



A C C O U N T A B I L I T Y



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QUARTERLY

roundtable

THE HELEN SUZMAN FOUNDATION
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Vision

Promoting liberal constitutional democracy in South Africa.

Mission

To create a platform for public debate and dialogue – through publications, roundtable discussions, conferences, and by developing a research profile through an internship programme – with the aim of enhancing public service delivery in all its constituent parts. The work of the Helen Suzman Foundation will be driven by the principles and values that informed Helen Suzman’s public life.

These are:

- reasoned discourse;
- fairness and equity;
- the protection of human rights;
- the promotion of rule of law.

The Foundation is not aligned to any political party and will actively work with a range of people and organisations to have a constructive influence on the country’s emerging democracy.

“I stand for simple justice, equal opportunity and human rights; the indispensable elements in a democratic society – and well worth fighting for.” — Helen Suzman

Hosted with the support of the Open Society Foundation For South Africa



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Profiles



Alex van den Heever

Prof Alex van den Heever holds the *Old Mutual Chair of Social Security Systems Administration and Management* as an Adjunct Professor at Wits University. He has spent over twenty years working in health economics and financing, public policy, and social security. Prof van den Heever has participated in the *Melamet Commission of Inquiry into Medical Schemes* and *The Taylor Committee of Inquiry into Comprehensive Social Security*. He was involved in establishing and advising the Council for Medical Schemes.



Mmusi Maimane

Mr Mmusi Maimane holds a Bachelor's degree in Psychology, a Master's degree in Theology and a Master's in *Public and Development Management* from Wits University. Mr Maimane has consulted for a number of firms which offer various services to companies in South Africa and abroad. He is a philanthropist who chairs a number of boards. The primary focus areas of these foundations are issues around HIV and AIDS, rural and youth development. Mr Maimane is a former mayoral candidate for the city of Johannesburg where he is a DA Councillor, and has subsequently been appointed as National Spokesperson for the Democratic Alliance.



Mamphela Ramphele

Dr Mamphela Ramphele has been a student activist, a medical doctor, a community development activist, a researcher, a university executive, a global public servant and is now an active citizen in both the public and private spheres. She holds a PhD in Social Anthropology. She went on to become Vice-Chancellor of UCT, then one of four Managing Directors of the World Bank. Dr Ramphele is also the author of several books. Dr Ramphele has served in executive positions on the boards of well-known entities such as Goldfileds, and the Technology Innovation Agency (TIA). She is currently a trustee of both the Nelson Mandela and Steve Biko Foundations. She helped establish the *Open Society Foundation for South Africa* and founded the *Citizens Movement*. Most recently, Dr Ramphele is the Leader of a new party political platform, *Agang SA*.



Nic Dawes

Mr Nic Dawes has been Editor-in-Chief of the *Mail & Guardian* since 2009. He is one of South Africa's most distinguished journalists. Mr Dawes was part of the team that broke the story linking police chief Jackie Selebi to the underworld networks surrounding Brett Kebble, and has also contributed extensive news and analysis on politics and economic policy. He has also been heavily involved in the *Mail & Guardian's* investigative reports, and has won several awards for his work.



Francis Antonie

Francis Antonie is the Director of the Helen Suzman Foundation. He is a graduate of Wits, Leicester and Exeter Universities. He was awarded the Helen Suzman Chevening Fellowship by the UK Foreign Office in 1994. From 1996 to 2006 he was senior economist at Standard Bank; thereafter he was Director of the Graduate School of Public Development and Management at Wits University. He was the founding managing director of Strauss & Co.

executive summary



This Roundtable deals with the issue of Accountability in South Africa. A number of themes were expanded on by our panellists. These included the relationship between government and the electorate, the proper role of public officials, public perceptions and expectations, the role of the media and other public bodies, and ways forward. The Helen Suzman Foundation (HSF) brought together a set of panellists drawn from the world of politics, academia, and the media. The panellists were Prof Alex van den Heever, Mr Mmusi Maimane, Dr Mamphela Ramphele and Mr Nic Dawes. The panel discussion was chaired by the director of the HSF, Mr Francis Antonie.

