practices. Ultimately, it calls for a nuanced understanding of migration that prioritises the rights of migrant workers and advocates for comprehensive governance frameworks to address exploitation and uphold human rights. This reflection contributes to the discourse on migration governance, highlighting the need for a collaborative approach that involves both state and non-state actors to effectively navigate the complexities of migration in the context of globalisation.

Key words

globalisation; immigration; migrants; Africa; migration, globalisation, socio-economic dynamics, migration policies, regional integration, human rights, governance frameworks

Introduction

In Africa, much of the migration movements take place within the continent, as opposed to previously held notions of Africans migrating mostly out of Africa (IOM, 2024; Crawley and Teye, 2024; Flahaux and De Haas, 2016). Short-distance mobility is a defining feature of migration across the continent, as evidenced by the fact that the majority of intra-African movements occur between nations sharing a land border. The high frequency of transitory or circular labour migration is reflected in the bi-directionality of various intra-African routes, such as those connecting Burkina Faso and Côte d'Ivoire, or Zimbabwe and South Africa (IOM 2024, 31). As Flahaux and De Haas (2016:9) assert the highest intra-continental emigration intensities are typically found in inland West African nations (such as Burkina Faso and Mali), certain Southern African nations and West Africa itself. They further contend that this tendency to have higher average emigration intensities appears to be related to the region's abundance of smaller nations, both in terms of population and land area.

In Western Africa, Côte d'Ivoire is a major destination for labour migrants due to the region's substantial demand for workers in agriculture and construction. In Southern Africa, numerous causes have affected modern economic migration. One of the main causes of economic migration continues to be the demand for labour in the region's diverse economies, particularly in main urban areas in South Africa and Botswana (UNCTAD, 2019). Besides economic factors, migration in Africa is also driven by conflicts, violence, natural disasters and climate change. According to the United Nations High Commission for Refugees' (UNHCR's) 2024 planning figures, nearly 50 million people have been forcibly displaced in Sub-Saharan Africa. Of these, the vast majority are refugees to neighbouring countries (UNHCR, 2024). Furthermore, the International Organization for Migration (IOM) indicates that in 2022 more than seven million people were internally displaced in Africa due to natural disasters, while up to 40 million are expected to migrate within their countries by 2050 because of climate change (IOM, 2024).

This article is designed to provide a comprehensive and more nuanced understanding of the links between globalisation, described as the increased and rapid global trade in commodities, money, people and ideas in the world, and the dynamics of intra-African migration. The focus of this article is labour migration, defined as the movement of persons with the aim of employment or income-bringing activities (Oso *et al.*, 2022:17). Generally, the discourse around African migration is framed in developmental terms to emphasise the nexus between migration and development, as well as the positive effects of remittances and diaspora-driven foreign direct investments on poverty reduction (Teye, 2022; Ratha, 2013). Beyond these approaches, a growing body of literature describes the material disparity amongst working-class migrants from the Global South who fill labour demand in the Global North. However, relationships between South-South migration and socio-economic imbalances, gender inequalities, labour exploitation and environmental degradation are often overlooked and ignored. The emphasis on the relationships between migration and inequality in the context of Africa does not exclude prominent roles played by recognised actors such as states and other international institutions which this study focuses on in relation to their impact on the continental migration processes (i.e. documentation, border control, limitation of rights, etc.).

Urbanisation, poverty and migration

Between the mid-1990s and the 2000s, Africa's economies were amongst the fastest growing worldwide. The sustained expansion of Africa's average Gross Domestic Product (GDP) through financial liberalisation and increase in the region's merchandise trade was remarkable progress in economic development, which was praised in 2013 by *The Economist* in an article that labelled Africa the "rising continent". According to the African Development Bank (AfDB) (2024a), Africa is expected to develop at a faster rate than the global average of 3.2% in 2024, which will keep the continent in its 2023 position as the second-fastest growing area after Asia.

The processes of globalisation and liberalisation have resulted in the concentration of economic activities in large cities. In Africa between 1990 and 2018 the employment share of agriculture decreased from 60% to 42% and workers moved from rural areas to urban areas in search of jobs (*ibid.*). Agglomeration economies and growing returns to scale are frequently linked to urbanisation and, therefore, cities and metropolitan areas play an important role in attracting foreign direct investment (Beri *et al.*, 2022). In 2019, the urbanisation rate in Africa was projected at 43%, lower than the rate in the rest of the world (58%), while the urban population growth was the fastest globally. By 2030, six African cities, Cairo, Lagos, Kinshasa, Johannesburg, Luanda and Dar es Salaam, are expected to be amongst the world's 41 megacities with more than 10 million inhabitants (ISS African Futures, 2024).

Perhaps more significant is the fact that an increasing number of Africans currently migrate to urban areas to avoid the poverty and desolation of rural life, rather than in response to work opportunities in the manufacturing sector, which would enhance productivity. The share of intra-African manufacturing trade as a portion of all African trade has remained consistently below 15% in recent years, thus offering limited job opportunities through industrialisation (Kavei and Mbambo, 2023). As a result of the lack of formal employment, poverty is urbanising and the number of slum dwellers could triple by 2050 (ISS African Futures, 2024).

Despite economic growth and the increased value of Africa's merchandise trade, the lack of structural transformation continues to widen income and wealth inequalities in the continent -- with Southern Africa being the most unequal region. For example, in 2023, nearly 50% of Africa's cumulative GDP was contributed by five countries: South Africa, Egypt, Algeria, Nigeria and Ethiopia (AfDB, 2024a). Inequality provides incentives for international migration and characterises the negative relationship between growth and poverty reduction (Chancel *et al.,* 2023). Through privatisation, deregulation of economic activities and liberalisation, the neoliberal paradigm has produced an unequal development which has deepened asymmetries between nations and regions and increased social inequality (Delgado Wise *et al.,* 2013). To explain the effects of trade liberalisation on employment, Theron *et al.,* (2007) argue that the state of unemployment in South Africa has not much improved during the trade liberalisation era. Concurrently, there has been a shift in the employment structure, with a decrease in formal work. An unknown number of low-skilled workers, essentially unprotected by labour law, provide services to the formal economy. According to Carella (2024:590), the majority of labour markets in the Global South experience high levels of informality. For migrant workers, large informal sectors are both dangerous and attractive. These sectors include female-dominated labour intensive services (i.e. street trading, hairdressing, domestic work) and agricultural jobs which, in Africa, provide employment to nearly 50% and 40% of migrant workers, respectively (Mutava, 2023).

The discourse around the feminisation of migration gives prominence to migrant women and recognises that they do not only migrate to follow their families and husbands but also move independently. Women are active and independent agents in migration and for this reason there is a need for more sex-disaggregated data which is often absent in official governmental statistics. In Sub-Saharan Africa between 1990 and 2020, the female share of international migrants has remained almost stable from 47.2% to 47.1% (UNDESA, 2024). However, patterns are different depending on geographic areas. For example, in Southern Africa, during the same period the percentage has increased from 39.7 to 43.3, respectively (*ibid*). The drivers of female migration are multiple: some women migrate in order to escape discrimination and oppressive cultural norms; others run away from abusive relationships. Migrant women face numerous challenges and are at greater risk (a double disadvantage) because of their gender and status. They face exploitative working conditions and are often employed in low-paid sectors such as care, domestic jobs and agriculture (Jinnah, 2020).

Low-skilled migrants make up the majority of modern labour migration in Africa, which is mostly focused in industries such as agriculture, domestic service and informal trade. In Western Africa, for instance, a sizable portion of migrants from Burkina Faso work in the region's agricultural sector, primarily in Côte d'Ivoire (Dabiré and Soumahoro, 2024). Similarly, in Southern Africa the demand for services has become a major pull factor for low-skilled intra-regional migration. The decline in migrants from Malawi, Lesotho and Mozambique travelling to work on South African mines, as well as the casualisation of the sector, have resulted in job losses and in the widespread involvement of migrant workers in labour-intensive and unregulated economic sectors. For example, domestic work has opened up economic prospects for low-skilled migrant women from Lesotho to work in South Africa (UNCTAD, 2019). In the largest cities of Southern Africa, domestic work is the most prevalent paid occupation for women, followed by commerce, hawking and vending. Consequently, women's involvement in the informal sector is precarious and uncertain. Socio-economic inequalities and the lack of legal avenues for labour migration across the region have also increased irregular migration involving migrants from outside the region, most notably from the Horn of Africa. This has resulted in a proliferation of urban-based informal economic activities and atypical employment relationships.

Furthermore, there is a strong link between urbanisation, poverty and food insecurity. For example, in West Africa, decades of neoliberal policies which removed agricultural subsidies and reduced tariffs on imported grains, have favoured the movements of young men from farming households to urban areas (Mosley *et al.*, 2010). The high rate of urbanisation, coupled with the lack of employment opportunities and decent jobs, have several implications for the provision of basic services and food directed to migrants and their families. A study conducted in Mali found that compared to households in rural areas, those in urban areas are less food secure

(Macalou *et al*., 2023). Due to the high costs associated with urban life, impoverished families are compelled to compromise on food quality and quantity in order to make ends meet, which leads to food insecurity.

The drivers of labour migration and economic globalisation

Macro structural approaches contend that understanding labour migration requires a global perspective. Structuralist theories view capital and labour mobility as intertwined whereby the growth of export-led agriculture and manufacturing is connected to foreign direct investment flows, which disrupts traditional occupational and social structures and fuels both intra-regional and extra-continental migration in Africa (UNCTAD, 2019). As De Haas (2014:11) argues, historical-structural theories place a strong emphasis on how corporations and governments shape migration, and they typically view labour migration as a source of cheap labour that can be exploited to further the interests of the wealthy and perpetuate social and geographic inequality. For instance, the dual labour-market theory developed by Piore (1979) sees migration as an intrinsic process of capitalist accumulation rooted in the labour demands of modern industrial societies. This theory postulates that demand pressures generated in the primary sectors of the labour markets of more developed countries stimulate the supply of international labour migration from less-developed countries. The primary labour market (centre) is occupied by professionals and skilled workers with secure and high-paying jobs, while the secondary sector (periphery) is characterised by low-wage occupations, employment insecurity, low levels of unionisation and poor working conditions. In this context, the labour migration system depends on structures of power and economic inequalities whereby an array of actors, including government recruiters, employers, businesses, as well as international organisations, actively shape migration processes (De Haas 2021:7).

