

the WeighBridge

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ISSUE 3: BANANA REPUBLICS

THE SWAMP

WASTE

MALFEASANCE

THE GANGSTER STATE

PATRONAGE

POWER ABUSE

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BYZANTINE

mafia state

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WEIGHING IDEAS THAT BRIDGE CONTINENTS

Eligibility Criteria to be called a “Banana Republic”

If a country qualifies on the count of any of the following four criteria, its Good Governance has started to slide down a slippery slope. If it qualifies on all four counts, then it is a bona fide Banana Republic:

- Waste
- Corruption
- Patronage
- Environmental degradation

For years, the Auditor General of South Africa has been complaining about “irregular expenditure” by government. This means spending that doesn’t comply with regulations, but at least he can see what it was spent on. The bigger worry is spending that is *undisclosed*. The most sinister example is the Principle Agent Network, a whole spy ring set up by the State Security Agency – without any approved budget at all. But still spending a fortune – to spy on citizens!

But until November 2018, the AG could only report on this malpractice, it had no teeth. Only now has new legislation been passed to give it the remit to go after the officials responsible.

In the Mpumalanga government buildings, free lunch is served daily, an expenditure that opposition parties have complained about loudly. The Premier’s fleet of vehicles operates way beyond approved budgets. This is what is meant by “waste”.

Then you have the looting of public resources that has reached epic proportions. This is not just waste, it is crime. But Minister Pravin Gordhan observes that this plundering was taken to scale: a *“build-up of evidence which says there’s something a lot more sinister than just individual acts of corruption that is actually going on. That then gives rise to the notion that once enough dots appear, one might have the opportunity to connect the dots and see the bigger picture”*.

The loyal opposition’s parliamentary whip put it this way... it was a “myth” that one man entrenched and manipulated all, said

Steenhuisen: *“Anyone who believes that, most probably still believes in Father Christmas or the Tooth Fairy. Mr Zuma was aided, abetted, defended and protected by the party that sits to the right of me (the ANC)”*.

Then there is patronage. This is the manipulation of recruitment and “cadre deployment”. Sometimes called “jobs for pals”, this also reached epic proportions. Even Cabinet posts were offered to cadres in exchange for favours.

When Pravin Gordhan explained that he was “not for sale”, and refused to ever meet the Guptas, we recognize that patronage is the opposite pole to integrity. Instead of the Cabinet running the country, it came to be run by a Cabal. This also happened in Zimbabwe. In a Democracy, unelected leaders should not be in charge.

Finally, we regard everything from littering to air pollution to qualify a country as a Banana Republic. When mines close and never close up as required by law; when water is contaminated by industrial effluent; when wildlife is poached mercilessly; when standing timber is exported without inventory controls, the notion of Good Governance has been abandoned. More often than not, for bribes.

This third issue of [The WeighBridge](#) puts some Problems first, and then explores the Solutions for Banana Republics in more depth. On the Solutions side, visionary young voices are speaking out. Henry David Thoreau wrote: *“You see things as they are and you ask, Why? I see things that never were and I ask, Why not?”* So we put their “Why?” first, and then look deeper into the “Why not?”. There are Solutions. In the limited space of one issue, we can only mention a few.

If you are not part of the Solution, then you are part of the Problem.

Ask not what your country can do for you, ask what you can do for your country. ■

PROBLEMS 1

Waste Not, Want Not

The one word that captures this notion is “conservation”.

Too many of us are Spenders, not Savers. And not just with our money – but with our natural resources too. Another “S-word” is Squandering.

Why does South Africa need 36 ministers in its Cabinet? This could be reduced, and with it a great deal of government spending.

Why do so many government officials need to travel around in blue-light convoys? This is a waste of tax-payers money.

Why does so much money need to be spent on Commissions to investigate malfeasance? We need a government culture that follows the example of Nene and Gigaba. Stand aside when you make mistakes. No more “Stalingrad defense strategies” ... fighting for years and even decades to stay in power.

Why is government paying the legal fees for those facing corruption and patronage charges? They don’t deserve it, and honest, law-abiding citizens who pay their taxes don’t deserve this either.

Undisclosed expenditures are rampant, according to the Auditor General. How do we know that Premiers are not paying hit men for political murders? Or are they just pocketing the money?

Un-authorized expenses can be tracked, but are out of bounds. Yet these keep growing.

Why do strikers trash hospitals, torch buses and even burn trains? What a waste.

Why does government keep a national airline flying when it is losing R1 million per day?

Waste is different from corruption. You cannot send the perpetrators to jail. But you can call them to give account, and if they are wasting public resources, especially non-renewable resources, then replace them! ■

PROBLEMS 2

Leading Captivity Captive

We begin with both an Old Testament reading and a New Testament reading on the *hubris* of Malfeasance:

- *Psalms 68:18*
“You have ascended on high
You have led captivity captive
You have received gifts among men
Even *from* the rebellious...”
- Ephesians 4:7-8
“But to each one of us grace was given according to the measure of Christ’s gift.
⁸ Therefore He says:
“When He ascended on high
He led captivity captive
And gave gifts to men.

It happens both ways – we give gifts to the King of kings and He gives gifts to us. But one thing is for sure – He is the one who ultimately “leads captivity captive” away. Always.

It keeps happening. What about this executive in the automotive industry who overpaid himself by \$44 million?

There goes Carlos Ghosn, arrested and led captive away. He held sway in Japan – *Nissan* and *Mitsubishi* - and in France – *Renault*. Now he has been charged with spending irregularities - including double-dipping of his own salary.

He is one of the most famous business tycoons in the world. A regular Donald Trump! He not only out-manoevred his competitors, but his own Board as well.

Before the Zondo Commission into State Capture in South Africa, Minister Pravin Gordhan explained how it works, as follows:

“The first object is to control some elements of the political authority.

“The second is to use that political authority to control key institutions.

“The third is to ensure that nobody will properly investigate that malfeasance.

“And the fourth is there is no proper investigation, or even if there is, then no effective prosecution takes place.”

Watch the Carlos Ghosn space as it unfolds! First you corner your senior management team and your Board. Then you take control of key functions – like paying your own salary. Then you intimidate anyone who might blow the whistle on you. And get ready to bribe the auditors or even the police, to evade prosecution.

But now the captivity that he held his own firms in, has been led captive away.

Board Chair Maguvhe and Hlaudi Motsoeneng held the SABC captive. But the day came when they had to answer to the court of public opinion. Not just to their Minister, but to the Boss of bosses. One day they will face the One who gave them gifts – talents, opportunities, advantages.

A cabal held Eskom captive. But chairman Ben Ngubane, CEO Brian Molefe, and Matshela Koko have been led away captive. When they were asked to give account, they came up short.

There goes a Police Minister or two, and several Commissioners. Let the new team sweep their SAPS house clean with a new broom.

There goes SABC, then Eskom, and the SAPS. The people are not using a guillotine like the French Revolution. They are using Parliament. Finally after two decades the National Assembly is getting its adult teeth. The Constitution is clear – the Executive Branch (which became too strong, upsetting the balance of powers) answers to Parliament. Executives require Oversight. The baby-teeth were not enough, but the adult teeth are proving to be sharper and harder.

