

South Africa beyond State Capture and Corruption

2018 FW DE KLERK CONFERENCE

“South Africa beyond State Capture and Corruption” was the title of this year’s annual FW de Klerk Conference held on the 2nd of February 2018 in cooperation with the Konrad Adenauer Stiftung (KAS). The leading questions addressed by former South African president FW de Klerk was how South Africans “as a country are going to re-establish a system of governance that is characterised by integrity – with key institutions that operate in the public interest effectively, professionally, efficiently and without fear, favour or prejudice”.

The conference is annually held in commemoration of the groundbreaking speech by FW de Klerk before Parliament on 2nd February 1990 in which he pathed the way for a democratic transition by announcing the release of Nelson Mandela and the unbanning of the ANC. The annual conference aims to offer a discussion platform to address topics that are relevant to South Africa’s young democracy. In light of the upcoming National Elections in

2019, this year’s conference was entitled “South Africa beyond State Capture and Corruption” and concentrated on the issue of state capture, whether a change in constitution might be necessary and which future outlook might be expected with the new ANC leader Cyril Ramaphosa. In his welcome remarks, Mr. Henning Suhr, Director of the Konrad Adenauer Foundation in South Africa, elaborated on the Foundation’s work and mandate in the country and additionally highlighted the importance of defending, protecting and promoting the South African Constitution. FW de Klerk, former South African president from 1989 to 1994, Nobel laureate and founder of the FW de Klerk Foundation then opened the conference with his keynote speech. Guest speakers included Thuli Madonsela, South African advocate and former Public Protector, Frans Cronje, Chief Executive Officer of the South African Institute of Race Relations (SAIRR) and Prof. Haroon Borat, Professor of Economics and Director of the Devel-

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opment Policy Research Unit (DPRU) at the University of Cape Town.

The Constitution, State Capture and the Way Forward

Former president FW de Klerk, dismantler of apartheid and initiator of inclusive negotiations that led to the adoption of South Africa's first fully democratic Constitution in December 1993, highlighted the unintended discrepancies between the objectives of the constitutional design and the current political landscape. On the issue whether the twenty-two year old South African constitution is still in line with challenges nowadays or whether changes have to be made to dismantle corruption, he clearly stated that the state problems faced by South Africa at the moment are not necessarily related to the constitutional design and one should not "open the Pandora's Box of constitutional amendment". Instead he stated, "The viability of the entire constitutional scheme rests on the integrity and ability of the people that the President appoints to the cabinet [...]. The idea was not that the levers of state power should be abused for the purposes of amassing immense hordes of private wealth".

Within this context, de Klerk implied that President Zuma's term should end and a new era needs to start for South Africa. Concerning this new era, ANC leader Cyril Ramaphosa is the one on whom South Africans pin their hopes. But it will depend on

Ramaphosa's actions whether he will continue with the established system of state capture and corruption or whether he will disrupt and dismantle it. De Klerk stated that Ramaphosa had a positive start as leader of the ANC and made statements against corruption, but so "does virtually every leader in the emerging world". Consequently it will depend on Ramaphosa's actions whether he will be able to re-establish the independence of the institutions, appoint unimpeached characters and resist negative temptations. "Without integrity of the chefs it does not matter how well the recipe is written", (de Klerk, 2nd of February 2018).

Like de Klerk, also Henning Suhr from the Konrad Adenauer Foundation in South Africa underscored the need for independent and strong institutions to fulfil their constitutional role. Furthermore, he extended this argumentation by stating that "it is in the hands of the voters, if they elect members of parliament who serve the interests of those they represent instead of their own private interests [...]. A democracy only can self-correct itself, if the people believe in the power of their vote and political change by elections".

South Africa in 2018: A Future Outlook

Frans Cronje, scenario planner and CEO of the South African Institute of Race Relations, extended the political debate by elaborating on the so-

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conomic progresses made since the end of Apartheid and a future economic outlook for South Africa. He clearly affirmed that South Africans today live under much better circumstances concerning labour market conditions, health care, housing and education than two decades ago. Despite these advancements, he voiced concerns about South Africa's future economic growth and said the first steps to reach economic prosperity are to "restore the rule of law and introduce economic policy reform". Cronje laid out four possible scenarios:

(1) The Rise of the Right: Civil rights will have to be eroded to create space for a state-driven economic reformation; economic growth will be at a level of above 6 percent and unemployment rate will be halved.

(2) The Tyranny of the Left: Mass nationalisation, civil rights and the rule of law will fall away, investment flight, currency depreciation, climaxing in recession and hyper-inflation.

(3) The Break-up of South Africa: A corrupt government undermining investment and deepening the fiscal deficit with the consequences of a decreasing level in education and health care. South Africa would underperform on every level.

(4) The Rise of the Rainbow: a reform ruling party will restore the rule of law and South Africa will become competitive again with eco-

conomic growth exceeding 5 per cent by 2029.

Depending on the assertiveness of Ramaphosa and the outcome of the upcoming elections, the future of South Africa can go in either direction. "Within the next six months to a year we ought to have enough to say whether we are likely to continue in the Break-up or whether South Africa will enter the era of the Rise of the Rainbow."

Bringing Democracy back to the People

Thuli Madonsela, who is a South African advocate and Professor of Law at the Stellenbosch University as well as former public protector and played a monumental role in reporting corruption and state capture, challenged South Africans to exert their democratic rights and expressed hope for South Africa due to the change in power in the ANC. Madonsela stated that democracy, which in Greek means "power belonging to the people", has to be brought back to the South African population, who have suffered under the state capture by the politicians. Especially the most vulnerable and poorest suffer under the consequences of state capture – like the pregnant woman, who needs to walk several kilometres before reaching the next hospital, or the school children who cannot attend class due to the lack of teachers.

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Madonsela suggested that strengthening social accountability could fight the problem of state capture. Promoting social accountability on the one side means protecting and encouraging whistle-blowers. “Don’t look the other way” – Madonsela invoked, it would not matter whether it was a family member or a good friend, “report it.” On the other side Madonsela suggested to increase the speed of investigations as evidence often already has been destroyed before investigators can get their hands on it. Furthermore, she said that people will not simply stop being corrupt, but that the public must demand social accountability by voting. “Strong institutions are good, but not enough; Strong leaders are good, but not enough; it is the people who appoint people.” With corruption, there will be no democracy and no social justice.



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