Prof Alex van den Heever described an 'accountability framework'. An accountability framework is a system that is meant to ensure *structurally* that agents are held to account. A weak accountability structure guarantees that responsibility is subject to abuse, and oversight is undermined. Prof van den Heever listed four essential, and inter-dependent, elements of an accountability framework:

- clear norms and standards of performance;
- transparency;
- non-conflicting supervisory structures; and

- a compliance system with the appropriate incentives and disincentives.

Mr Mmusi Maimane stressed the importance of the Constitution and the Rule of Law in understanding accountability. He emphasized that local government needs to be strengthened, where the power of the public to hold government to account should be suitably enabled.

Dr Mamphela Ramphele emphasized that the strongest level of government should be local government. She stated that the public have lost hope and are disillusioned because government fails to acknowledge its own accountability. Dr Ramphele also stated that government lacks the political will to perform accountably.

Mr Nic Dawes highlighted the need for public engagement in matters of accountability. He stated that there is a need to broaden and deepen an 'accountability culture'. Mr Dawes pointed out that many channels designed to promote accountability have been captured by government, and some have been eroded. But these are not eroded beyond repair. Mr Dawes also stated that where elements in an accountability framework are eroded, functioning channels of accountability take on a much greater strain.

WELCOME

Good evening, ladies and gentlemen. On behalf of the *Helen Suzman Foundation* ['HSF'] I want to welcome you to this evening's roundtable on Accountability. I would like to extend my appreciation to the *Open Society Foundation for South Africa*, which has generously supported this event.

One of our scheduled speakers, Professor Firoz Cachalia, has taken ill. I am pleased to report that he is making good progress. I visited him in hospital and he is on a good path to recovery. He extends his apologies and his greetings.

I'm very pleased to welcome and to thank Professor Alex van den Heever, an HSF Research Fellow, for stepping in at the last moment.

This evening's roundtable is on Accountability. Accountability represents, at one level, a simple relationship. It is a relationship between two entities. One has to answer to the other about the matters it has taken responsibility for.

The result is a hierarchy. There are agreed upon responsibilities that are taken up by one entity on behalf of the other. Responsibility, trust, and expectations are involved in this relationship.

In a democracy, those in power are committed to serving the public interest, and the public therefore have certain expectations. If these expectations are not met, what happens?

On the other hand, despite this simple relationship, establishing clear lines of accountability is often a complicated business. Reconciling different sets of expectations and establishing who in authority must answer to whom and for what may be unclear.



Accountability also depends on certain systemic features of the political system: The legal framework of the country, the type of electoral system, and the country's bureaucratic system. These features determine, for instance, how representation is established, how policy is decided and evaluated, and the consequences of not performing to expectation.

Our Constitution constrains the behaviour of those in power and determines the character of accountability. But to what extent can these ideals be realised in reality?

The importance of accountability is not only limited to the relationship between citizens and those in power, but extends to the private sphere.

What are the issues of which we should be aware, and how can these interactions be brought under scrutiny through the lens of accountability? What does accountability mean in a constitutional democracy?

Who do representatives owe, and what do they owe to the public? What are representatives accountable for, and who are the representatives accountable to. How are the lines of accountability determined?



Alex van den Heever

I've been given the fairly difficult task of providing a framework for a discussion on accountability and what it is. Part of what I'm going to cover is a kind of 'idiot's guide' to the elements of accountability. These elements can be used to assess whether or not an accountability framework is complete, and to predict what might follow from an incomplete framework.

I am not referring to accountability as a sort of a general notion, but to the idea of 'accountability frameworks'. Accountability frameworks are what we confront in many settings in society. They are all around us. They are part of how we have structured organisations. They are part of how we have structured political systems.

Accountability frameworks can be reduced to a number of core elements. These elements could apply to the governance structure of a pension fund or a private corporation, or a political system or party.

When do you have to rely on an accountability framework? I will discuss some examples.

An accountability framework is essentially necessary where, for instance, people look after other people's money. That would be one very clear instance. If somebody is looking after somebody else's money or they are placed in a position of trust where there is the possibility that they could abuse that position, you require some structure to ensure that this position is not abused.

If you're looking after your own money, you don't need as strong an accountability framework as when you have given it to somebody else to look after. Accountability frameworks are then structured into regulatory environments, legal systems, enforcement mechanisms and methods of reporting.

An accountability framework limits and restricts arbitrary discretion to make certain decisions and to do certain things. It restricts

arbitrary discretion to act in ways that are inconsistent with the position of trust that you are in.