One major problem over these past two decades of baby teeth is that the Party kept getting in the

way. There have been two centres of power. This has meant a strong Leader with a weak Board – which is always a recipe for disaster. For example, the NEC is never mentioned in the Constitution; because it is a Party structure. For all intents and purposes it has usurped the power of Caucus (not just duplicated it, but usurped it). The NEC has 105 members. Caucus has 250. These are different entities and the State Constitution empowers Caucus, not the NEC. MPs are deployed by the Party, but proportional representation is ironically diminishing people power. MPs represent their party first and the people second.

The NEC shrugged that it did not have Constitutional authority to recall the President. How could it, when it is never even mentioned in the Constitution?! But when the National Assembly votes on a No-confidence motion, guess what? The party will be there, threatening any MP who votes with the Loyal Opposition. The ANC wants their cake and to eat it too.

At the next election, those who are holding Parliament and MPs in captivity may be led away as captives, vanquished by winning a mere Minority? Coalitions may replace them if they keep undermining the Constitution with their antiquated Vanguard-Party approach. Those days ended when the Berlin Wall came tumbling down, like the walls of Jericho.

The most recent top leaders to be led away captive are:

- Shaun Abrahams, National Director of Public Prosecutions, head of the National Prosecuting Authority
- Tim Moyane, Tax Commissioner of the South African Revenue Service
- Malusi Gigaba, Minister of Home Affairs, who had held other Cabinet portfolios as well, including Minister of Finance.

And their old champion is out of work and facing a growing list of charges. Testimony in the Zondo Commission into State Capture has implicated him in new ways. But the commission only has a remit to investigate, so it cannot charge him. But that will follow, for even bosses have a Boss.

It's speeding up

There is something of a snowball effect in this capturing of State Capture.

Investigative journalism has played a distinguished role in exposing the extent of it.

Without courageous whistle-blowers, we could have been gonners. To Bananaland.

Civil society organizations – including church agencies like Justice and Peace in Pretoria and the South Africa Council of Churches in Johannesburg - have also been instrumental.

And there will be a **tipping point**. At first it was hard climbing; opposition parties and civil society organizations marching to Save South Africa. But then it started to speed up. Prasa, Transnet and Denel had also been captured, and now Bosasa! Eish!

Not even the Top Six are going to get by unscathed. For the wheels of Justice grind slowly, but exceeding small. The ultimate Judge always leads captivity captive away. ■

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- Keep inside covers blank
- Replicate our high standard

PROBLEMS 3

In Defense of (Some) Nepotism

By Ken Godevenos

Some people consider *nepotism* to be a manifestation of *malfeasance*. I don't believe that is always the case. Nepotism is defined as:

The practice among those with power or influence of favouring relatives or friends, especially by giving them jobs.

I think that's too narrow a definition. I would add:

... in cases where the person given the job is either not qualified, or not the best qualified, when everything is taken into consideration, for the job.

Using that narrower definition, many of history's famous examples of so-called *nepotism* may disappear. Who will argue with Fidel Castro's appointment of his brother to take his place as the most qualified to carry on the work of Fidel? Who will argue with the practice of kings and queens (positions with certain responsibilities in history) to pass on the throne to their heirs upon their death? [In fact, the populace expected them to do so.] Who would argue with JFK's appointment of his brother Robert (RFK) to the position of Attorney-General during his Presidency? [More on that later.]

It doesn't matter that these, and many more, are all examples of nepotism; that's not the point here. What does matter is whether or not the appointments were made in the best interest of those that were to be served by the appointment.

Some blatant examples of *nepotism* over the years:

1. The second president of the U.S., John Adams, arranged appointments of his relatives in such a way that culminated in his being the father of the sixth president of the U.S.
2. George W. Bush gave many appointments to

family members of his supporters.

3. Bill Clinton appointed his wife as chair of a health reform task force. That move was legally challenged by those who believed it was a conflict of interest which violated the anti-nepotism laws put in place 25 years earlier. The federal appeals court ended ruling that the statute did not apply to White House employees, thus setting the precedent for today's presidential familial involvement without guilt.
4. Franklin D. Roosevelt inter-married with his famous fifth cousin's family by marrying his cousin Theodore Roosevelt's favourite niece, Eleanor, and then proceeded to put his own children in important positions.
5. Woodrow Wilson allowed the white supremacist he appointed (William McAdoo) to remain in office as his Treasury Secretary even after he married Wilson's daughter. When the U.S. entered WWI, Wilson focused on that and left the running of the country to McAdoo.
6. The most prolific user of nepotism was Ulysses S. Grant. His presidency was marred by scandals, mainly because he had appointed and employed over 40 of his relatives. Even when they were found guilty, he either gave them a presidential pardon for their crimes or just allowed them to stay in office.

And of course, today we have the *nepotism* of America's current president, Donald J. Trump. Both his daughter and his son-in-law play prominent roles. His daughter Ivanka serves in an unpaid role as "assistant to the president". Her husband, Jared Kushner serves as "senior advisor to the president". Again, given the ruling on Hillary during the Clinton Presidency, the Justice Department finds there that no anti-nepotism law has been breached.

Nepotism is alive and well in American politics. But I would be remiss not to mention the appointment of RFK to the esteemed position of attorney general during his brother's presidency. That appointment gave rise to the anti-nepotism laws we have mentioned above.

If you were looking for controversy at that time, this appointment would give you more than you could handle. He was the youngest attorney general since 1814. He had not practiced law. Still today, RFK is viewed by most as a success in the role. He fought corruption and went after organized crime in a big way. At the same time, he championed civil rights being very instrumental in creating the Civil Rights Act of 1964. Before that he played a big role in the successful handling of the Cuban Missile Crisis. As one writer put it, RFK showed us that sometimes *nepotism* can be a "very good thing".

And why not? Great leaders appoint the best and most qualified people they have to choose from and if that means someone in their family, so be it.

In the July/August 2003 issue of *The Atlantic*, Adam Bellow writes an article called "In Praise of Nepotism". In it, he shows how two privileged sons ran against each other in the 2000 elections – Al Gore (the Dutiful Son) vs. George W. Bush (the Prodigal Son). George, whom he describes as "the glad-handing frat boy" defeated Gore, the "humorless wonk." Then George started appointing many relatives of his supporters to key positions and, writes Bellow, "All this nepotism (was) a worrisome thing that America's political class (was) becoming increasingly insular." This belief continued with the candidates of the 2002 mid-terms (you'll have to read his reasoning).

While Bellow agrees with the observation, he disagrees with its undesirability because he believes the form of nepotism has changed. He points out that the new nepotism is in my words, not his, as American as apple pie because it embraces "the notion that continuing a family tradition has a dignity and value of its own."

We follow that tradition in business, in craft and service professions, in Hollywood, in television, in the music industry, among writers, in labour unions, in sport, etc. And we can all name examples in most of these areas.

He goes on to argue that while nepotism is on the rise, there is no evidence that Americans are abandoning their commitment to merit and equal opportunity. He believes that those who grow up around people with important roles, learn how

best to emulate those roles should they be given the chance. And tell me again why they should not. They're a known quality.

The old nepotism he says worked from the top down – parents hiring their children or pulling strings. The new nepotism works from the bottom up – children with initiative pursue the opportunities their connections afford them and then prove themselves. The privilege of birth is combined with the “iron rule of merit”.