Similarly, the world-systems theory developed by Wallerstein (1974) argues that migration is a natural consequence of globalisation. According to this theory, migration is a result of the upheavals and dislocations that come with capitalist development (Massey *et al*., 1993). Wallerstein divided the world into core countries, semi-periphery countries and periphery countries. This third category includes most African states which rely on the export of primary commodities and are exploited by dominant capitalist countries. Rapanyane and Shai (2022) observed that core states also take advantage of semi-peripheral states much like the peripheral states, but the periphery is also exploited by the semi-peripheral nations. Furthermore, the peripheries that are successfully integrating into the global economy and achieving a sustained increase in their level of international competitiveness appear to be functioning as new growth hubs that draw in both labour and capital (Kay 1998:11). In the context of postcolonial Africa, South Africa is noted by Ahwireng-Obeng and McGowan (1998:169) as a dominant state that politically and economically fits the concept of a semi-peripheral state in the world system, having contradictory functions as both "exploiter" and "exploited". Similarly, Theron *et al.* (2007) argued that South Africa has played an intermediary role in trade negotiations between the industrial powers of the North (core) and the various clusters of the least-developed African countries (periphery).

One of the key propositions of the structuralist paradigm is the notion of *unequal exchange*. Originally elaborated by Emmanuel (1972) the unequal exchange theory proposes that international trade between core and peripheral countries causes a systematic transfer of surplus value from the former to the latter. Because of this unequal distribution of advantages from international trade, core nations that export industrial commodities benefit while peripheral countries that export raw materials are penalised (Ricci, 2019:3). Growing migration to core countries is linked to the peripheries' integration into the global capitalist expansion process. Global economic interconnectedness urges scholars to redefine the concept of Global North and Global South beyond a geographical classification and towards a "North–South distinction [that] transcends equatorial divisions and development indexes" (Carella, 2024:588). In a global world, states experiencing economic growth and demographic transition benefit from improved infrastructures, increased trade and information exchanges with the core nations.

Migration management and the migration-development nexus

The 2030 Agenda for Sustainable Development, which was adopted by all UN member states in 2015, listed migration as one of the instruments to promote inclusive growth (United Nations, 2017). The overall euphoria that permeates the discussion surrounding the relationship between migration and development has prompted policymakers to harmonise their approaches to international migration, harnessing migration for development. This further cemented the relationship between migration and development. In this context, Africa's wider agreement on migration and development-related issues is reflected in the African Common Position on Migration and Development which states that "migration can be an effective tool for development by enhancing income distribution, promoting productive work for growth and enhancing women empowerment" (African Union, 2006:4). It further urges member states, among other things, to mainstream migration into their development plans and to harmonise their laws with international conventions. Aligned with neoliberal policies and rooted in neoclassical economic theories, the migration-development nexus highlights the benefits of migration for all, that is for countries of origin, destination and the migrants themselves -- the so-called triple win scenario (Delgado-Wise *et al.*, 2013). Generally, the discourse around African migration is framed in developmental terms to emphasise the nexus between migration and development, as well as the positive effects of remittances and diaspora-driven foreign direct investments on poverty reduction. Despite this newfound optimism, the connection between migration and development is neither straightforward nor free from criticism. Some authors (Gordon, 2010; Delgado-Wise *et al.*, 2013) argue that the purported benefits of migration and remittances as development accelerators in countries of origin are not supported by empirical data. Instead, the majority of the funds seem to go toward consumption without addressing development constraints. Moreover, evidence shows that remittances can increase inequalities among different communities and regions and are not always directed to the poorest areas or to those who are in greater need of them (Skeldon, 2007).

In capitalist production, neoliberal policies create a bipolarisation of the labour force and subordinate migration to the needs of capital. On the one hand, highly paid skilled workers are hired for management work while, on the other hand, a large pool of less mobile unskilled workers is recruited through temporary programmes which offer a restricted set of rights. In many ways, the interventions of both state and non-state actors reinforce global hierarchies which distinguish between those migrants who are 'acceptable' and those who are 'not acceptable' (undesirable). For instance, national governments exercise their influence to promote the interests of 'knowledge migrants'[1] to the detriment of other categories such as undocumented migrants. Relatedly, Duvell (2003) argues that the discourse around global migration management reinforces a capitalist and imperialist approach aimed at separating productive and unproductive individuals. Powerful actors that play a constructive role in the discourse around migration management include both states and non-state actors. For instance, the IOM has been instrumental in the development of the revised Migration Policy Framework for Africa (2018-2030) that assists member states in the development and implementation of sound migration policies and institutional frameworks.

In this context, the globalisation of migration processes has increased the role and activities of non-state actors (Geiger and Pécoud, 2014) but has also raised some concerns about their underlying policy objectives, as well as about the intersection between migrant mobilisation and political agency. This raises the question, are these bodies an extension of the regulatory arm of states, or do they rather operate as migrants' protectors?

Dini (2018) examined the role of the IOM in the management of borders and migration governance using Djibouti as a case study. The author asserts that the IOM's practices extend from being a neutral service provider to the endorsement and reification of pre-existing political authority. Evidently, the IOM's border practices have emerged as a tool for the implementation of sovereign power and the institutionalisation of a state of exception in the host state. The organisation is deeply engaged with and supports local institutions and the state in the dialectic of admission and exclusion of the undesirable (undocumented migrants). Geiger and Pécoud (2017) highlight that the aspiration to make planned and well-managed migration policies effective tools for development is a 'secondary agenda', subordinate to security and control issues.

Labour migration governance and regional integration

The relationship between globalisation and migration highlights the asymmetry and liberal dilemma of open borders. Despite the advancements in communication technology and transportation associated with the process of globalisation, overall international migration rates have declined (Czaika and De Haas 2014). According to Flahaux and De Haas (2016) the reason for a declining intra-continental migration intensity, since African states gained independence, lies with immigration restrictions and a rise in nationalism. This begs the question about why many countries still have high immigration barriers when trade barriers have dropped significantly.

The African continent has made significant progress in trade liberalisation and promoting free movement of persons. The Common African Position on the Global Compact for Safe, Orderly and Regular Migration represents the expression of the continent's migration aspirations. It is built on the premise that "human mobility and free movement of all persons within the continent constitute one of the pillars of an integrated Africa" (African Union, 2017). In accordance with the 2030 Agenda for Sustainable Development, the African Union adopted Agenda 2063, which serves as the main framework for Africa's economic development and political-socioeconomic integration. One of the major steps toward continental integration is the adoption in 2018 of the protocol on the free movement of persons in Africa. The protocol comprises three phases to be progressively implemented, namely right of entry, right of residence and right of establishment.[2] Furthermore, in 2019, the African Continental Free Trade Area (AfCFTA) moved into its operational phase and is expected to be one of the largest global single markets with a collective GDP of US$2.5 trillion and consumer and business spending of more than US$4 trillion. Despite having reached the minimum required threshold of ratification, the AfCFTA is still lagging behind due to inadequate infrastructure, the lack of transportation networks, as well as the delays in the agreement among member states over trade technical issues.

An agreement which facilitates imports and exports among member countries with free access to the market and the removal of trade barriers can boost economic growth by attracting foreign investments and improving efficiency and competitiveness. Research shows that, on average, developing countries gain from free trade due to lower prices of agricultural and manufacturing goods (Artuc *et al*., 2019). Nonetheless, international trade can also generate negative socio-economic externalities widening the income gap, increasing inequality as well as affecting migration processes. For example, it might increase competitiveness in domestic markets to the detriment of local producers who lack capital and technological innovations. A comparative study conducted in the Gambia, Ivory Coast and Mali found that the neoliberal policy reform on food production led to a flood of cheap grains on local markets, leaving them exposed to the economic shocks of global food crisis (Moseley *et al*., 2010). Indeed, it is recognised that free trade lowers the earnings of workers in the sectors exposed to imports. If countries do not have the institutional and financial resources to address the negative impact on labour force participation and small- and medium-sized enterprises (SMEs), the advantages of free trade may not be distributed fairly. One of the biggest issues facing many emerging countries is the lack of labour mobility between sectors (Kavei and Mbambo, 2023:260). Currently, the least productive industries in Africa (with relative productivity of 1 or lower) include personal services, retail, wholesale and agriculture, which together employ two-thirds of the labour population. Merely one-third of the labour force is engaged in industries where productivity surpasses the average for the entire economy. This shows that the reallocation of workers between sectors may have some potential to increase overall productivity (AfDB, 2024a).

At regional level, the Southern African Development Community (SADC) has taken several steps to promote trade liberalisation in the region, and in 2008 member states agreed to establish a SADC Free Trade Area and remove tariffs on trade against each other. Earlier, in 2002, the governments of Botswana, Lesotho, Namibia, South Africa and Eswatini signed the Southern African Customs Union (SACU) Agreement creating a single customs territory. [3] The SACU Agreement, however, does not make provision for the free movement of labour. Trade within Africa, regional integration and the creation of policies with a progressive elimination of obstacles to the free movement of capital and labour, goods and services amongst member states are key priorities of this continental agenda. Notwithstanding the aspirations for political and economic integration and the steps to create an integrated migration policy framework, African states are trapped in a liberal paradox, where "international economic forces (trade, investment and migration) have been pushing states towards greater openness, while the international state system and powerful (domestic) political forces push states towards greater closure" (Hollifield, 2004:886). So far, the liberal discourse of freeing the movement of persons within the African continent has not yet replaced securitised and restrictive domestic immigration policies towards certain groups of immigrants.

According to the AfDB (2024b), several countries have implemented beneficial visa reforms in the direction of a more open continent. However, the "paradoxical misalignment between countries' visa openness and support for facilitating intra-African travel, reveals the reluctance of states towards easing the movement of persons within the continental integration agenda" (*ibid*:43). Gordon (2010:1110) attempts to offer an explanation for the sharp contrast between the limitations placed on people's freedom of movement and the relative ease of mobility associated with globalisation for capital, goods and investments. She argues that free trade and free movement of labour are not substitutes and above all "the flow of human beings has political, cultural, social and economic effects that differ from the flow of money and goods and these effects play out politically in distinct ways". Furthermore, she contends a difference between these two provisions is the weak global system that governs the free movement of people as opposed to the strong framework that governs the circulation of goods and services. In general, labour agreements are more restrictive than trade agreements, exclude low-wage workers and prefer bilateralism over regionalism and multilateralism (*ibid*:2010). Liberalisation of trade, goods and services on one side, and the restrictions in low-skilled workers' movements on the other side, reveal the skewed and exploitative nature of globalisation.