The question then is: what happens when accountability frameworks are incomplete, when you rely on people in positions of trust? Weak accountability structures produce inevitable consequences.

If you've got people looking after other people's money, and you have a weak accountability structure, at some point that position of trust is probably going to be abused.

This will happen in any instance where somebody is looking after something.

The question is: what elements should you have in place? I think this is where the important components of an accountability structure are framed.

I would say that there are essentially four elements which are important.

Performance parameters are extremely important, because they actually establish a set of verifiable requirements for them to perform appropriately in their position of trust.

The first would be *performance parameters* of one form or another, of norms that you establish, against which people in positions of trust must perform. That can be in a company structure. It can be compliance with particular strategic objectives of an organisation or government department against which one is assessed.

Performance parameters are extremely important, because they actually establish a set of verifiable requirements for them to perform appropriately in their position of trust. Norms and standards are also critical.

In a number of cases where I've dealt with government departments, particularly in the health sphere, where there have been many discussions about the implementation of

norms and standards over the past 20 years, one comment stands out from a senior manager which was: "Well, we've known for a long time not to implement those because we might be held to them." That's exactly why you often have resistance to the establishment of targets and benchmarks.

When the HIV/AIDS strategy was to be published, it was published originally for the Treatment Campaign. It was published without any targets, and there is a reason for that, because it actually allowed for the possibility that there could be arbitrary discretion exercised in the time period taken to implement the programme. The removal of norms and standards creates space for arbitrary discretion to be exercised.

The next element is *transparency*. You have performance indicators, but what is their use if you can't actually see what they're doing, whether or not people are performing against them, or whether you can see that somebody has transgressed or behaved improperly in their position of trust?

Transparency involves a whole range of things, from reporting systems through to the media, and typically, when people want to expand their ability to exercise arbitrary discretion, there is usually an attack on the idea or principle of transparency. The idea is not to produce performance reports that are material or useful, but to make it as difficult as possible for anybody to find out what's really going on.

Formal reporting is one structure that establishes transparency. Then there is the media, which doesn't necessarily require formal standards, but can just report on anything that appears wrong.

The third element is a *general category of oversight*. This can often be exercised by supervisory structures of one form or another. Oversight is essentially anybody that is introduced into an accountability framework to supervise any party which is in a position of trust.

Supervisory structures can be seen in a very general sense. They can be boards of governance that oversee managers within



an organisation, trustees of a pension fund, trustees of a medical scheme, or a parliament of the government.

Any structure that is *formally established* is meant to be at an arm's length from the person that is performing those functions, and is there to check whether or not they're adhering to the norms that have been established.

One of the requirements for an oversight framework to work is that it must have no conflicts of interest with the body being supervised. You can assess accountability frameworks in terms of, for example, the regulatory frameworks we have for insurance, pension funds, medical schemes, or the way we appoint people to regulators in South Africa, and the way that parliament works. One of the key features is the extent to which conflicts of interest are permitted and regarded as normal in many supervisory structures.

There's a reason for that. There's a huge incentive to capture the supervisory structure that is established. In any accountability

framework, to expand your arbitrary discretion to act, you have to remove the teeth of any one of these accountability measures.

The way you do it in the case of a supervisory structure is to establish conflicts of interest. Conflicts of interest can be established by paying kick-backs. For instance, somebody could look at the political system in South Africa today and say that the fact that we have non-disclosure of party political funding means it's not transparent. It means there is no normative structure in place for party funding.

If you want your judiciary to be independent, then you shouldn't have any conflict of interest in the way the judiciary is appointed and in the way it functions. The notion of independence is absolutely critical.

People put in a position of trust to run a country and to make key decisions – people in parliament, people appointed by any political process – are subject to a kick-back system. Well, how effective is your oversight mechanism then?

If you want your judiciary to be independent, then you shouldn't have any conflict of interest in the way the judiciary is appointed and in the way it functions. The notion of independence is absolutely critical.

What does independence mean in reality? When you look at a lot of the debates in South Africa, people seem rather confused about the idea of independence. Independence means different things to different people.

A political party or a patronage system can't possibly create accountability, because there is an inherent conflict of interest. That would be one issue, and that's the equivalent of having the managers of a public company appointing the board of directors.