There are many reasons today why nepotism is an abominable concept to so many. Bellows lists them all and they're well worth reading. He includes the thinking of the working man who sees nepotism as the hiring of the boss's bumbling idiot son or daughter; economists who fear nepotism denies firms the new blood that they require; feminists who see it as a continuing slight against women; and most Americans who see it as a privilege of the upper class.

We, like Bellows, agree to all of the above as far as the “old nepotism” goes. Yet we also have to concede that the old nepotism, like the new, is based on natural tendencies – the passing on of a good thing from a parent to a child. Nepotism helps us maintain our cultural traditions and values. Fighting this is the drive for an egalitarian society. That fight continues today. After WWII, America started praising the virtues of individualism, not tradition, and so, nepotism started to wane. So, according to Bellows, to see nepotism return to America may seem disturbing. And many see it leading to even more inbreeding of the ruling classes in America.

However, Bellows also sees the new nepotism as providing a good balance or correction to the “excesses of meritocracy” – excesses which allow merit to rule without an “ethical tie to the mass of ordinary people, and is therefore unresponsive to their needs.”

Nepotism is not going anywhere any time soon. We need to live with it. We need to accept it and to keep it in balance with meritocracy. He suggests a few rules by which nepotism should operate in order to provide this needed balance:

1. Don't embarrass me.
2. Don't embarrass yourself, which means you have to work harder than anyone else.
3. You have been granted your position because of your parents' generosity; show your gratefulness by passing it on to your children (and I add: subject to numbers 1 and 2 above).

Bottom line for the rest of us, if we can't eliminate it, let us at least seek to ensure that it is delivered with sound attention to meritocracy. President Trump is an excellent judge of people. And he hates losing or being embarrassed. You can be sure any relative of his that gets appointed to a key role, will deliver. Let's hold him and other future leaders to the same thing. ■

“Let me be clear; racism and corruption should not be tolerated in a democratic South Africa and these individuals should face the proper sanctions. This must, however, be done by appropriate officials of the SAPS and our prosecuting authority; not by a group of self-appointed activists who effectively constitute a political mob...”

“A gangster state is really organised on two elements. The first is a weakening of the rule of law and the institutions of justice within the state. The second is the widespread belief that you cannot trust the state to protect you and that you need to procure this service from others within the society.”

- Professor Adam Habib

PROBLEMS 4

Down With Electric Geysers

By Chuck Stephens

Our consumption of non-renewable resources is in fact robbing our grand-children. Minerals like oil and coal will eventually run out. Then what?

South Africa has the optimal climate for capturing Solar-thermal energy. In other words, for heating water using roof panels or “evacuation tubes”.

Yet only about 5 percent of houses in South Africa have converted to Solar-thermal. Even though the National Development Plan calls for a 50 percent density of homes with solar water heating by 2030. This seems like an impossible dream.

Electricity is generated mainly by burning coal. Most of the coal mines and power generating stations are in Mpumalanga province. Where air pollution is among the worst in the world in terms of affecting the health of residents. The mining practices and also acid rain are causing serious contamination of fresh water.

Local manufacturers have introduced some innovated hardware – allowing for pre-heating of the water entering “geysers” by solar, without disconnecting electricity. Even part-time, with such units, the homeowner can switch off the geyser at the main panel.

We cannot all fight the rhino poachers. We cannot all clean up the litter in our streets. Some raw sewage problems are so severe that the army has been called out to sort it out.

But there is one thing that we can all do, and that is convert from electricity to solar-thermal for our domestic water heating. You don’t need to be a rocket scientist to do that!

To generate enough electricity to keep one “geyser” hot for a year takes 1 ton of coal. Think of the carbon reductions involved in converting each house, every year! ■

PROBLEMS 5

My nominee for Most Corrupt Politician of the Twentieth Century

by Ken Godevenos

This issue of The WeighBridge (yes, we’ve been around for a quarter) is all about malfeasance in all its ugly forms. We’d be wise to consider one dictionary definition of the word as follows:

Malfeasance is the performance by a public official (elected or appointed) of an act that is legally unjustified, harmful, or contrary to law; it is wrongdoing (used especially of an act in violation of a public trust).

Malfeasance has many children, but the eldest or strongest amongst them are also known as state capture, corruption, and patronage.

When one attempts to award trophies to history’s most infamous practitioners in this field, one can go back to various Roman Emperors, Nazi leaders, the elite of the old U.S.S.R., and more recently, several generals who were or are dictators in South American and African countries.

In my case, the study of *malfeasance* falls nicely into the study of one of my favourite topics -- the assassination of American President John F. Kennedy (JFK) in Dallas, Texas, on November 22, 1963. I remember it well. I was sixteen years old and sitting in my grade 11 Typing class when the news came over my high school’s public address. We were stunned. I was stunned. This man was my hero. I had memorized many of his famous lines and could even imitate his accent. I still can. A good President was murdered that day. And over the 55 years since his assassination, historians have, are still arguing over who really did it. I don’t mean who pulled the trigger or triggers – but who had them do it.

As I got older, two things happened. First, I had

the opportunity to watch, over and over again, footage of Lyndon Baines Johnson (LBJ), the Vice-President who immediately was sworn in as President. These videos were of interest to me because I had, around the same time, stumbled across the study of physiognomy [also known as anthroposophy]. This is the study of the art of determining character or personal characteristics (and I would add motive) from the form or features of the body, especially of the face at the time of certain events. Putting the two together allowed me to arrive at the conclusion that LBJ was the one behind the murder of President Kennedy. But who would believe? Anyone I shared it with, just laughed.

The second thing that happened was that I got involved with a prestigious global Human Resources association and some of the meetings I attended were in Dallas where I dined with several local members of both the Republican and Democratic parties. I floated my belief on the issue of Kennedy's murder now over a decade old. To my surprise, I was not laughed at. Instead, both the Democrats and the Republicans I was eating with simply indicated that what I believed was indeed what most locals understood to be the truth.

And yet, somehow the American political system including the Justice Department would publish report after report (the Warren Commission being the first one) and rendered decision after decision that indicated that Lee Harvey Oswald, one of the known shooters, acted alone. And they continue to do so.

"I should write a book one day," I kept saying to myself. But I never did. Fast forward to earlier this year. Imagine my surprise when the publisher for Alex P. Serritella contacted me to review his latest book entitled, *"Johnson Did It: LBJ's Role in the JFK Assassination"*, Bookstand Publishing, Morgan Hill, CA, 2018

Here at last, with detailed evidence and argument, and a fine balance between logic and probabilities, I could finally point with some assurance to my nominee for the award of "Most Corrupt Politician" I had ever come across in our time – Lyndon Baines Johnson. I am not talking

about corruption that leads to genocide, or even corruption that steals millions from the public purse. No, there were others to claim the prize in those categories. LBJ wins it in the category of "the dirtiest politician" I have heard of. Let me explain a few of his 'sins' that helped me, and now others, form this opinion:

1. LBJ failed to show proper grief for Kennedy's death. He hated him after he had lost the Democratic ticket to him before Kennedy's election.
2. The day after, Johnson reversed Kennedy's plan to withdraw from the Vietnam War.
3. Kennedy hated the Mafia; the Mafia hated him; and Johnson was thick with Mafia contacts.
4. The CIA hated Kennedy because of the Bay of Pigs incident and other things; and Johnson had control of the CIA. Kennedy's distrust of the CIA led him to install the first Presidential direct phone line to the Kremlin in Moscow.
5. Kennedy was against the "oil depletion allowance" that made oil tycoons rich. They were mad and opposed Kennedy big-time. LBJ was their man, and he would do whatever it took to keep them happy.
6. Kennedy was against the Federal Reserve Bank (FRB) and wanted to eliminate it. His executive order would have put the FRB out of business. Johnson as President promised he would never sign that order.
7. Kennedy was anti-racism. Johnson was the biggest racist around and the racists could use him in the White House.
8. Johnson took the demotion to VP in order to step in when Kennedy was assassinated. He blackmailed JFK into accepting him as his running mate.