Regional agreements such as the SADC and Economic Community of West African States (ECOWAS) protocols on free movement of persons provide their citizens with the right to free entry into another member state without a visa, the right to seek permanent and temporary residence and establishment, and access to employment in the host country. However, free movement on the continent is hindered by socio-economic and political barriers which brings to the fore the underlying tensions between national legislative frameworks and regional integration activities. Furthermore, the introduction of new technologies and digitisation of immigration processes have resulted in more burdensome travel arrangements for some African citizens (AfDB, 2024b). Another issue hampering regional migration governance is the protectionist approach of member states and the lack of political commitment around the enforcement of workers' rights. The reluctance to adhere to the 2008 International Labour Organization (ILO) Decent Work Agenda and the disappointing rate of ratification of international conventions are two examples that highlight how member states are unable to create a policy environment in which the rights of all workers, including migrants, are protected.

Globalisation, international labour migration and the rights of migrants

Migration in Sub-Saharan Africa is largely intra-regional and driven by the neoliberal modes of production that have come to dominate national, regional and global economies (Crawley and Teye, 2024:3). Deregulation and neoliberal globalisation have led to the growing exploitation and increasing vulnerability of migrant workers. Both in the Global North and the Global South, precarisation of employment and a reduction in social and labour rights for low-skilled migrants are characteristics of globalised society (Schierup *et al.*, 2014). 'Precarious' or 'non-standard' forms of employment are "terms which include most jobs that tends to offer less security than standard employment relationship with respect to hours, earnings and benefits" (Vosko *et al.*, 2003:39).

Jinnah (2020) has further explored the notion of *precarity* as a conceptual framework to explain the intersection between migration and low-waged work in the Global South. In her work on migrant domestic workers in South Africa she provides a conceptual framing of *precarity* as a negotiated and survivalist strategy to secure livelihoods. She defined *precarity* as "the existence of a class of workers (precariat) characterised by a sense of instability and vulnerability" (Jinnah, 2020:211). The notion of *precariat* introduced by Guy Standing (2012) further defines a multitude of individuals subject to insecure and flexible labour relations whose rights and entitlements are limited. Flexible labour markets create a structural demand for migrant labour whose movements are regulated through temporary worker programmes. Such programmes only grant a limited range of rights in comparison to those of native workers (Gordon, 2010). Ruhs and Martin (2008) contend that the necessity of the economy justifies denying equal rights to temporary low-skilled workers. They contend that there is, in fact, a 'trade-off', or an inverse link, between the rights granted to migrants and the number of migrants working in low-skilled professions in high-income nations. This raises the question whether temporary migrants "are better off because they are more likely to be employed, or less well off because they endure poorer working conditions" (Fauvelle-Aymar, 2015:14).

In South Africa, low-skilled SADC migrant workers have benefitted from regularisation programmes targeting irregular migrants and former refugees. In a similar way, low-skilled migrants in the agricultural sector have benefitted from bilateral agreements to regulate the demand for labour. Mauritius also actively recruits foreign workers through bilateral temporary work programmes to meet labour needs. Temporary migrant workers are employed in labour-intensive sectors of the economy such as sugarcane production, fishing, construction and manufacturing.

There is evidence that the perceived and/or real advantages and costs associated with migrant worker protection -- which may be social, political, cultural, economic or other -- are the driving forces behind the lack of political agreement in the SADC area over the standards for migrant worker protection. Perhaps, as suggested elsewhere (Ruhs, 2012), the development of a list of fundamental rights for migrant labourers to supplement current international legal instruments might help member states achieve their objectives and ease receiving nations' concerns about potential negative economic effects. Furthermore, the Transnational Labor Citizenship model (Gordon, 2010:1144) which established cross-border networks of migrants could help link the right to migrate for work to a commitment by migrants and governments to enforce baseline workplace standards in destination countries.

Conclusion

The dynamics of migration in Africa are deeply intertwined with the forces of globalisation, trade and labour, which have significant implications for inequality and human rights. The continent's economic development and urbanisation have led to a concentration of economic activities in large cities, driving internal migration from rural areas to urban centres in search of employment opportunities. The urbanisation process has also led to a rise in poverty and food insecurity, particularly for migrant families. The relationship between migration and development is complex, with the discourse often emphasising the positive effects of remittances and diaspora-driven investments on poverty reduction. However, empirical data shows that this relationship depends on large structural factors which generate a demand for migrant labour. It also highlights the need for greater protection of migrant workers' rights in the face of increasing precarity and exploitation. Furthermore, the liberal paradox of open borders and free trade juxtaposed with immigration restrictions reflects the challenges of achieving regional integration and free movement of labour. While regional agreements exist to facilitate labour migration, the lack of political commitment and protectionist approaches hinder the realisation of these principles in practice. In this context, the rights of migrant workers must be prioritised, and the development of comprehensive frameworks for labour migration governance is crucial to ensure that migration is not only a tool for economic growth but also a means to uphold human rights and reduce inequality in the continent.

The development of a list of fundamental rights for migrant labourers to supplement current international legal instruments might help member states achieve their objectives and address the concerns of receiving nations about potential negative economic effects, thereby promoting development and trade. Furthermore, the Transnational Labor Citizenship model, as proposed by Gordon (2010), establishes cross-border networks of migrants that could link the right to migrate for work to a commitment by migrants and governments to enforce baseline workplace standards in destination countries. It is not only the process of policy formulation and the role played by sovereign states that deserve more attention, but also the direct involvement of international non-state actors involved in practices of migration management that requires thoughtful analysis. Further research could, for example, investigate the political context in which international agencies operate, their social legitimacy to participate in policy formulation and how their function can be ascertained in relation to an inter-state and regional approach to migration and to the international government of borders.

REFERENCES

African Development Bank (AfDB), 2024(a). African Economic Outlook 2024. Available at https://www.afdb.org/en/knowledge/publications/african-economic-outlook (accessed 30 July 2024).

African Development Bank (AfDB), 2024(b). Africa Visa Openness Report 2024.2024. Available at https://www.visaopenness.org/fileadmin/uploads/afdb/Documents/2024_AVOI_final_R3_20nov24.pdf (accessed 26 November 2024).

African Union, 2006. African common position on migration and development. June, Addis Ababa. Available at https://shorturl.at/sL7j5 (accessed 4 December 2024).

African Union, 2017. Common African position (CAP) on the global compact for safe, orderly and regulatory migration. October, Addis Ababa. Available at https://shorturl.at/dUBcn (accessed 4 December 2024).

Ahwireng-Obeng, F. and McGowan, P.J. 1998. Partner or hegemon? South Africa in Africa: part one, *Journal of Contemporary African Studies*, 16(1), pp.5-38.

Artuc, E., Porto, G. and Rijkers, B. 2019. Trading off the income gains and the inequality costs of trade policy, *Journal of International Economics*, 120, pp.1-45.

Beri, P.B., Mhonyera, G. and Nubong, G.F. 2022. Globalisation and economic growth in Africa: New evidence from the past two decades, *South African Journal of Economic and Management Sciences*, 25(1), pp.1-12.

Carella, F. 2024. The Governance of South–South Migration: Same or Different? in *The Palgrave Handbook of South–South Migration and Inequality*, pp. 587-607. Cham: Springer International Publishing.

Chancel, L., Cogneau, D., Gethin, A., Myczkowski, A. and Robilliard, A.S. 2023. Income Inequality in Africa, 1990–2019: Measurement, Patterns, Determinants, *World Development*, 163, 106162.

Crawley, H. and Teye, J.K. (eds.), 2024. *The Palgrave Handbook of South–South Migration and Inequality*. Cham: Springer International Publishing.

Czaika, M. and De Haas, H. 2014. The globalization of migration: Has the world become more migratory? *International Migration Review*, 48(2), pp.283-323.

Dabiré, B.H. and Soumahoro, K.A. 2024. Migration and Inequality in the Burkina Faso–Côte d'Ivoire Corridor, in *The Palgrave Handbook of South–South Migration and Inequality,* pp.223-245. Cham: Springer International Publishing.

De Haas, H. 2014. Migration theory: Quo vadis? Volume 100, Working Paper Series: International Migration Institute, University of Oxford.

De Haas, H. 2021. A theory of migration: the aspirations-capabilities framework, *Comparative Migration Studies*, 9(1), p.8.

Delgado Wise, R. 2015. Migration and labour under neoliberal globalization, in *Migration, Precarity, and Global Governance: Challenges and Opportunities for Labour*, pp.25-45. Oxford University Press.

Delgado Wise, R., Márquez Covarrubias, H. and Puentes, R. 2013. Reframing the debate on migration, development and human rights, *Population, Space and Place*, 19(4), pp.430-443.

Dini, S. 2018. Migration management, capacity building and the sovereignty of an African State: International Organization for Migration in Djibouti, *Journal of Ethnic and Migration Studies*, 44(10), pp.1691-1705.