If the managers appoint the board of directors, they obviously can't perform their

function. So kick-back systems operate in many areas in which we require an accountability framework to apply, and they are the most difficult systems to remove, particularly when they become regarded as normal. But when you start to understand it as part of a system of accountability, you can see how abnormal allowing material conflict of interest to exist within supervisory structures is.

This includes how people are appointed to the National Prosecuting Authority and whether or not we should have extended their contracts without formal appointments. They are sitting in those positions making huge decisions about which prosecutions to pursue.

You have politicians making decisions about which case the Special Investigating Unit should take on, and which they shouldn't. Well, that's clearly a conflict of interest.

The fourth element is the issue of *compliance within a framework*, the system of sanctions and rewards for performance. If you've got a supervisory structure, and they find something wrong, based on information that comes through a transparent framework, they must be able to address what's wrong. They must be able to do something about it.

One of the key requirements for a system of sanctions and rewards to be applied is that there must be no conflicts of interest associated with the bodies responsible for that. That's a key prerequisite for it to function.

If you have a Special Investigating Unit, but they are subject to conflicts of interest, then there will be selective investigations. If your National Prosecuting Authorities are subject to conflicts of interest, there will be selective prosecutions, and you will never know which cases are not actually pursued, because of the fact that certain things are hidden. If the system of sanctions and rewards in your compliance framework is conflicted, then you do not have a strong accountability framework.

The prerequisites for a solid normative framework must include transparency

Those in power typically argue for one or other of the elements of an accountability framework to be watered down. Why would somebody want that? They want it for a very good reason. It basically increases their ability to act arbitrarily without any supervision.

against a normative framework, a non-conflicted supervisory structure, and a system of sanctions and rewards that is even-handed and not subject to conflicts.

Those in power typically argue for one or other of the elements of an accountability framework to be watered down. Why would somebody want that? They want it for a very good reason. It basically increases their ability to act arbitrarily without any supervision.

A position of trust in many cases involves spending other people's money and looking after other peoples' interests. Those in power are often in a position where they can, at their discretion, abuse trust.

That in essence is an introduction, a basic guide, to the architecture of an accountability framework, which can take many forms, but essentially can be reduced to these four basic elements.

When you examine them in society, one or other of these elements is under attack, whether it is the United States of America, South Africa, India or Brazil.

But the consequences of having any one of these not in place is that the accountability framework can't work effectively. Do you need all four? What happens if we are only reliant on the media? It's probably only a matter of time before that is then captured.

CHAIRPERSON: Thanks, Alex. I am now going to call on Mmusi to take our discussion further.

maimane

mmusi



Mmusi Maimane

Well, if that's the 'idiot's guide', we live in a very interesting country.

It is an absolute privilege to be able to speak on such a critical subject for South Africans.

It's always hopeful to begin with the Constitution, which argues the case that we need to lay a foundation for a democratic and an open society, in which government is based on the will of the people, and every citizen is equally protected by the law.

I think even in reading that spirit, and fast-forwarding 20 years into our democracy, one sits back and wonders how far or how close have we come to ensuring that this country is indeed an expression of that will, and that every citizen, including the president, is equally protected by the law.

As we charter into the 20th year of our democracy, there are a number of things that we've come to learn, and there are some key questions that I think we need to

ask about accountability. I appreciate the various dynamics of those elements that were put forward.

The first position that we need to begin with is, to say that we agree principally, as South Africans, that we needed to have a three-tier system of government. At the lowest level, even the ANC's position has always been that local government must be able to bring government closest to the people.

The gap between government and its own people has become progressively wider. And so, within that context, we must ask how effective our local government is, or how effectively the system of a three-tier government operates?

There are some examples where that question comes into play. I think the easiest one to talk about is the recent textbook saga, where a National Minister can argue the case for the absolution of responsibility when it comes to the delivery of textbooks, and a Provincial Minister may argue a different

“So here is a government who has investigated a government and discovered that the same government is not guilty of any wrongdoing.”

perspective on the very same issue. This is indeed the challenge that emerges when you have various levels of government, as expressed in our Constitution.

I think the most recent one is the landing of a particular plane, at a particular airport, which I will not speak about. On Twitter, I think one of the tweets that spoke to me, when I looked at the issue, was: “So here is a government who has investigated a government and discovered that the same government is not guilty of any wrongdoing.” This is where it goes wrong when this issue of accountability goes the way that we are seeing in this country.