9. To run as VP and to run for the U.S. Texas Senate seat at the same time (in case Kennedy lost the election), he forced his friends in Dallas to pass a special law just for him.
10. Johnson had no respect for human life. In one case his demands on two of his personal pilots caused their death.
11. His 1948 win of a Senate seat by only 87 votes was a result of a forced ruling by one his crony judges. Much has been written about the Mystery of Box 13 – one of the worst scandals in America’s political history.
12. There were many other scandals Johnson was involved in.
13. Finally, there is significant evidence that links LBJ to at least eight killings (including JFK) which he personally ordered accomplished. Also on his hit list were RFK and Martin Luther King (MLK). Johnson hated blacks.
14. Johnson’s people had scandalous pictures of J. Edgar Hoover exposing his homosexual relationship which they used to their advantage in controlling Hoover.
15. His insistence that Kennedy visit Dallas, and that the motorcade take a route that was unsafe.
16. His arrangement to have military intelligence back off and to have various other security forces stand down when going through the dangerous part of the route and when the shots were heard.
17. And the list goes on.

I strongly recommend Serritella’s book.

Editor’s note: Ken is one of our core team. He is our resident Conservative! He is an avid reader, who also spends several months of each year in the USA. ■

PROBLEMS 6

For Most Corrupt Politician of the 21st century (so far)

By Chuck Stephens

In the light of Ken’s article on LBJ, we can recognize that bent leaders emerge all over the world. You don’t have to come from the South, or from Africa, or from South Africa, or from Mpumalanga province to qualify. Maybe this cover should be called the Mamparalanga award?

So far, our nominations include:

1. **Crown Prince Mohammed bin Salman**
How can one country send a hit squad to another country, to take out a journalist in its own embassy? Diplomatic immunity is one thing, but pre-meditated murder is quite another.

Rest in peace, Jamal Khashoggi.

2. **Ex-president Jacob Zuma**
Aside from the numerous criminal charges that he faced even before his election as President of the ANC, Zuma is now clearly implicated in the State Capture fiasco.

What ever happened to the integrity of ANC leaders like John Dube and Albert Luthuli?

3. **President Donald Trump**
While he did better in the mid-terms than many people expected, the jury is still out (so to speak) on the Mueller investigation. He calls it a witch hunt. Will he be exonerated? Or humiliated?

Stay tuned.

4. **Deputy President David Mabuza**
Between 1998 and 2011, we had 17 episodes

similar to Jamal Khashoggi in Mpumalanga province. They were gunned down every year in January, thus they are usually called the January Murders. Three of them did live, but 14 lost their lives. All whistle-blowers preparing to tell the truth about what they knew about corruption and patronage.

Here are their names, by year:

- Saul Shabangu (killed in 1998)
- Hebron Maisela (killed in 1998)
- Sydney de Lange (killed in 1998)
- Rose Alleta Mnisi (killed in 1999)
- Caswell Maluleke, (survived assassination in 2000)
- Joshua Ntshuhle (disappeared in 2005)
- Sizile Ndlovu, (survived assassination in 2006)
- Thandi Mtsweni (killed in 2008)
- Jimmy Mohlala (killed in 2009)
- Isaac Mohale Matsoabane (killed in 2009)
- Themba Monareng (died 2009)
- Mike Sifunda (died 2009)
- Simon Lubisi (died 2009)
- Lucas Shongwe (died 2009)
- Samuel Mpatlanyane (killed in 2010)
- Johan Holme Ndlovu (killed in 2011)

Mabuza was not premier for this whole period. From 1994 he was MEC for Education. Then from 1999 he was MEC for Housing. Then from 2001 he was an ANC member of parliament. Then from 2004 he was a member of the provincial legislature. Then from 2007 he was MEC for Roads and Transport. Then from 2008 he was MEC for Lands and Agriculture. He became premier in 2009, and was in the “premier league”. Then he became Deputy President of the ANC in 2017 and of South Africa in 2018.

And yet, the 2011 Special Investigation report on the Mpumalanga Murders has never been made public. Perhaps Crown Prince Mohammed bin Salman has been watching how to cover up? ■

PROBLEMS 7

Whose swamp are we draining, anyway?

By Chuck Stephens

In South Africa, the scuttlebutt is that the State was captured. In the USA, they are using a different term for largely the same phenomenon – that Washington is a “swamp” that needs to be drained. This parallel is often missed by people who don’t see an inherent inconsistency in both promoting Ramaphoria and in lampooning Trump.

The two commissions in South Africa – Zondo and Nugent – are really there to drain the swamp. More and more South African citizens have come to realize that Zuma operated in many ways like Chavez – out of self-interest and for self-preservation. He had both a Cabinet and a Cabal. Some of his cronies were in both, but as the Cabal circle widened, it got easier and easier for them to loot and plunder public resources. The Guptas, for example, were never in the Cabinet, they were ring-leaders in the Cabal. They advised the President and got their hands on the levers of decision-making – like the appointment of senior people to State-owned enterprises, and even to the Cabinet. Gavin Watson, for example.

We are only beginning to see the damages to the economy. No one knows how much of the loot can be recovered, or if not, how much “scarring” there will be. South African history could be seriously disfigured if they cannot chase down a LOT of the losses. Ramaphosa’s initiative to raise investment is a decoy – he is only filling the hole dug by his predecessor. With debt! So when you are robbed on the street, you go and borrow money from a Chinese money-lender. Does that really put you ahead?

In the USA, one percent of the population owns 52% of the wealth. That kind of concentration of wealth does not reflect the egalitarianism that was fundamental to its Declaration of Independence and its Constitution. The emergence of an

American aristocracy is manifest in family dynasties like the Bush and the Clinton families. Please note it exists on both sides of the partisan divide. Both Republicans and Democrats are playing this same game of self-interest and self-preservation.

Enter the disruptor-in-chief Donald Trump, promising to “drain the swamp”. He could well have spoken of State Capture. John McCain’s funeral was another excellent manifestation of how the Elite Establishment in Washington conjoins with the military-industrial complex. If there was ever a military aristocrat in America, it was John McCain, a descendant of generations of senior commanders. He himself was decorated as a war hero and later rose to prominence in Washington. Even at funerals like his, the joint Establishment takes care of its own.

Donald Trump was un-invited to the funeral. He was persona non grata. For he is a mere “populist” not from the Elite. Yes he is wealthy, but it is not “family money”. He is a self-made billionaire, a real estate tycoon, from New York City. He knows all the wiring diagrams of that city including the mafia because you don’t succeed in real estate in NYC without being able to read all that intelligence.

Sooner or later, the Establishment will “get” Trump. That is inevitable. But they are more likely to “get” him by manipulation of the justice system than through elections, because his record of performance is just too impressive – even in just two years (not to mention winning the Republican nomination, and of course winning the presidential election.)