Düvell, F. 2003. Some reasons and conditions for a world without immigration restrictions. *ACME: An International Journal for Critical Geographies*, 2(2), pp.201-209.
Emmanuel, A. 1972. *Unequal exchange: A study of the imperialism of trade*. New York: Monthly Review Press.
Fauvelle-Aymar, C. 2015. Immigration and the South African labour market. MiWORC Working Paper No 2. Johannesburg: African Centre for Migration & Society, University of the Witwatersrand.
Flahaux, M.L. and De Haas, H. 2016. African migration: trends, patterns, drivers, *Comparative Migration Studies*, 4, pp.1-25.
Geiger, M. and Pécoud, A. 2014. International organisations and the politics of migration, *Journal of Ethnic and Migration Studies*, 40(6), pp.865-887.
Geiger, M. and Pécoud, A. 2017. International organisations and the securitisation of migration, in *Handbook on Migration and Security*, pp. 339-362. Edward Elgar Publishing.
Gordon, J. 2010. People are not Bananas. How Immigration Differs from Trade, *Northwestern University Law Review*, 104 (3), pp.1109–1145. Available at https://www.e-elgar.com/shop/gbp/international-law-and-migration-9781781953181.html
Hollifield, J.F. 2004. The emerging migration state, *International Migration Review*, 38(3), pp.885-912.
International Organization for Migration (IOM), 2024. Africa Migration Report (Second edition). Connecting the threads: Linking policy, practice and the welfare of the African migrant. IOM, Addis Ababa.
ISS African Futures, 2024. Available at https://futures.issafrica.org/(accessed on 12 June 2024).
Jinnah, Z. 2020. Negotiated precarity in the global south: A case study of migration and domestic work in South Africa, *Studies in Social Justice*, 2020(14), pp.210-227.
Kay, C. 1998. Relevance of structuralist and dependency theories in the neoliberal period: a Latin American perspective. Institute of Social Studies (ISS) Working Paper Series/General Series, 281, pp.1-30.
Kavei, G. and Mbambo, K. 2023. Potential Effects of the African Continental Free Trade Agreement on the Namibian Labour System, *Open Journal of Social Sciences*, 11(8), pp.257-289.
Macalou, M., Keita, S.I., Coulibaly, A.B. and Diamoutene, A.K. 2023. Urbanization and food security: evidence from Mali, *Frontiers in Sustainable Food Systems*, 7, 1168181.
Massey, D.S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A. and Taylor, J.E. 1993. Theories of international migration: A review and appraisal, *Population and Development Review*, pp.431-466.
Moseley, W.G., Carney, J. and Becker, L. 2010. Neoliberal policy, rural livelihoods, and urban food security in West Africa: A comparative study of The Gambia, Côte d'Ivoire, and Mali. *Proceedings of the National Academy of Sciences*, 107(13), pp.5774-5779.
Mutava, M. 2023. *An analysis of trend and patterns of migration in Africa*. Johannesburg: New South Institute: pp. 1-54.
Oso, L., Kaczmarczyk, P. and Salamońska, J. 2022. Labour migration, in Scholten, P. (ed.) *Introduction to Migration Studies*, IMISCOE Research Series, p.117. Springer, Cham. Available at https://doi.org/10.1007/978-3-030-92377-8_7
Piore, M. 1979. *Birds of Passage: Migrant Labor and Industrial Societies*. New York, Cambridge University Press.
Rapanyane, M. and Shai, K. 2022. An Afrocentric Critique of World Systems Analysis as a Critical Theory in International Relations, *African Journal of Political Science*, 10(2), pp.53-62.
Ratha, D. 2013. Leveraging migration and remittances for development, *UN Chronicle*, 50(3), pp.26-29.
Ricci, A. 2019. Unequal exchange in the age of globalization, *Review of Radical Political Economics*, 51(2), pp.225-245.
Ruhs, M. and Martin, P. 2008. Numbers versus rights: trade offs and guest workers programs, *International Migration Review*, , 41(1), pp.249-265.
Ruhs, M. 2012. The human rights of migrant workers: Why do so few countries care? *American Behavioral Scientist*, 56(9), pp.1277-1293.
Schierup, C.U., Ålund, A. and Likić-Brborić, B. 2015. Migration, precarization and the democratic deficit in global governance, *International migration*, 53(3), pp.50-63.
Skeldon, R. 2007. On migration and the policy process. Working Paper T-20. Development Research Centre on Migration, Globalisation and Poverty. University of Sussex: Brighton, UK.
Standing, G. 2012. The precariat: from denizens to citizens? *Polity*, 44(4), pp.588-608.
Teye, J.K. 2022. Migration and development: A focus on Africa, in *Routledge Handbook of Immigration and Refugee Studies*, pp. 286-296. Routledge.
Theron, J., Godfrey, S. and Visser, M. 2007. Globalization, the impact of trade liberalization, and labour law: The case of South Africa. International Institute for Labour Studies. Genève.
United Nations, 2017. Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development. Available at http:/undocs.org/A/RES/71/313 (accessed on 25 November 2024.
United Nations Conference on Trade and Development (UNCTAD), 2019. Economic Development in Africa Report, 2019. Available at https://unctad.org/system/files/official-document/edar2019_en_ch5.pdf (accessed 10 October 2024).
United Nations Department of Economic and Social Affairs (UNDESA), 2024. Available at https://www.un.org/en/desa/products/un-desa-databases (accessed 6 August 2024).
United Nations High Commissioner for Refugees (UNHCR), 2024. Global Appeal 2024. Available at https://reporting.unhcr.org/global-appeal-2024-6383 (accessed 10 October 2024).
Vosko, L.F., Zukewich, N. and Cranford, C. 2003. Precarious jobs: A new typology of employment, *Perspectives on Labour and Income*, 15(4).
Wallerstein, I. 1974. *The Modern World-System Vol I Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*, with a new prologue. University of California Press.

ENDNOTES

[1] According to the Dutch government, a knowledge migrant is one who has graduated with a Master's degree or PhD from a university ranked in one of the recognised World University Rankings, who obtained this higher degree not more than three years ago (or graduated from a Dutch University). Additionally, the knowledge migrant should earn at least 51,239 Euros per

annum (or 37,575 Euros if younger than 30 years). This income criterion does not apply to a person who is admitted for doctoral studies at a Dutch university, or if the person is fulfilling a medical residency as a specialist. This information is difficult to find and changes frequently.

[2] To date, 32 member states have signed the Protocol and only four countries have ratified it (15 are needed for the Protocol to enter into force).

[3] Founded in 1910, SACU is the world's oldest customs union comprising Botswana, Lesotho, Namibia, Eswatini, South Africa.

Dr Sergio Carciotto is a research fellow at the Institute for Social Development, University of the Western Cape (UWC) where he obtained a PhD. He has two MA degrees in Migration Studies and Development Studies, from the University of Rome and UWC, respectively. He is one of the founders and the managing editor of the *African Human Mobility Review*. Dr Carciotto has published in national and international migration journals and his research interests include migration policies and governance, migrant networks and livelihoods and the link between migration and citizenship. He previously worked as a protection associate for the United Nations High Commissioner for Refugees (UNHCR) and as an advisor to non-governmental organisations providing humanitarian assistance to refugees and migrants.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda

Africa Diary

News from the Continent

1 August to 30 November 2024

Brazillian President Lula da Silva with President Ramaphosa at the handover of the G20 presidency at the end of the summit in Rio de Janeiro
Source: Flickr

19 November: South Africa took over the Presidency of the G20 from Brazil at the end of the annual leaders' summit of the world's 20 biggest economies which was held in Rio de Janeiro. South Africa is the only African member of G20 (although the African Union is now included). It will host the next summit at the end of 2025. The Group of Twenty (G20) countries represent 85% of global GDP and two-thirds of the world's population.

1 November: Mauritius ordered all internet service providers to suspend access to social media platforms until a day after the 11 November general election, sparking such outrage from civil society groups that the government of the ruling Militant Socialist Movement (MSM) party was forced to overturn the ruling a day later. "National security" was the reason given by the office of the Prime Minister. As it turned out national security was not at risk. The main opposition party won a landslide victory, preserving an electoral practice of simply and seamlessly alternating power between two dynasties of family leaders since independence from Britain in 1968.

1 November: After 58 years in government, the Botswana Democratic Party (BDP) was unseated in an election that it had expected to win. The outgoing President, Mokgweetsi Masisi, conceded defeat before all the results were in, saying, "I am proud of our democratic processes. Although I wanted a second term, I will respectfully step aside and participate in a smooth transition process."

21 October: UN Secretary-General António Guterres vehemently condemned the murders in Maputo of Elvino Dias, legal adviser to Mozambican presidential candidate Venâncio Mondlane, and Paulo Guambe, legal representative of the Podemos political party. The killings took place after the flawed national elections in which Frelimo's candidate was again declared the winner. Police broke up a small demonstration at Praça da OMM, Maputo, the site of the murders two days before and tear-gassed Venâncio Mondlane while he was briefing a group of journalists. Although the constitution guarantees the right to demonstrations, Maputo police do not accept this.

20 October: The World Health Organisation (WHO) certified Egypt as malaria-free after a century of efforts to end a disease that has been in the country for at least 6,000 years. Genetic evidence of the disease was found in Tutankhamun and other ancient Egyptian mummies. Algeria achieved malaria-free certification in 2019 and Morocco in 2010. The only country on the African continent never to have experienced malaria is the mountain kingdom of Lesotho.

5 October: Mpox vaccinations began in Goma, Democratic Republic of Congo (DRC), nearly two months after the disease outbreak was declared a global emergency by the WHO. The DRC, with about 30,000 suspected mpox cases and 859 deaths, accounts for more than 80% of all the cases and 99% of all the deaths reported in Africa in 2024. Most mpox infections and deaths are in children under 15, but the first vaccines are only meant for adults. Frontline health workers and at-risk populations have been targeted. Meanwhile, reduced doses of the vaccine approved for use in children are expected from Japan in due course.

1 October: The newly appointed Foreign Minister of the DRC, Thérèse Kayikwamba Wagner, told the BBC's *Focus on Africa* that the security crisis in her country due to the continued presence of 4,000 unwelcome forces from the Rwandan army is an international issue not a regional one.

27 September: President William Ruto of Kenya told CNN's Christiane Amanpour, "the country is now stable", after riots and anti-government protests in June saw parliament in Nairobi set on fire and over 40 Kenyans killed by police. The mass action forced Ruto to abandon an unpopular finance bill and to dismiss most of his cabinet. He said that this humiliation was the result of a government failure to explain its policies properly. "Misinformation and fake news" were also to blame, he said. Irũngũ Houghton, director of Amnesty International in Kenya, said that their recent interviews showed that out of uniform Kenyan police had fired live rounds at unarmed demonstrators. Police also fired tear gas and beat and arbitrarily detained peaceful demonstrators.