The critical issue about accountability is the fact that people at a local government level are forcing the issue in different ways. I think the increase in service delivery protests are but one question that puts forward the fact that people are asking how we can hold our local government accountable, in a very creative way.

Critically, we must understand what legislative bodies are designed to do, whether they are councils, legislature or parliament. This is where the issue of accountability in South Africa becomes a very tricky one. When you interrogate the levels of input of the various bodies, I often find that we don't have a clear and a coherent picture of what our developmental objectives look like.

In essence, when we interrogate policy or the implementation of policy, we fail to ask the critical questions. Has this policy worked? Has it been well funded? Who was accountable for it?

It seems that in our country, the *panacea* of a policy failure is the introduction of a brand new one.

Ultimately, legislative bodies look at ministers,

mayors or executives. When they introduce a new concept, it becomes the thing that drives the next chapter of discourse, without really doing the critical work of being prudent and evaluating where previous policies have gone.

I think education is one such example. We've got the worst forms of measurement of holding education officials to account, because we look at very poor measures. Ultimately, the critical issue is that we've undergone a number of policy shifts along the way without thoroughly assessing what happened in the previous one, so that we can at least learn some lessons for whatever happens next.

Another issue is that, in our Constitution, we adopted a federal system that allowed provinces their own autonomy, but we also adopted a very central approach. I think we've got a cocktail of both those things playing themselves out in the public discourse, and so we are uncertain as to which one we must do. I think my first point of departure must be that we must choose a system. We must accept its consequences. Ultimately, we must deal with the fact that there are certain things that one system cannot do that another would. We've got to make that choice.

The second issue is the skills capacity of the various forms of government. The first kind is what happens at local government. Local government is endowed with the ability to create voter contact. But there is a continual lack of trust between voters and the very legislative bodies that they are a part of.

Unfortunately, there is this continual distance. I use local government as a prime example. Often your worst skills are retained in local government, and so the very execution of our developmental objectives gets missed. Consequently, you end up with difficult fiscal problems in terms of how budgets and audits are maintained in local government.

That creates a key challenge when it comes to accountability, and so you end up with this bottomless pit of funding that happens at local government, without really achieving the outcomes you wanted to achieve.

We need a form where there's a sense of constituency-based election. In other words, so that people can be able to elect their public representatives who represent them on the issues they are interested in.

We have seen that legislation hasn't been able to protect Chapter 9 institutions, even from political interference or meddling.

The very point about transparency is how to ensure that certain political structures don't end up appointing certain individuals in particular positions. I think the SIU [Special Investigating Unit] is a very good case in point. The one who gets to appoint the head of the SIU has to determine which cases get investigated and which ones don't, and it undermines this very essence of accountability.

The final one, and I'm sure Dr Ramphela will speak to this, is the issue of electoral reform. Ultimately, we have a system in this country that puts a party in power and not individuals.

Its main weakness is that MPs and MPLs go to parliament to represent the people, but in essence you could be absent from parliament for a long period of time and your constituency wouldn't even need to know that. So you can do parliament by correspondence, if there is such a thing.

I think this is where, even as the DA, we've become quite strong in arguing the case that we do need electoral reform. We need a form where there's a sense of constituency-based election. In other words, so that people can be able to elect their public representatives who represent them on the issues they are interested in.

The highest level of accountability, at least for me or a political party or any institution, must always be to the voter. This is enshrined in our Constitution, and in the very principles of democracy.

My harsh prediction is that, in looking to the 2014 elections, we are bound to experience a low voter turnout. This is because South Africans are growing more and more frustrated with the fact that their votes don't always deliver the tangible outcomes that they really want to see.

As we go into next year's election, the growing proportion of voters is not those who are voting for one party or another, but those who simply sit back and say "we are not going to vote". This undermines the very principles of our democracy.

If we accept the fact that voters are the ultimate kings of accountability, and if we accept the fact that we need a form of understanding of our own developmental objectives that address the issues of education, unemployment, poverty - all of the triple challenges that we need to face up to - we must ultimately begin to create the state capacity that will be able to address accountability.

We can ultimately ensure that, at the skills-core of any institution, there's a professionalization of whatever the legislature is. This can ensure that we become very rigorous in interrogating our own policy positions. And that those policies are consistent, and that - ultimately - we don't pay lip service to the exercise of engaging voters.