He is a marked man. He is a target. Like John Kennedy, it could be an “inside job” that takes him out. Such ironies are not unfamiliar in America. Abraham Lincoln was assassinated after freeing the slaves and winning the bloody Civil War – by an extremist who was a white supremacist and despised what Lincoln had accomplished.

One of the Land Reform movements brewing in South Africa is Abahlali baseMjondolo. At its recent general assembly, its members (almost all

black) supported a resolution to cancel the membership of anyone promoting the ANC, and I quote:

“Not long ago a decision was taken that any member of our movement seen wearing an ANC T-shirt must have their membership withdrawn. This decision came from the members and was very popular. This does not mean that our movement is planning to work with any other political party. We have not met with any other party and have not had any discussion on our position on the 2019 election. It just means that our members take the view that we cannot be complicit with a corrupt and, in Durban, gangsterised and ethnicised organisation, that is oppressing us, attacking us in our settlements and assassinating our leaders.”

This is why I ask, whose swamp are we draining? Many people prefer Cyril Ramaphosa’s conciliatory and reassuring language to the militant thought-bursts of Julius Malema. But if we are consistent here, we have to second the emotion of Abahlali baseMjondolo.

To keep Land Reform under the rule of law, which is what Ramaphosa is campaigning on (thus trying to mitigate the threat to ANC support posed by the EFF), what comes across to the poor and landless is oppression. That unfortunately is the “look and feel” of the Red Ants – the black mercenaries sent out to remove people who occupy land illegally and the new Casspirs.

As it happens, I agree with both Cope and Afriforum that the land was not “stolen”. You cannot apply 21st-century values and protocols to what happened 2 or 3 centuries ago. For example, the Huguenots were the French Protestants, adherents to the movement of Reformer John Calvin, who fled as refugees to Holland. There they were recruited as settlers for the Cape Colony. Thus there is a strand of French vocabulary in Afrikaans, because it merged with Dutch and Portuguese in the creole that later became a formal language. But that was long ago.

Another century passed before philosophers like Locke and Hobbes started thinking about the economics of Humanism. This influenced people like Thomas Jefferson who drafted the charters of the American Revolution. Much later still came

the Industrial Revolution and responses to its exploitation of the poor like Marxism.

The point is that we live in the present. Just as the revolutionaries did in past centuries. The atrocities that were committed against both the Ba Boroa and the Bantus cannot be disputed, or forgotten. But nor should they be the “excuse” for policy correction in the here and now. Land Reform is an imperative today because of the Gini Coefficient, the Inequality, the immoral concentration of wealth in the here and now. I even disagree that this is a colour or racial issue – it is economic immorality. It is simply undemocratic. Our founding documents include not just the Constitution but also the Freedom Charter; just as the USA has both a Constitution and a Declaration of Independence. You have to listen to both.

Part of draining the swamp in South Africa is to clear away the “fake news” that the land was stolen or that only one race needs to be targeted in Land Reform. It was Nkruma who said that Africa does not need to move to the Left or to the Right, but to move Forward.

Vested interests are getting in the way, not just those who own most of the wealth, but also those who possess most of the power.

South Africa will certainly come right if the Zondo and Nugent commissions can drain the swamp. The USA will come right if a populist President can overcome the huge inertia of the Establishment Elite and its manifestation of State Capture. Could it be that South Africa will need a leader who can stand up to the status quo? Instead of one who at the heart of it? Instead of a one-party state we need Coalition government, where transparency reigns and impunity is a forgotten word. Those who captured the state should be imprisoned, not pardoned - part of draining the swamp is getting rid of the alligators.

I like the noises that Uncle Terror Lekota is making, and the prospect of whites and blacks working together to find a solution that is just, fair and inclusive. Polarization will just tear us apart. ■

SOLUTIONS 1

KEYNOTE ADDRESS 1

Why political parties are wrong about party funding disclosure

by Zahira Grimwood

Zahira writes for My Vote Counts, a non-profit company founded to improve the accountability, transparency and inclusiveness of elections and politics in the Republic of South Africa. MVC works to ensure that the political and electoral systems are open, fair and accountable to the public and that they remain relevant in the changing South African socio-political context. This article is re-published from the Mail & Guardian.

During the last two years, civil society witnessed significant gains in the fight for more transparency of political parties’ private funding. These gains marked important points in South Africa’s democratic history, as it aims to strengthen the regulatory framework of transparency of the private funding of political parties. Despite these acknowledgeable gains for our democracy, political parties remain gatekeepers of this information. In 2018 in particular, civil society celebrated a favourable Constitutional Court judgement on the matter between *My Vote Counts and the Minister of Justice*, delivered in My Vote Count’s (MVC’s) favour. The Court confirmed political parties’ constitutional obligation to publicly disclose the sources of their private funding. In June, we also saw the Political Party Funding Bill’s adoption by Parliament. The only obstacle to the Bill’s enactment is the President who has yet to sign it into law.

Ironically, political parties are using the fact that the Bill has not yet been enacted as an excuse to continue hiding information on their private funding from the public. Organisations such as MVC and Right To Know (R2K) firmly believe

that the obligation of parties to disclose is not dependent on the enactment of the Bill. The Constitutional Court judgement explicitly provides the grounds on which citizens can request this information, even in the absence of legislation that regulates the transparency of political parties' private funding. After an acknowledgement that there is no enacted regulation of political parties' private funding in Section 88, the judgement further states that:

"In the interim, it is open to those seeking access to information on private funding to do so in terms of section 32(1)(b) of the Constitution [...] All they would have to do is state that they require information for the exercise or protection of the right to vote. For the correct position is indeed that those who require information for the exercise or protection of the right to vote, reasonable access would no doubt have to be facilitated by this judgment."

Therefore, activists took it upon themselves to request this information. On 14 August, individuals from MVC and R2K, sent out letters to all thirteen political parties represented in the national legislature to disclose the identity of all donors which donated above R10 000 between March 2014 and March 2018. They requested that the political parties respond by 10 September. The letters were not sent on behalf of MVC or R2K, but were signed by individuals as the right that these activists seek to exercise from having access to this information is the individuals' right to vote.

Of the three parties that responded, the Democratic Alliance (DA) and the Inkatha-Freedom Party (IFP) were of the view that only once the Political Party Funding Bill is implemented, will they be obligated to provide the information sought. The DA further stated that since there is no obligation, the protection of their donor's identities is their priority. MVC and R2K believe these responses ignore a Constitutional Court judgement which explicitly states that the information can be requested through invoking Section 32(1)(b) of the Constitution. COPE responded that no private funding was allocated above the indicated amount within the period in question. The DA also argued that to assemble the information from

the period in question, places an unrealistic burden on them leading up to the elections.

We do not agree with the responses provided by these political parties for the following reasons. Even though it should be any citizen's democratic right to request private funding information from any time period including and prior to the period in question, the letters were limited to a time period of one national election cycle. You would be able to monitor the kinds of donor relationships all political parties elected in 2014 have established from that point and leading up to the next national election. Parties remain quick to scramble for votes but will keep the public blind from information that even the highest Court in the land has stated is crucial for an electorate. MVC and R2K have also consistently expressed multiple reasons as to how hiding this information contributes to political inequality. This information allows an electorate to have an awareness of what financial sources political parties are more likely to be responsive to. Public disclosure of this information allows the public and media to root out cases of undue influence by donors on political parties. Furthermore, exposure can deter donors and political parties from engaging in corruption and further reduce undue access of the elite to our political parties.