26 September: Human Rights Watch highlighted the plight of civilians in the conflict areas of the eastern DRC who have been attacked as the Rwandan army and the M23 militia group have indiscriminately shelled displacement camps and other densely populated areas near Goma. The Congolese armed forces (*Forces armées de la République démocratique du Congo*, FARDC) with their own abusive allied militias, such as the "*Wazalendo*" ("patriots" in Swahili), are also deploying artillery in the area, effectively increasing the risk of violence, which affects half a million displaced people in the camps. Both sides have killed and raped camp residents, interfered with aid delivery and committed other abuses.

26 September: Tanzanian opposition politician Freeman Mbowe, the chairperson of the Chadema party, told the BBC's *Africa Daily* podcast that the country is sliding back to the repressive style of the late president John Magufuli. In past weeks activists have been abducted, rallies and protests banned and Ali Mohamed Kibao, a member of the party's national secretariat, was brutally murdered. Kibao was taken off a bus by armed police. Later his body was found showing signs of torture.

13 September: South Sudan's government postponed long-delayed national elections for another two years, until 22 December 2026. South Sudan has been formally at peace since a 2018 peace deal ended a five year civil war. President Salva Kiir has led the country since its independence from Sudan in 2011.

President Cyril Ramaphosa at the podium at FOCAC *Source Flickr*

6 September: The [ninth Forum on China-Africa Cooperation] (Focac) ended in Beijing and was declared a notable success. A total of 53 out of 54 African countries attended the "Africa plus one" event. Commentators believe that the 2024 Forum (they take place every three years) marked a turning point both for China and for Africa. More 'African' agenda items were covered on issues such as training, agriculture, trade barriers and security assistance, and China consolidated its geo-political support from African countries. China -- Africa's biggest trading partner, but not its biggest investor or lender -- has been far more successful than the US or the European Union in getting African countries "on side".

Sudanese woman displaced by war. *Source Flickr*

31 August: An in-depth report on Sudan, "Why its catastrophic war is the world's problem", published in *The Economist,* reveals the war in Sudan has displaced more than 14 million people, or about 30% of the population, since it began in April 2023. A total of 150,000 people have been killed. The capital city, Khartoum, has been razed. Famine looms. Yet Sudan receives a fraction of the attention given to Gaza and Ukraine. A UN report found that the Rapid Support Forces (RSF), one of the two main parties in the civil war, was responsible for widespread sexual violence amounting to war crimes and crimes against humanity. The United Arab Emirates (UAE) supplies weapons and drones to RSF killers.

29 August: Angolan President João Lourenco signed into law two bills that severely restrict freedoms of the media, expression and association. The law on the Crimes of Vandalism of Public Goods and Services sets prison terms of up to 25 years for people who participate in protests that result in vandalism and service disruptions and the National Security law permits extreme government control over media, civil society organisations and other private institutions.

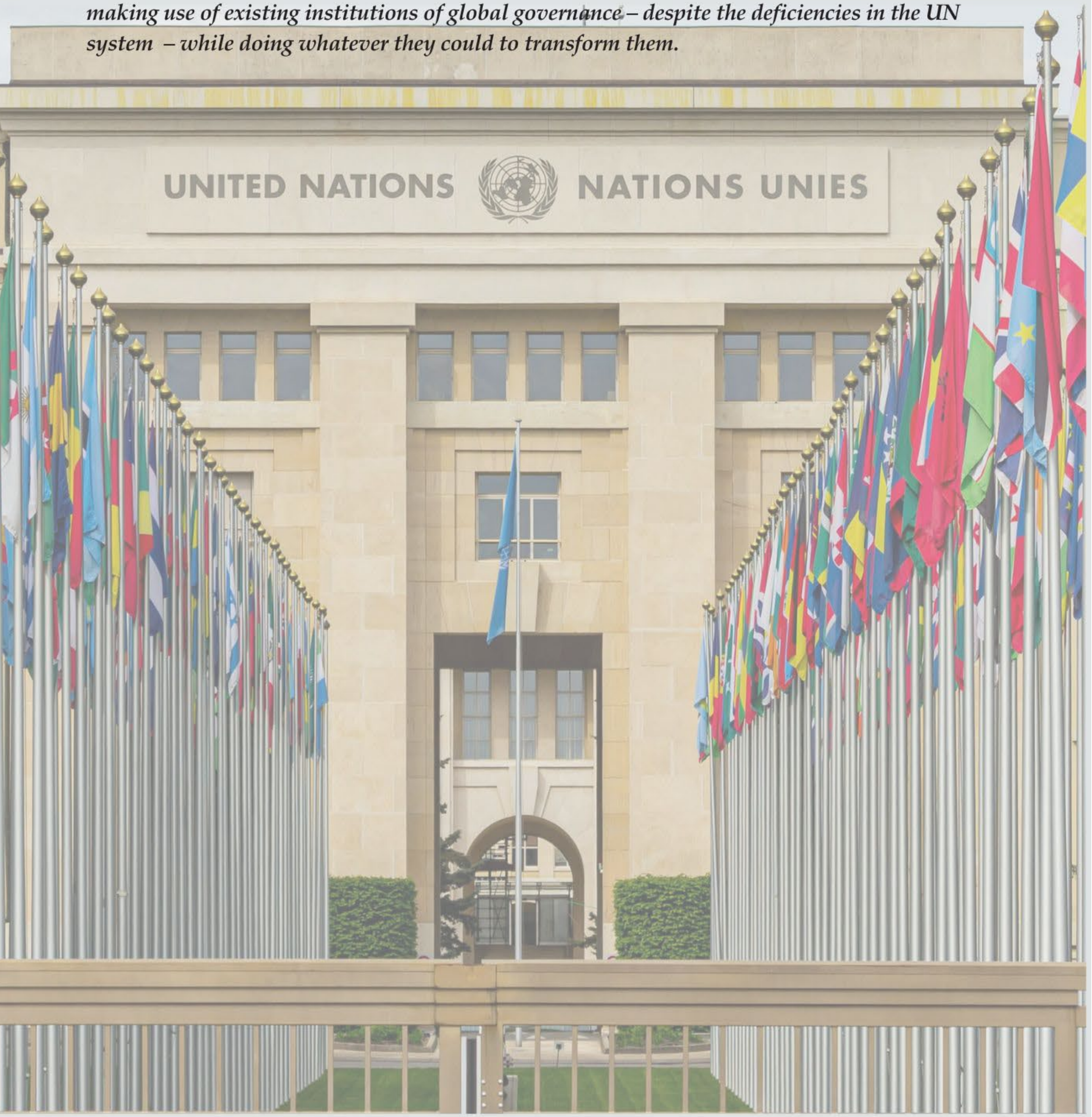
17 August: The Southern African Development Community (SADC) summit ended with a statement commending the Kingdom of Eswatini "for successfully holding peaceful elections". The much-anticipated "national dialogue" that President Cyril Ramaphosa promised on an official SADC visit to Eswatini in 2021 has yet to materialise.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda
Articles from *New Agenda* are also available at https://ifaaza.org/new-agenda-main/

The UN has failed in its mission
to secure global peace and defend global citizens

– By **Moira Levy**

On the opening night of the Institute for African Alternatives' (IFAA's) Living Rights Festival, speakers heaped praise upon South Africa for its intervention at the International Court of Justice (ICJ) over the UN's paralysis in the face of war crimes and crimes against humanity being waged in Gaza. MOIRA LEVY reports member states were urged to follow suit by making use of existing institutions of global governance – despite the deficiencies in the UN system – while doing whatever they could to transform them.



The Allee des Nations with the Flags of Member Countries at United Nations Office, Geneva, Switzerland
Source: Hugo Magalhaes, Pexel

The United Nations has clearly failed to uphold even the very first line of its founding Charter, which commits the nations of the world to "save succeeding generations from the scourge of war", and has shown itself to be entirely ineffective against genocide in Gaza, civil war in Sudan and Congo, bloody assaults by Russia on its neighbour, Ukraine, and hostilities in the Middle East that raise the spectre of a inconceivably disastrous Third World War.

At a panel discussion on the opening night of IFAA's community-driven Living Rights Festival, held in Cape Town in October and November 2024, speakers agreed that the UN has indisputably failed in its mission to secure global peace and laid the blame firmly at the door of the UN Security Council. The UN's paralysis in the face of war crimes and crimes against humanity was, ironically, created by the UN Charter itself, in the veto power it gives to the five permanent members of the Security Council, effectively stymieing all attempts by the world body to drive global justice and redress.

The task of the international community was to follow South Africa's example in its case at the ICJ and seek alternative routes to justice and redress through the multiple satellite and subsidiary bodies of the UN.

The discussion, titled "Sitting on the Precipice: Is There a Future for the United Nations?", marked the launch of the Living Rights Festival, a unique collaboration of Cape Town artists, actors, poets, writers, scholars and activists in a call for justice, peace and human rights in response to escalating global conflicts and deepening humanitarian crises. Initiated by IFAA, it was held at the District Six Homecoming Centre in Cape Town on 24 October, a date selected for its symbolic value as it marked the 79th anniversary of the world body.

… civil society must mobilise and find ways to push from below. Without pressure from citizens and national governments the international system will do nothing.

The three-week community-led initiative, which ran until 10 December, Human Rights Day, at venues throughout Cape Town and the Cape Flats, aims to address the growing global violence and injustice that threatens the planet's collective future and offers a programme of panel discussions and cultural interventions to confront injustice, advocate for essential freedoms, and inspire a new vision of global peace and dignity.

Panellists at the opening night lauded South Africa's application against Israel at the ICJ as a significant innovation by a member state. The praise heaped on South Africa was not only for its daring to take on the military might of Israel and its allies, it was also in recognition of its ground-breaking decision to enter the international discourse through a side door, in this case the ICJ.

Panellist Amr Moussa, the former Secretary-General of the Arab League and a member of the Panel of the Wise of the African Union, said the international system itself has not failed, "what has failed is the system of the Security Council".

"The permanent members have abandoned international law; they have abandoned their commitment and their leadership under the Charter. That the Security Council can veto the ceasefire resolutions while the war is going on and people are being killed and cities are being destroyed has set a very important and negative precedent in the history of the UN. This is a travesty of all that we have built.

"The South African initiative [in its application to the ICJ] has not only served international law but it has helped the system itself because it has shown that if the Security Council is paralysed we can resort to another principle organ of the UN."