I think just with those broad outcomes, it is key that we build a vibrant democratic nation, where governance ultimately resides in the fact that it is by the people and for the people.

CHAIRPERSON: It gives me great pleasure to ask Dr Mamphela Ramphela to address us.



Mamphele Ramphele

mamphele ramphele

I've learnt quite a lot from the framework that was put before us because it makes it much easier to organise one's thinking around real key principles.

But I'm going to take us on the journey I've been going through across the country, where people are trying to understand how a struggle for freedom, which was supposed to be about the people governing, has turned out into the lived experience of 19 years, where many are feeling that they are living like forgotten people and that their voices don't count.

They don't know who represents them in parliament. No one ever bothers to come and give them a report, and they are confused. If they were only confused it would be one thing. During the apartheid years when we were activists, you had very poor people – but they had hope that freedom was going to bring an end to this.

When you now go to Alex, to Mdantsane, to all of these places – people have lost hope

that any of the accountability framework elements that have been so eloquently spelt out will ever work for them.

The issue is the various levels of government. Unfortunately, in adopting a federal system and this multi-tiered system, we did not understand that the strongest and the most important ought to be the local level, because that's where the people are. This is why people tell me when they open the tap, sewerage comes out. There was a story in the paper a few days ago about a township in North West, where the sinks in the kitchens are bubbling with sewerage. When people are being reduced to that, it's hard to talk about 'the people shall govern' and what reality that brings.

People are finding ways of expressing themselves because their official systems do not work. Their very method of expression is an expression of powerlessness, because when you destroy your own property, when you are violent, when you are disorderly, you are at your most vulnerable.

ramphele

mamphele



This is exactly why this is the only country in the world that calls itself a 'constitutional democracy', where on all of those parameters, if you were to measure our government, they would fail. But they expect to be re-elected in 2014. How do you explain that?

In addition to the electoral reform issue, there is another issue, which is the corroding influence of the liberation narrative, which has taken away from citizens their agency.

The freedom we are enjoying today was fought for by many South Africans across the spectrum, urban, rural, young and old. To then, as we did in 1994, hand over the agency of our freedom to one player, despite the leader of that organisation, Mr Mandela, telling you that never believe anybody telling you that the freedom you are enjoying today has been won by one player. It is the product of all of us.

But having done that, having acquiesced to the narrative of one agent, we then gave permission for the conflation of the person of the president, the governing party, the government and the state.

When that happens, none of the accountability framework issues ever arrive, because we are now in 'royalty land' where we – and people have been speaking the 'we' language – own this country. We own it because, as Mr Malema famously said, we gave you this freedom, and we can take it away from you. That was before things happened to him.

It is very important for us, in talking about accountability and governance, to put that elephant out there, because unless we address this conflation of the person of the president, the governing party, the government and the state, we are not going to have good governance.

Mr Dawes, I'm afraid to say your colleagues do the same conflation. People talk about the state as if they are talking about the government, and the government as if they are talking about the state.

We need to really get our minds around these concepts, because language matters, and if you give away the sovereignty of the citizens to a governing party, you really have very little ground on which to stand to argue for accountability and good governance.

This is exactly why this is the only country in the world that calls itself a 'constitutional democracy', where on all of those parameters, if you were to measure our government, they would fail. But they expect to be re-elected in 2014. How do you explain that?

Because you and I have given them permission to say it is okay. Tomorrow you will have Nkandla. The next day you will have textbook issues, and it never ends. All you are dealing with are symptoms of a very deep-seated disease, which is a non-accountable system of governance.

That's why we in *Agang* fundamentally believe that we must address the unintended consequences of a proportional

representation system with a closed party list. But you know how it is – you get so warm and cuddly in that space that you don't want to transition.

There is constituency funding which is used to send people to Madrid on study tours, which I don't understand, and we should also make it absolutely compulsory for public officials and MPs to disclose their interests. How do we know what's driving their decision making?

We as citizens must also take responsibility. It can't all be blamed on the government. We must take responsibility for having acquiesced to an electoral system which has taken away power from the citizen and given it to party leaders, and this is across the spectrum, because the one man parties in parliament exist because of that. If you were to have a mixed system as a proposal, any form or variation on the theme, people will have to have a constituency to which they are accountable.