The continued and exhausting battle of approaching political parties for their private funding information will only end once they are forced to disclose. Agency lies in the hands of the President who can enact legislation that must compel parties to disclose of their private funding information. Civil society has called on the public to sign a petition to urge the President to sign the Bill. This comes after an open letter to the President signed by various CSOs which requested the President enact the Bill. Even if the Bill is signed, it can only be implemented six months after it is signed. Therefore, if the Bill is not signed by November, its enactment will not mean that South Africans will have access to the information before the elections expected to take place in May 2019.

Furthermore, the current reports that both the African National Congress (ANC) and Economic Freedom Fighters (EFF) have received funding

from the embattled VBS bank is proof of why political parties must disclose their donors. It is incredibly concerning that political parties that may have received funding from the VBS in secret, would then be in a position to have their members decide its fate at this juncture. How many other companies fund our political parties in secret and then have the representatives of the same political parties making political and executive decisions that determine their successes? We will never know the answer to this question until we have complete transparency on political financing.

By explicitly stating that disclosing this information is not practical or a priority and that donors must be protected, tells South Africans that political parties' treat votes and voters cheaply. Those political parties who have not responded, continue to ignore their democratic obligation. Votes are cast in the absence of information that allows voters to make an informed decision. It is a slap in the public's face to argue that campaigning is more important than providing the public with information that is crucial to know how political parties operate. ■



My Vote Counts encourages youth from 18 – 25 years of age to register to vote in the 2019 elections.

Then get out and vote!

Every vote counts!

www.myvotecounts.org.za

SOLUTIONS 2

KEYNOTE ADDRESS 2

This month we are delighted to welcome a second special guest - from TOUGH TALK... Our special guest is Matsheru Matsheru...

Why the Commissioner of SARS must be elected by the people

Our lives begin to end, the day we become silent about things that matter...

- Dr Martin Luther King Jr

Today, more than ever before, taxpayers are familiar with the word SARS. However, it's not a joke to say that a majority of them can scratch their heads in bewilderment if asked whether they know about the Commissioner of SARS or not. The Commissioner of SARS is meant to be the person who administers the nation's tax laws in the name of SARS.

Presently, the Commissioner of SARS is appointed by the government as represented by the State President. People who are employed by SARS are deemed to be performing their duties for and on behalf of the SARS Commissioner. Thus, the SARS Commissioner is answerable for the conduct of all the people who are employed by SARS.

The Commissioner of SARS is responsible for administering taxes such as income tax and value added tax to name but two. Save to say that SARS is a civilian revenue agency. **KHA RI AMBE (LET'S TALK).**

It's stated above that the Commissioner of SARS is appointed by the government of the day, and not by the citizens of the country. This means that he may not enjoy independence from the executive. Without enjoying independence from the executive, he may turn a blind eye - especially when there is tax violation that is associated with the President, who has appointed him in the first

place. Further, the Commissioner of SARS who is hand-picked by the President is likely to be loyal to the government of the day. So, loyalty and not performance may be the key. Thus, it's likely to be loyalty to the President that will make him to keep his job. As he is hand-picked by the President, it stands to reason that he can only be fired by him (the President).

Furthermore, as he is politically anointed, he may be viewed by the public as the person who has not been chosen on merit. **A SI KHULEMENI (LETS TALK).**

On the grounds of the above, and the importance of the position the Commissioner of SARS occupies, I am of the view that the Commissioner of SARS must not be appointed by the government of the day. He must be elected by all the citizens of the country. After all, he is on the taxpayer's payroll, and not on that of the government or the ruling party. Thus, it makes sense that as the Commissioner of SARS collects taxes from the people, he must also be elected by the same people from whom he collects such taxes. **A RE BOLELENG (LETS TALK).**

We are already trading shares of our income for participating in the political process. We must now involve citizens in another type of vote, namely the fiscal vote, and the starting point would be to allow citizens of the country to elect their own Commissioner of SARS, under the auspices of one-person-one vote based on secret ballot. We need a political culture which encourages citizen's participation in fiscal matters. Furthermore, election of the Commissioner of SARS by the people will liberate SARS from the firm grip of the new African colonialists, who call themselves the ANC. **A HI VULAVULENI (LETS TALK).**

Once the Commissioner of SARS is elected by the people, he can serve the nation for a maximum period of ten (10) years. A board of directors can be appointed to provide oversight over SARS governance issues. The board of directors will also provide checks and balances on the Commissioner of SARS, and must also have the power to fire him. In other words, he should not be politically protected. **A SI KHULUMENI (LETS TALK).**

The independence of the Commissioner of SARS from the executive is crucial, considering the fact that African governments such as the ANC don't tolerate criticism from the citizens. There is an unwritten rule that if you are a black person particularly, you are not allowed to criticize the wrong doing of those who have liberated you. They want us to be Authority-respecting citizens. These new African imperialists play God, and think that they've created us according to their political image. Ha!

They want to be movers and shakers of society. Hence, they indulge in childish fights with the citizens. If you can ask difficult questions or speak your mind in support of a better country, you are likely to be subjected to insult, label, trump-up charges, false accusation, intimidation and threats by former liberators turned monsters. You may also be assassinated. Another ANC way of suffocating democracy is by activating SARS to deal harshly and unfairly against the so-called government opponents. Once they say to SARS, Saa!... SARS will spit fiscal venom at you. There is a perception that they'll work overtime by ensuring that you don't enjoy the confidentiality that other taxpayers enjoy in a bid to please those who want you to suffer for daring to voice your displeasure against wrong doing. This is generally done by leaking your tax affairs to journalists who dabble in bribery. When other journalists (**who don't dabble in bribery**) ask SARS to confirm the leak, the SARS mantra is to wash their hands like the Biblical Pilate and distance themselves from such leak. **Even children in the crèche know that SARS fiscal trademark is to throw the fiscal stone and hide the hand. We lack the political maturity to co-exist with people of different views. LAATS ONS PRAAT (LETS TALK).**

It goes without thinking that the new African imperialists have not only colonized our chiefs, they have also colonized SARS for their political interest. **Hence what we see today is abuse of SARS; wrong use of SARS; stupid use of SARS; misuse of SARS; arbitrary use of SARS; unnecessary use of SARS; unquestionable use of SARS; careless use of SARS; reckless use of SARS; brutal use of SARS; bad use of SARS; unacceptable use of SARS; irresponsible use of**

SARS and cruel use of SARS. Isn't surprising to see SARS being associated with dirty stories such as State capture and opaque administration. **A RE BUE (LETS TALK).**

With reference to the above, it's clear that ours is independence without freedom. This is because under the new African conquerors there is no freedom of speech. **THERE IS NO FREEDOM OF SPEECH BECAUSE THERE IS NO FREEDOM AFTER THE SPEECH.** This is not what we fought for. This is not what our true cadre died for. This is not the South Africa we want. **Even new babies know that the ANC and witches are disturbing our freedom.** Our democracy lacks fulfillment! We fought for nothing! **A RE BOLELENG (LETS TALK).**