Zaheer Laher has been a member of South Africa's foreign service for 28 years, including more than eight serving at SA's Permanent Mission to the UN. He said SA's use of the ICJ in defence of the people of Gaza was a masterstroke in the face of the UN's paralysis and intransigence.

Coming in online from Addis Ababa where he was engaged in international peace initiatives, Laher said it was ultimately the result of the lobbying and pressure by South African civil society that decided the SA government to make use of the ICJ.

To address the shortcomings of the UN, the countries of the National Assembly, with the active participation and support of their citizens and civil society, have to work collectively, he said.

"No country can address the impact of climate change in isolation. The same is true of any global challenge we face. The question is how do we work together? Are the mechanisms that we have at our disposal today fit for purpose, are they credible and are they effective? The answer is they are not and are in need of fixing.

"Those who have power are reluctant to give it up Those who do not have power often also do not have the capacity and resources to get power. The efforts we are putting in, from civil society and those countries from the global south, like South Africa, are using the mechanisms that we have at our disposal to address these problems. We need to continue that and mobilise more countries to support these efforts."

He reminded participants that for much of its existence the ICJ had been virtually moribund, only emerging once in the past in the case demanding South Africa end its illegal occupation of Namibia. "The ICC is as old as the UN … and for a long time it has not been effective. However, we have found that utilising the mechanisms we have and strengthening our utilisation of those mechanisms can make them more effective."

[Do] we bash the United Nations itself or do we bash the powerful nations that hold us back? – Kumi Naidoo.

This was echoed by the other panellists, including Kumi Naidoo, president of the Fossil Fuel-Non-Proliferation Treaty Initiative and former International Executive Director of Greenpeace International and Secretary General of Amnesty International. Applauding the initiative of the Living Rights Festival, he said "civil society must mobilise and find ways to push from below. Without pressure from citizens and national governments the international system will do nothing."

He said the UN Security Council "is stuck in the geo-politics of the Second World War". Drawing on his observations at the August 2024 meeting of Africans Rising for Justice, Peace and Dignity, held in Accra, Ghana, he said "in the African perception of the United Nations it is suffering a democratic deficit, a coherence deficit, a compliance deficit and ultimately an accountability deficit. The UN does not provide a democratic and coherent opportunity for small and medium developing nations. It was designed for wealthy nations which have multiple resources to service a very complicated global system."

In terms of compliance, he said, "time and time and time again we have very nice-sounding commitments but there is no compliance by powerful nations to support the promises they make. We need to make a decision whether we bash the United Nations itself or do we bash the powerful nations that hold us back."

Michael Lynk, former Special Rapporteur on the Palestinian Territories, was asked by discussion facilitator Usuf Chikte of the Palestine Solidarity Campaign to comment on the UN's failure to halt the genocide in Gaza. "In my view the United Nations is both indispensable to, but also ineffective when it comes to resolving the question of Palestine. International law actually lays out most of the rules we need to combat genocide, human rights violations, the abuse by an occupying power of its rule over a subjugated people. But what international law needs in order to be effective is to be married with international political resolve and that's what's been missing in Palestine."

He said as special rapporteur between 2016 and 2022, he found "the biggest hole in the heart of the international system is the question of accountability and the lack of challenge to impunity."

Despite "all of the horrors in Gaza, we have seen the International Court of Justice say that Israel is committing genocide thanks to the application made by South Africa.

"We have also seen the International Court of Justice [in July 2024] say that the Israeli occupation is illegal, that Israel owes reparations, compensation and damages to the Palestinian people and that the occupation must end as rapidly as possible. Two months later in September [there was] a resolution passed overwhelmingly at the UN General Assembly saying that the occupation had to end within 12 months.

"The diplomatic clock is now ticking and that clock will ring its alarm in September 2025. All of us know that Israel will not obey the direction of the General Assembly or the advisory opinion coming from the International Court of Justice, which means that the UN will confront one of its biggest diplomatic crises ever with respect to forcing Israel to vacate the occupation."

Referring to the precedent set when the UN demanded 50 years ago that South Africa end its illegal occupation of Namibia, he reminded the meeting that although the US, France and the UK vetoed that resolution the General Assembly, which he described as "the democratic expression of the international community," voted to reject the credentials of the apartheid state, "effectively unseating it and it remained unseated for the next 20 years until democracy finally arrived in South Africa.

Zane Dangor, South Africa's Director-General of the Department of International Relations and Cooperation, joins the discussion online, with panel facilitators, festival coordinator Nazeema Mahomed from IFAA and Prof Usuf Chikte from the Palestine Solidarity Campaign.

"We have a lot to learn about how international pressure both at the state level and at the popular level forced the UN to take decisive action against apartheid SA. The same lessons are at stake today."

Zane Dangor, South Africa's Director-General of the Department of International Relations and Cooperation (Dirco), said despite the deficiencies in the UN system, "the institutions of global governance remain important … they are the only institutions we have to hold countries like Israel accountable. We need to use them and transform them at the same time."

The three-week Living Rights Festival, initiated by IFAA and co-hosted by the Cape Cultural Collective, the Palestine Solidarity Campaign, Jazz in the Native Yards, the Desmond & Leah Tutu Legacy Foundation, the Institute for Social Development at the University of the Western Cape and a host of other organisations that responded to IFAA's call to action, is a unique effort to stand up for justice, peace and human rights in response to escalating global conflicts and deepening humanitarian crises.

At the opening night, IFAA's Acting Director Ari Sitas described the Festival as a "partnership of so many great initiatives, hundreds of volunteers, cartloads of friends and organisations and institutions that believe in solidarity and social justice.

"It speaks to our brain and our heart, it is about thoughtful and critical engagement. We will reflect about rights, in a world full of wrongs that is losing its moral compass, a world where once again might is right, where we have become a human abstract available to be collateral damage, to be targeted, to be drone-infested and to be bombed, violated and displaced.

"We are in the midst of a cluster of global crises that transgress borders and demand serious responses at the local and international levels. Our mission is to reflect on the increasing precarity of our planet and humanity, focusing on challenges such as the existential threat of climate change and global warming, murderous actions in Palestine and Sudan, the ongoing conflicts on this continent, the new phases of violent 'extractivism' for the great cell-phones we cherish, and the fact that the sea that hugs our northern coastline has become an aquamarine grave for multitudes of our continent's people searching for a better life.

"We live in hope that the festival will generate learning, critical thinking, advocacy and cooperation."

This article first appeared in the Daily Maverick *on 31 October 2024.*

Former journalist and one-time Content & Information Manager in Parliament's Communications Department, Moira Levy is the Media Manager of the Institute for African Alternatives (IFAA) and Production Editor of its flagship journal, *New Agenda: South African Journal of Social and Economic Policy.*

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda
Articles from *New Agenda* are also available at https://ifaaza.org/new-agenda-main/

From policy to practice

Women come together to speak as one voice

In a dual celebration to mark pan-African Women's Day on 31 July and South Africa's Women's Month in August, IFAA invited women activists and thought leaders to speak out at a Roundtable Discussion, held on 24 August 2024, titled 'Policy to Practice: The Role of the new Parliament in Gender Equality'.

Jazz with Trudy Rushin (right) and Summer Dawn Geffen

The festive event incorporated powerful and poignant culture items from women cultural activists. Poets Diana Ferrus and IFAA board member Bernadette Muthien contributed readings of their own work, and Trudy Rushin and daughter Summer Dawn Geffen opened the proceedings with jazz and song. This event was also a collaboration with the Government Communication and Information Services and Parliament's Public Education Department who arrived in Parliament's colourful 'Democracy Bus'. Some of the key organisations present included the Heinrich Böll Stiftung, Ubuntu Rural Women and Youth, and the South African Women's Law Association.

Ari Sitas, Acting Director of IFAA, former head of the Sociology Department at the University of Cape Town, poet and long-time activist, opened the proceedings and welcomed the women with the reminder that this year marks 70 years since the launch of the Women's Charter at the founding congress of the Federation of South African Women in April 1954. "The struggle continues. Lead us," he said.

Women activists came together to raise their collective voice against persistent and structurally entrenched gender inequality, the alarming rise of gender-based violence and femicide, the devastating impact of political conflicts on African women and girls, the complexities of forced and voluntary migration which have dismantled homes and communities, and the pervasive issues of unemployment, poverty and inequality, which have a profound and direct impact on women.

The intersectionality of the gender struggle emerged as central to the discussion as presentations focused on the links between so-called 'women's issues' and the challenges posed by climate change, unemployment, poverty and the violence in our society.

Panelists laid out how women, specifically women in Africa, encounter climate change at the intersection of gender, race and class oppression, and the many ways in which this differs from the experience of men.

Discussants – including the men present – agreed that gender-based violence and discrimination against women emerged as a consequence of the persistent poverty, inequality and discrimination in South Africa and, broadly, across the continent, which was in turn the product of the enduring legacy of colonialism and apartheid.

It was also agreed that gender-based violence poses a real threat to our democracy and it was acknowledged that women, as they have done for decades, will face up to these challenges because they harm not only women, girls and non-binary peoples, but also families, communities and society at large.

The main focus of the discussion was about the climate crisis and how its impact on women and other marginalised genders was fundamentally different to that experienced by men. "Climate justice is overall social justice," said panelist Chulu Nkasela from the youth-led African Climate Alliance.

They said the conversation about the climate crisis has to start with an acknowledgement of the burden of the duty of care that is placed almost entirely on women across the board. As an example they referred to the Western Cape's 2018 water crisis, in which it fell to the women to collect water for their cooking, cleaning and other needs of their households, effectively adding an additional responsibility to their existing load.

"People are facing a cross-cutting struggle. Part of the solution is looking at different experiences with an intersectional and very gendered eye."

Any socio-economic crisis, such as climate change, exposes and accentuates other fault lines within society, they said. Moreover, "when there is a crisis there is usually a struggle over resources, and there is going to be violence. It is often women who are at the receiving end of that violence. Women are affected disproportionally."

At the same times, when it comes to communities responses to crisis it is often women who are most effective. "A lot of adaption efforts come out of our indigenous knowledge and that is stored in women … To unlock that resilience and that adaptation to the climate crisis in an effort to change the system it is important that we converse with women."

A second panelist, climate finance specialist Razaan Bailey, cautioned against unthinkingly adopting guidance and 'solutions' from the Global North. She quoted Tunisian economist Fadhel Kaboub who warned of "false solutions and dangerous distractions" in his work on the climate crisis in Africa. Echoing Kaboub's thesis, Razaan said we cannot really talk about climate justice without first talking about decolonisation.

"So many climate solutions are driven by the West. In South Africa so much of the just energy transition is about pushing out the coal mines and moving towards renewables." The solutions put forward include up-skilling the people working in those mines – who are most often men – with little thought for the communities that have spread around those mines where women run households and drive the local informal sector through small but essential services. "The just part of the just transition doesn't take all that into account," Razaan said.

… women, specifically women in Africa, encounter climate change at the intersection of gender, race and class oppression.

Much of the talk about climate change – in conferences, boardrooms, governments – is predominantly led by men. Razaan said "men talk differently [about the climate crisis]. Often the just transition is seen only as an economic project."

She said, "climate shocks impact women the most". Droughts, floods, and soil erosion and depletion which destroy food sources all combine to drive forced migration. Entire populations lose their livelihoods, their homes and their land. The prices of basics such as food, water and electricity increase – "these are essentials, basic human rights" – and it is usually the women who struggle to meet the needs of their households, who have to ask, 'do I buy electricity or do I buy food?'

Donor countries may insist that they are fulfilling their promises to provide aid to tackle the climate crisis in the Global South. But, says Razaan, all they are doing is moving development aid to climate activities, which means cuts in education, health and other social welfare projects. "This is great for climate; not great for education, health, youth development."

"There is a lot of money now for climate but we have to ask ourselves *where is the money going and who is getting it*? How does it translate into the changes we need to see happen on the ground?" Clean cooking is a case in point. Local and international suppliers move in and provide impressive equipment, but "when the photo ops are over" and the equipment starts to break down, run out of gas or need repairs the women have no choice but to return to their old cooking methods.

"There are so many women working in the area of just transition, but their voices haven't really been heard … The solutions are being determined far away from where the problems actually are. We don't have localised solutions and [disregard] innovative proposals that come from the communities."

The aim of the Roundtable Discussion was to assert the reality experienced by women, and specifically working class black women, into the public domain, beyond the confines of the actual discussion of the day.

As the panel explored the increasing threats posed by climate catastrophes and multiple other global challenges, the aim was not only to highlight these critical issues but also to pave the way for actionable solutions.

One of the themes raised at the event was the potential role that Parliament has to play in addressing the range of challenges faced by women and girls. But to do so it needs the support and active participation of citizens and organs of civil society.

IFAA's media manager Moira Levy said, "the conversation that we are about to engage in is critical to the success of our democratic project". She called on those present to speak out – "don't hold back, shout it out loud and clear, so that our voices are heard not only in this room but also out there – where decisions are being made and policy is being crafted."

She made the point that "the timing is perfect. Right now there is a real opportunity to do things differently." The 7th Parliament, with its the reconfiguration of political party forces, offers unique opportunities for collaboration and potential transformation. It "has created a window of opportunity that South Africa can't afford to miss."

The Women's Day Roundtable Discussion is part of IFAA's Defend our Constitutional Democracy (Decode) project. Launched towards the end of 2019 with its focus on Parliament's failure to deliver the checks and balances that are the cornerstone of an effective multiparty, democratic legislature, Decode has evolved into a bigger project focusing on the role of Parliament as a central institution of our democracy and how it has failed to fulfil its constitutional obligations of exercising accountability.

The Zondo Commission and the recommendations it put forward for parliamentary reform gave real impetus to the project's work. Towards the end of 2023 Chief Justice Zondo addressed a public colloquium organised by IFAA with the intention of keeping the Commission's recommendations alive in

Former Minister of Minerals and Energy in the first democratic Parliament, member of the IFAA board of directors and co-organiser of the event, Buyelwa Sonjica, closed proceeding with an impassioned call on all present to make their voices heard.

the public domain. The focus of that colloquium was state capture, Parliament and what needed to be done to make sure it couldn't happen again. But the clear message that came out of that meeting, from the panel and the audience, was that citizens and civil society had a critical role to play to achieve this.

This is something Zondo has called for repeatedly. He had previously publicly expressed his faith in ordinary citizens' determination to turn things around. "I believe in active citizenry. I believe that the people of South Africa are the ones who must take their destiny into their own hands … My belief is that when everything else fails, it is you, the people, who will make sure this country is turned around."

Levy expanded on the message that emerged at the Decode colloquium. "Parliament is not going to change all by itself. Parliament is only going to change when we demand that it changes."

It was that thinking that led IFAA to shift the focus of Decode after the 2024 election to working within civil society on the challenges and opportunities of engaging with Parliament. At the Roundtable Discussion, Levy spoke about the need to "revitalize" the 'People's Parliament' that was introduced with democracy in 1994. "We must find ways for people to assert themselves within Parliament.

"We must raise civil society's voices and make sure they are heard, not only in a gathering like this but also outside in the public domain and in Parliament itself where decisions are made and policies are formulated."

Decode's current target groups are women, climate activists and youth as these are the sectors that are taking up the big issues that face our democracy.

The women's event was a pilot, said Levy. It called women together to discuss critical matters – how to tackle gender-based violence, gender inequality, discrimination in earnings, the impact of the lack of jobs in the formal sector and how it's mostly women working in the informal sector who today are the family breadwinners, women-headed households, "which are often in reality young girl headed households" and the vulnerability of many working women, who are paid less and are often unsafe in the homes in which they work as domestic workers, or on the factory floors, or in the buses and taxis in which they travel to and from work.

Parliament must listen to the women, said Levy, and take seriously the issu

es that had been aired at the Roundtable Discussion.

The final speaker, Zimbabwean poet, educator and activist Isabella Matambanadzo, made the point that "many countries we come from don't have public spaces to have the kind of conversation we are having here today. These are dangerous conversations to have."

She reminded the audience of the significance of Parliament in such countries. "The Parliaments in our region did not come from the liberal tradition of modern law. I see Parliaments flowing out of revolutions for independence and freedom from colonisation and therefore they should follow the mandate they were given by our elders in the liberation struggle."

She bemoaned the fact that women continue to be so poorly represented in their country's legislatures – only 24.3% of all parliamentarians around the world are women, she said. "The biggest problem with the Parliaments of the worlds is that they are not constituted in a way that is in accordance with their constitutions. They are woefully inadequate as well as illegitimate."

They should be dealing with "the grave issues around women and girls," she said, protecting them from all forms of violence and addressing "the uneven load of care [women] bear in our communities". She called on the women present to "expand our imaginations of what Parliaments should be".

She went on to say: "Unless we find the courage to genuinely tackle the lasting effects of colonisation on our lives what we are doing in our societies is only tinkering … causing lingering of the problems that we have.

"We need an agenda at the parliamentary level that is not only about gender equality but also about decolonising gender inequality."

Bernedette Muthien, roundtable moderator, gender and transformation specialist and IFAA board member closed the proceedings with the following message:

"The revolution and women's liberation go together. We do not talk of women's emancipation as an act of charity or out of a surge of human compassion. It is a basic necessity for the revolution to triumph.

"The inequalities of colonialisms remain entrenched in most African countries, with widespread poverty, unemployment and state repression. With persistent inequality, people will express their dissatisfactions and aspirations in various ways, beyond the inedible ballot. And the state will resist the will of the peoples it is meant to serve.

"Social and gender inequality is precisely political violence against the people, a legacy of colonialisms and enslavement. It will not end until we continue to unite Africa, across language and ethnicity borders, decolonise Africa, liberate our people and women, and our abundant resources."

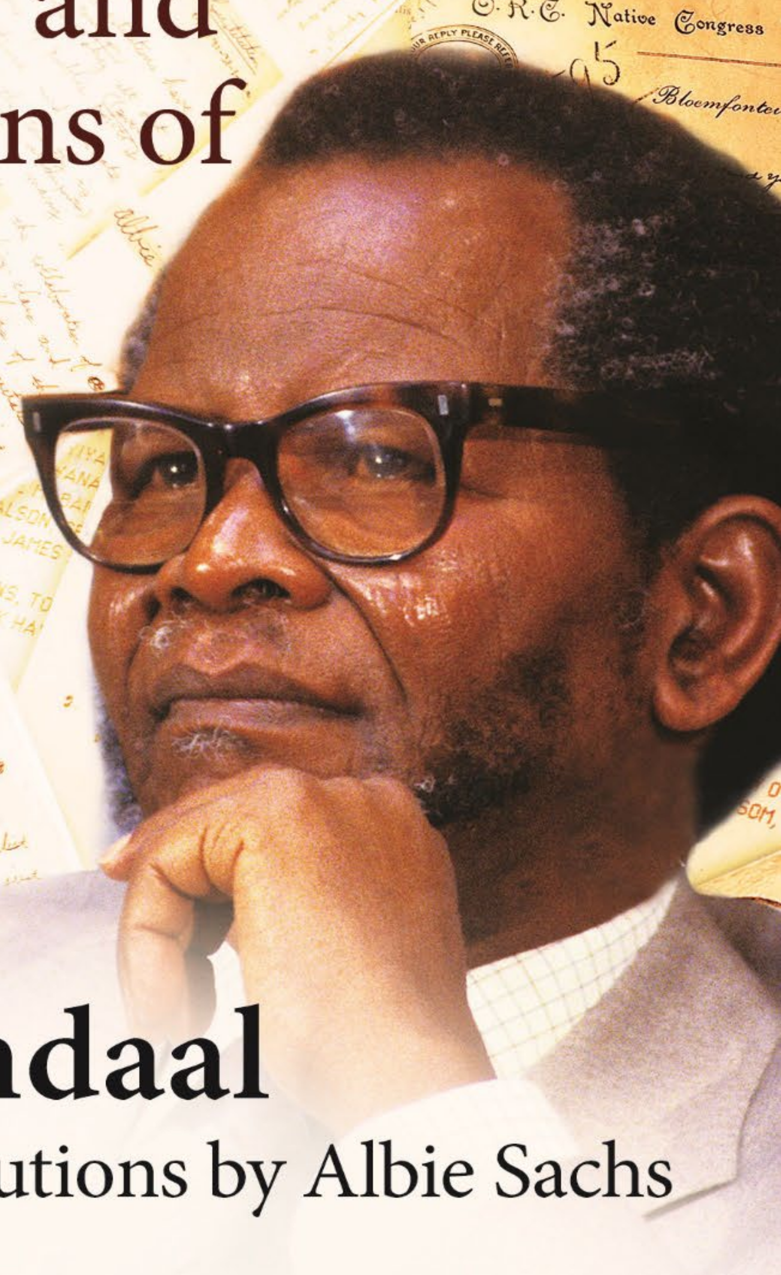
She ended with a quote from an old Chinese proverb that was popularised by Burkina Faso president Thomas Sankara in 1987: "Women hold up half the sky".