The new African aristocracies are quick to blame the past, but they cannot relate to the citizens democratically. This raises that age old question-who is fooling who? It goes without saying that whites have become convenient scapegoat for the country's worsening economic crisis and suffering; diverting attention away from the issues of high unemployment rate, unprecedented corruption, mismanagement of the economy, excessive government spending, stupid priorities, misrule and waste. These new African oppressors are worse than the whites they are bashing against the big stone. **We need honey and milk and not oppression.** President Cyril Ramaphosa, are you listening? **KHA RI AMBE (LETS TALK).**

We need the Commissioner of SARS who will be independent from the executive. We need the Commissioner of SARS who will question the government of the day on how our taxes are being used. We need the Commissioner of SARS who will not be used to fight political battles of politicians. We need the commissioner of SARS who will be accountable to the nation. We need the Commissioner of SARS who will not be partisan when collecting taxes from the populace. We need the Commissioner of SARS who will collect taxes without fear or favour. We need the Commissioner of SARS who will not keep quiet when the taxes he is collecting on behalf of the nation are being siphoned by the new African settlers who are squatting at the nation's Treasury while milking it dry. These new African squatters

(who have colonized the Treasury), behave like a dog when it's feed. You can't go near if you are not part of their patronage system. In fact, the politic of patronage is the hallmark of former liberating movements who are also greedy, uncaring and power hungry. Do I hear someone say they didn't struggle to be poor? **A RE BUE (LETS TALK).**

Am I too harsh against the ANC? Listen to the Venda proverb: **U AMBA LIVHI, NDI U RI LIVHUYALI WANE VHUDZULO (PEOPLE ARE REBUKED SO THAT THEY CAN CHANGE THEIR BAD WAYS).**

We pride ourselves as a people driven society. Thus, we shouldn't shut the people out from matters which concern them, such as the appointment of the Commissioner of SARS. People must feel that they are part of the government in every sense of the word, and they should be appreciated. **This can free the populace to voice their dissatisfaction without fearing that political dogs will bark at their heels like undisciplined puppies. LAAT ONS PRAAT (LETS TALK).**

I have been dreaming seeing the nation's tax collectors lubricating the tax machine, keeping its wheels turning. Could my dream be true when I wake up? Let there be light at the end of the fiscal tunnel!



The Right 2 Know campaign succeeded in obtaining a court order that force the State President to open the interviews for the post of National Director of Public Prosecutions to the media.

This was Great Leap Forward for Transparency.

The best antidote for the poison of Patronage is to have the vetting process out in the open.

Electing top officials is even better! In some countries, for example, judges are elected not appointed.

SOLUTIONS 3

Growth Points or Neocolonialism?

Germany's Minister for Africa, Gunter Nooke, has put forward a proposal that some regard as novel, and others regard as "déjà vu all over again".

His suggestion is sort of a Hong Kong strategy – that is for countries in the North to lease land from African countries for 50 years, to build cities that would create jobs. His rationale is to reduce the influx of African refugees crossing the Mediterranean to find work in Europe. But some see this as regress to colonialism, not as progress to a future thriving African economy.

Implied in this approach seems to be that Africa is full of Banana Republics that are not succeeding in growing their own economies.

Actually this was not Nooke's own idea. It was first put forward ten years ago by an American winner of a Nobel Prize – Paul Romer. He put this idea forward in a 2011 **Ted Talk**. Like Hong Kong, these "enclave cities" would operate by laws and governance that are distinct from the host countries.

One can see a veiled rebuke to the Banana Republics in this model. Honduras once toyed with this idea of "charter cities" but abandoned it due to the worry of its loss of sovereignty.

Whereas Gunter Nooke argues: *"The basic idea is that these free cities will create growth and prosperity."*

One concern is that this model would simply replace emigration to the North with rapid urbanization within the South.

A debate is raging over this strategy, which does have its proponents even in Africa. However, the African Union is not in favour of what some call "voluntary colonialism".

SOLUTIONS 4

Why Corruption-busting is taking so long

by Chuck Stephens

Why do we always say "corruption and patronage" together? Well corruption is easier to pull off when there is a web of relationships in the background that can protect you if they suspect you, or even catch you. So the two go together like salt and pepper. They loot and plunder on offense, but the make sure there is a strong defense in place as well. These two ingredients complement one another.

Now there are two important ways that the defense side functioned. The first way was to stack the civil service with "cronies" who will always run to the protection of anyone suspected or caught. The second way was to weaken law enforcement. For example, closing the "Scorpions". That was an elite unit that existed specifically to root out corruption, and it had a very sound track record. Another example is that – by patronage appointments - they populated the National Prosecuting Authority with either cronies or incompetents. This is why the Loyal Opposition claims that the NPA became 100 percent "captured".

One advantage that the Scorpions had was that they could both investigate and prosecute. Otherwise, the police investigate and the NPA prosecutes. The police lay charges and gather evidence. Their dockets are then handed over to the prosecutors. The prosecutors do their thing in the court room, calling on the police when necessary to give evidence, or on witnesses that the police have lined up.

If this sounds very technical, that is my point – it is! And this all takes time. Especially when you are dealing with system overload. A medical analogy is that a hospital is designed to work best under normal circumstances (i.e. in peace time). When there is a war, it becomes overloaded - and as the

hospital is subject to power cuts and loss of staff, its services are affected. Especially if the hospital is getting bombed too!

Even in peacetime, Justice systems are designed to move slowly. Have you heard that adage that *“The wheels of justice turn slowly, but grind exceedingly fine”*? Processes are slowed down to assure quality. But the phenomenon of State Capture is different – more like a war zone. It was an all-out, hell-bent offensive to loot and plunder the State.

Gradually it is sinking in that the existing Justice system is just not coping. One thing that has alleviated its load is the use of Ombudswomen and men. South Africa has a number of these, anchored in Section 9 of its Constitution. The premiere one is called the Public Protector. But they only investigate and write reports – they have to refer criminal cases to the courts. One thing they can do is recommend that Judicial Commissions be set up, and that is exactly what Thuli Madonsela did before her term of office expired. She recommended in her State of Capture report that the President set up a Commission to further investigate the matter, because it deserved a dedicated 6-month run.

But because the President himself was implicated for corruption, he dallied a long time in appointing the Zondo Commission to explore State Capture. Judge Zondo looked at the work load and promptly asked for 2 years, not 6 months! These Section 9 institutions and Commissions are helping with the backlog as best they can.

Now a new trending is being championed by Desmond Tutu and Thuli Madonsela, who is now a university professor. That is, to create a new Integrity Commission under Section 9 of the Constitution.

The opposition parties support this initiative. In fact, a motion has been tabled in parliament by the Inkatha Freedom Party. It was presented to the Constitutional Review Committee of the National Assembly. The ANC majority is mulling it over.

On the Glenister case page of the Accountability Now website, you can see that draft legislation of a minor constitutional amendment has already been prepared. This Integrity Commission could be in place in less than one year.

Each citizen is hereby encouraged to lobby their political party to support this initiative. Possibly the new National Director of Public Prosecutions will support it to, as a way to alleviate the heavy load that the NPA is under? There is no shortage of other “normal” work for prosecutors to do. All countries have busy courts, even without a scourge like State Capture.

According to the most recent police statistics, only one out of three of the dockets that they open is actually ever prosecuted. The long delays cause hiccups – witnesses disappear, evidence gets misplaced by the police, and some of this is arranged for, not just accidental. This is why it can and does take many years to move a case from the police opening a docket to the bench reaching a decision.

**God help the new NDPP to get
us some convictions and
sentencing.
Godspeed, Shamira Batohi!**

*“The good thing about
democracy is
that every vote counts.*

*The problem with
democracy is
that every vote counts.”*

- Charbel Tadros

Civil Society's Greatest Hits

One would expect the opposition parties to drive most of the exposure of malfeasance in the public domain. And indeed both the *Democratic Alliance* and the *Economic Freedom Fighters* have scored some big wins. But were it not for the value-added of civil society organizations, South Africa might have become a Banana Republic.

Against Corruption

South Africa Litigation Centre tried to nab Sudanese President Al Bashir while he was attending an African Union conference in South Africa. But impunity reigned and he escaped before they could have him arrested. SALC is a champion of the Rule of Law.

Corruption Watch blasts the police for looking the other way for a small fee when teachers give good grades in exchange for sex. "The result is that the public has completely lost confidence in the government," says Bongzi Mlangeni, head of Communications at CW. "Those in power have zero credibility – which is even worse than the financial toll corruption takes."

South African Council of Churches published the report of its Unburdening Panel at Regina Mundi church in SOWETO. The SACC warned against the "systematic syphoning of state assets pivoted around President Jacob Zuma".

Father Stanislaus Mayebe (a Dominican father) of the **Catholic Commission for Justice and Peace** was the first to file a complaint with the Public Protector about State Capture. This triggered the State of Capture report, which eventually gave rise to the Zondo Commission.

In mid-2011, the **Desmond Tutu Centre for Leadership (C4L)** launched a major poster campaign about the January murders, in Mpumalanga province. It has never happened again, not in January anyway.

C4L has both laid fraud charges and launched civil litigation related to the roll-out of the Community for Work Programme in Mpumalanga province.

The **Organization Against Tax Abuse (OUTA)** laid charges against one minister for the way in which a pro-poor project was drained in order to pay for the opulent wedding hosted by the Guptas – key cronies in the State Capture saga. The **Council for the Advancement of the South African Constitution (CASAC)** later even challenged the Public Protector's report on the Vrede dairy project, arguing that she deliberately curtailed the investigation to protect the former Premier, who had ascended to a post in the Top Six of the ANC.

OUTA laid treason charges against another minister. "Muthambi's abuse of power led to the SABC's current financial crisis, plunging it into billions of rand in debt," OUTA said.

OUTA claims to have evidence that Eskom may have engineered the first two rounds of load shedding, as a smoke screen to cloud the audit trail for financial leaks.

The **Ahmed Kathrada Foundation** has supported Save South Africa, the Stalwarts and other formations. Before his death, "AK" (who was the youngest of the Treason Trialists) wrote a letter to the State President asking him to resign.

Afriforum has opposed the issuing of shale gas exploration licenses in the Karoo (i.e. fracking), and has been a devoted supporter of anti-poaching efforts, especially of the save-the-rhino campaign.

Afriforum has been busy raising awareness about farm murders. It succeeded in having the song "Shoot the boer" banned as hate speech, and it also campaigns against the use of the word "kaffir".

Save South Africa has organized marches in the major cities to protest maladministration, when government leaders are not held accountable to

the Constitution, and their pledge of *Batho Pele* principles.

Lawyers for Human Rights have focused on Human Trafficking and Refugee related cases in the main. They have exposed how immigration ruled have been bent (for a price) and the uneven service delivery at Home Affairs.

The SA **Institute of Race Relations** is a think-tank that generates research to inform policymaking. Because it is the oldest “liberal” institution in the country, it still manages to speak out of turn. For example, its research suggests that Land Reform is only in 13th place on the (averaged) priority list of voters. This was unexpected in a debate that has generated more heat than light.

Against Patronage

The **Helen Suzman Foundation** were the first to challenge the fitness of the National Director of Public Prosecutions. While its bid failed, the matter was taken up by CASAC and eventually (i.e. five years later) the NDPP’s appointment was found to be unlawful and he was dismissed in due course.

The **HSF** also approached the Constitutional Court about the lack of transparency in the way that the Judicial Services Commission appoints judges.

The **HSF** also fought for Anwa Dramat’s reinstatement when he was suspended as head of the Hawks.

The **Right 2 Know campaign** forced vetting of a new National Director of Public Prosecutions to be done in public, to assure transparency. Since it was founded in 2010, R2K has tried to reduce government’s secrecy – and of course that shines a lot of light into the darkness of patronage networks.

CASAC and **My Vote Counts** lobbied hard around the recruitment of a new IEC Commissioner in mid-2018.

These are only examples of the achievements of some civil society organization. The list is random

and not comprehensive – but it is indicative of what can be achieved by non-state organizations. The well-respected Canadian leader Stephen Lewis visited South Africa in 2017 and had this to say: *“In my experience, civil society in South Africa is the strongest mobilized civil society I’ve ever seen in my adult life anywhere... I’ve never seen anything quite like it,”* he told the **Globe and Mail** in an interview in Johannesburg. *“Frankly, it supersedes anything I’ve seen in developed countries, Canada included.”*

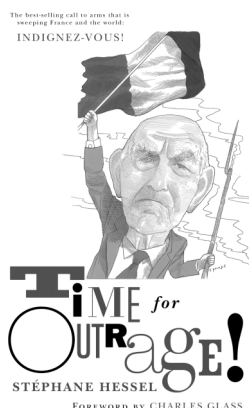
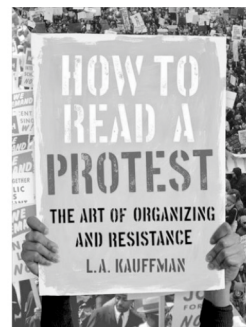
But take it from me, these interventions can take their toll, especially on an NGO’s budget. So this Christmas, as 2018 comes to a close, you are encouraged to give generously to one of these cause-driven organizations. ■

Recommended Reading

by John Deacon

John is another member of our core team. He believes that the role of Christians is often to be Contrarians – to challenge the status quo.

1. **How to Read a Protest: The Art of Organizing And Resistance**
By L.A. Kaufman



2. **Time for outrage**
By Stéphane Hessel

the WeighBridge

Weighing pros and cons
Bridging partisanship
Bridging oceans
Seeking the Truth that emerges
From frank and open dialogue
In safe deliberation

Rules of Engagement

No demonizing allowed. You or I may be wrong, but we are equally human, equally loved, equally God's children, seeing some things more clearly than others and vice-versa, but in the main, we are in the dark, not seeing it all.

No one is ever dead wrong, except in issues where one's position means that someone other than he is denigrated to being something less than human, someone less to be loved and cared for than anyone else.

No name calling. It doesn't help. It derails the debate. It undermines the civility it takes to find the truth let alone live it.

If the debate is political, suspicions do creep in, if the party or politician one sides with can never be wrong. It is likely that person has lost their capacity for critical thinking, which true wisdom relies on.

We are all prone to coming under the spell of influential people, and when we do, the likelihood of being objective, let alone discerning, goes out the window. Our positions become parroted ones rather than those originating in us.

It helps to approach every person in leadership as though a member of their loyal opposition. Loyal when in your opinion the other is right and opposed when in your opinion the other is wrong. It helps keep populists and dictators in check and ensures the compasses we are relying on aren't skewed by bigger than life personalities.

Whatever our rank and status in life, we are no more nor any less than brothers and sisters. God has no grandchildren.

Sponsors