"Africa will not be free until its women are free, equal and empowered," Muthien said.

See the full issue of *New Agenda 95* at https://epubs.ac.za/index.php/newagenda
Articles from *New Agenda* are also available at https://ifaaza.org/new-agenda-main/

Dear Comrade President

Oliver Tambo and the Foundations of South Africa's Constitution



André Odendaal

with editorial contributions by Albie Sachs *transition from apartheid to democracy was engineered through African initiative and agency.*

Review by Debbie Budlender

Penguin Random House South Africa 2022, 441 pages. R380

At 372 pages of main text, and about 70 further pages of appendices, notes and index, this book is densely packed with information. It is also packed with characters, events and developments that are relatively well known together with others that will be new to many readers. The book bears the stamp of its dedicated author, but the stamp of Albie Sachs, credited on the cover and in the text for "editorial contributions", is also evident. Indeed, Albie makes regular appearances in the story-line, which spans several continents and decades, from beginning to end. It is for this very reason that Odendaal decided he should not be a co-author.

The book is described as "a long-awaited account of how South Africa's transition from apartheid to democracy was engineered through African initiative and agency, and how the template for the 1996 Constitution was forged well before the negotiations of the 1990s." It focuses on the period from 1986, when the Lusaka-based ANC tasked a small group of lawyers with drafting a constitutional framework based on the Freedom Charter, through to 1990, when Oliver Tambo returned to South Africa after years in exile.

Tambo served as President of the ANC throughout this period, and is referenced regularly throughout the book. Nevertheless, I found the title to be misleading. Firstly, Tambo, as leader of the ANC and a lawyer, did guide the constitutional work described in the book throughout the period. His support for the work evidenced his early appreciation of the possibility of the end of apartheid occurring through negotiations, and his recognition that the ANC needed to have a framework ready to guide it through such negotiations.

However, Tambo appears to have been much less involved than many others – the men and (fewer) women who participated in the drafting, discussion, revisions and other related work over the period. This is not surprising as Tambo had to guide and lead on many other complicated processes over the same period. Indeed, in the early years there were leaders, among them Joe Slovo, who argued that the time was not yet right for doing this type of work. Tambo's very delayed responses to communication from the constitutional team over the first two years suggests that for him, too, it was not a priority. By the time Tambo commented on the draft document in "three tightly-typed pages" (page 213) in December 1988, the document was already in its sixth draft. Tambo's comments resulted in the seventh draft. Many further drafts followed as the text was shared with and discussed by an ever-broader group of ANC members and supporters over the ensuing years. However, even during this period when the work gained traction and sparked workshops, discussions and much increased participation and discussion, Tambo does not appear to have positioned himself as key. The fact that he did not can be seen as laudable – the actions of a man who knew how to lead and respected and depended on a much broader team. But it does call into question his name in the title of the book.

Secondly, the book tells the story of much more than the Constitution. The Constitution-related activities are set against a relatively detailed background of other developments within the ANC and the struggle against apartheid by actors both inside the country and beyond. The text includes pen-sketches of many of the key actors, including their geographical, class and family origins. Many of these actors continued to play different roles in the post-apartheid era.

The Constitution-drafting process is described in great detail. Especially in the first period, each change and addition to the text is described. The level of attention to detail in this respect and others means that this book can serve as a valuable source for future scholars. There are unlikely to be many readers who read through every page of the book. But there might well be many who read sections that are relevant for them at a particular time. The book will avoid future scholars having to plough through the many documents that Odendaal must have consulted in the research for the book. And much of the information he gleaned through interviews and engagement with those who were involved in the activities described would be lost forever without this book as many of the key actors have already died or will have done so by the time readers consult this rich sourcebook.

See the full issue of *New Agenda 95* go to https://epubs.ac.za/index.php/newagenda
Articles from *New Agenda* are also available at https://ifaaza.org/new-agenda-main/

Life Esidimeni

Portraits of Lives Lost

Harriet Perlman & Mark Lewis

Review by Moira Levy

Jacana Media, 2024, 136pp. R320.00

It's hard going, but readers of *Life Esidimeni: Portraits of Lives Lost* must keep going to the very last page of this book -- for two reasons: the first, because it serves as a reminder of our responsibility as citizens to know, so that, whenever necessary, we can call to account those in positions of authority who abuse their power. "That is what the inquest has been about – justice through accountability," writes Adila Hassim, lead counsel in the Life Esidimeni arbitration and inquest, in the closing essay.

The second -- to bear witness to the stories recorded in this important book because, as Hassim reminds us, the Life Esidimeni tragedy would have been avoided if those in charge did what they were supposed to do.

But they didn't, and 144 of society's most vulnerable and needy died under hideous conditions of abuse and neglect.

Hassim writes: "The conditions that led to the Life Esidimeni disaster had nothing to do with policy or resources. It had everything to do with civil servants who did not perform their jobs in a manner consistent with the law, or with the rights of the patients and the families."

She makes a point that is repeated throughout the book, that the provincial Department of Health and MEC were warned many times by many sources that the outcome of closing the Life Esidimeni facility and transferring its patients to ill-equipped and even unlicenced NGOs would lead to what Hassim calls "a tragedy of devastating proportions".

"[N]ot a single individual in the department [of health] took responsibility. Not one. The attitude of many of the officials, particularly the MEC for Health in the provincial administration, was arrogant and callous.

"The Life Esidimeni catastrophe is not only the result of a failed system but also of the uncaring, callous individuals who acted within it."

That word, "callous", comes up repeatedly throughout the book. And the interviews in which the family members recount the circumstances of their loved ones' deaths illustrate just how callous those officials to whom they had entrusted their loved ones for treatment and safe-keeping turned out to be.

Writer and producer of film, TV and print media Harriet Perlman and photographer Mark Lewis have compiled 43 harrowing testimonies from family members of some of those who died. Over four years they travelled vast distances to remote parts of the country to visit these bereft families. The "portraits" in the book's title presumably refer to the powerfully evocative photos taken by Lewis of the family members as well as the pictures they have selected of their beloved late mother, brother, uncle, wife. Some are beautifully framed, others simply family snaps of happier times, or merely the first page of an ID book if that's all they have.

Not all of them have any pictures to comfort them. On his way to testify at the arbitration in 2017 Lesiba Leroaba left the only photo he had of his late brother, Mothofela, in the taxi. "I felt so miserable when I realised I had lost it." His brother died in Mamelodi Day Hospital after being admitted with a broken ankle and a head injury. Doctors were told he was injured while playing soccer; according to his death certificate he had died of "natural causes".

Sophie Goitsemang Mahlatsi also has only her memories left. She recalls how happy her late aunt, Christina, was during the many years she lived at the Life Esidimeni facility in Randfontein, Gauteng. "I was not aware of the intended closure of Life Esidimeni. I only became aware that Christina had been removed from Life Esidimeni when I received a phone call from a hospital to tell me that Christina had been admitted there," suffering from diarrhoea. She died five days later. The hospital was near Cullinan, a two-hour ride from Soweto where Sophie lived that she could not afford. She never saw her aunt again.

Her story is repeated throughout the book. Some interviewees knew about the pending move, but nothing more. They tell of finding the gates at Life Esidimeni locked when they arrived for family visits and being informed by security guards that the patients had gone, they didn't know where. Further protracted and frantic inquiries led them from NGO to NGO. Many searches ended at a mortuary or even a graveyard where the patient had already been buried.

Daniel and Lydia Maretele both lost their jobs during their year-long hunt for their older sister, Maria, because their employers wouldn't give them time off to search. "After a while we started to give up. We did not know if she was alive, safe, being fed, or getting her medication," Daniel said. In November 2017 he got the news that Maria had died – in January that year. Officials refused to tell him where her body had been buried. Daniel had to get a court order and eventually was told that she had been laid to rest in the grounds of Takalani Children's Home.

We should never forget how the Life Esidimeni victims perished. Their deaths are a stark reminder of how 'horribly wrong' things can get with an arrogant, callous and unaccountable political leadership.

A number of the patients landed up at Takalani, despite an urgent email sent to the department by Cassey Chambers, Operations Director of the South African Depression and Anxiety Group (Sadag) warning that Takalani was completely unsuitable for adults with severe mental health problems. Her email warned that "the harm that may arise from these circumstances is considerable, imminent and likely to be irreparable." She received no reply.

Between October 2015 and the end of June 2016, more than 1,000 mental healthcare patients were moved from Life Esidimeni to hopelessly ill-equipped NGOs like Takalami, many of them unlicenced. Family members recount their horror at finding their loved ones shockingly wasted and clearly starving, begging for water, hungry, dirty and unwashed, shivering in inadequate clothes and without bedding.

The first person to die was Deborah Phetla. The inquest showed she had brown paper and plastic in her stomach. She died alone in what her family said looked like a storeroom and when they found her body at a private undertaker, "her arm was standing at a 90-degree angle to the rest of her body, and there was blood all over her face," according to her brother.

Many more stories like these have still to told; the final toll exposed after the inquest is appalling. We read in an essay in the book by former Health Ombudsman Professor Malegapuru Makgoba that "[i]t is now undisputed that as a result of their move from Life Esidimeni facilities, 144 mental healthcare users died and 1,418 were exposed to trauma and morbidity, among other results, but survived. Of the known survivors, the state informs us that the whereabouts of 44 other mental healthcare users remain unknown.

"We should never forget how the Life Esidimeni victims perished. Their deaths are a stark reminder of how 'horribly wrong' things can get with an arrogant, callous and unaccountable political leadership."

Christine Nxumalo and her late sister Virginia Machpelah, a Life Esidimeni victim. Source: Mark Lewis