When I go around the country and ask people, do you know who's representing you? They have no idea. Have you ever seen them? No idea. So imagine being a citizen of a Limpopo Village and feeling this helplessness, this disconnection – how can you then talk about a constitutional democracy which is supposed to put the citizen at the centre as sovereign?

The petition that we have on our website is a *non-partisan* petition in the sense that it doesn't matter whether you have a DA government or an ANC government, but you need a government in which MPs are elected by local people. You localise politics, because it's only when politics is localised that people can feel connected.

Secondly, those people have to be obliged. There is constituency funding which is used to send people to Madrid on study tours, which I don't understand, and we should

also make it absolutely compulsory for public officials and MPs to disclose their interests. How do we know what's driving their decision making?

That's the name-dropping story. If your name is not connected to something, it doesn't matter how hard you drop it. It doesn't make sense. The issue about our president standing in parliament and saying there's nothing wrong with government officials doing business – we've got to make it absolutely forbidden. And of course we need to make sure people understand, and I think Mr Maimane made the point about young people not voting.

We really are absolutely determined to remind young people that voting is not just a privilege – it's a sacred duty. People died. My friends, my colleagues died, so that we can vote, and for young people to simply ignore that sacred sacrifice that has been made, is not on. But we have to understand why they are doing this. It is because they are disillusioned.

We are going to push very hard for the Independent Electoral Commission to promote voter and citizen education, and to make sure that people understand the importance of voting as a sacred duty.

I encourage you to please visit our website and fill in and sign that petition, because no matter who wins in 2014, there must be an overwhelming voice of South African citizens saying we need to reconnect the public representatives with the citizens who are ultimately the owners of this country.

CHAIRPERSON: Thanks, Dr Ramphela. I'd like to call on Mr Nic Dawes

Nic Dawes

So it falls to the editor of the *Mail & Guardian* to be the cheerful one in the room – an unlikely notion. But it is quite extraordinary, I think, to have a room this full for a discussion simply on accountability, and I'm not sure that if we had done this two years ago there would have been quite as many of you here. In many ways there is no better day to have this discussion than today.

I've been sitting in my office looking at my television from parliament and following on social media discussion in parliament about what we've called 'Guptagate' – because we have no imaginations, and can't think of any other suffix for a scandal than 'gate.'

Let's face it, we've known for about four years about the relationship between the Gupta family and the president. We've known all kind of scandalous things, some of them right at the heart of our industrial economy.

For example, the attempted hijacking of mineral rights at Sishen Iron Ore Company, a multi-billion rand mining operation, which supplies the feedstock for our steel industry and ultimately for our manufacturing industries. It didn't excite the public imagination in the same way. Perhaps there is something about aeroplanes and wedding dresses. A spoonful of sugar helps the medicine go down.

I think we are at a bit of an inflection point in this discussion. Alex has described an architecture, a set of 'pillars of accountability', which are a very useful heuristic for understanding where we are and for analysing which bits of our architecture are missing, or have been 'terminated' out.

I think that many of the difficulties we face at the moment arise from the fact that aspects of that architecture have been 'white-anted' away to the point where they don't function properly.

President Zuma has said, on more than one occasion, that the majority party has more rights in parliament than opposition parties do. He also said it in response to uncomfortable questions about the National Key Points Act that, as the governing party has an electoral majority, it must be left alone to govern, because it has a mandate after all.

Jeremy Cronin, Blade Nzimande, and other people have spoken about ‘anti-majoritarian tendencies’. That’s those of us who revert to the Constitution when we want to understand how an issue should be dealt with.

All of those comments speak to an idea of democracy that says democracy is an event that happens once every five years when you choose new elected representatives. Of course, the vision of the Constitution, and of any pretty basic contemporary democratic theory, would differ starkly from that theory. The Constitution suggests that democracy is a whole set of processes that takes place in-between elections.

The press is also specifically mentioned in the Constitution and is alluded to in a variety of ways in an open democratic society. There are also many other softer social mechanisms of accountability, which create pressure of various kinds.

But the fact that we have a single-party dominant system, which Dr Ramphele has alluded to, has made it very difficult for all the processes that are supposed to sustain and give life to accountability between elections, to function. On the one hand, there is this crude idea that there’s a one-off mandate and between mandates you can do anything.

On the other hand, we have a quite elaborate constitutional design which says that the arbitrary exercise of power is going to be constrained in a whole variety of ways between elections. Some of the ways are parliament and local government structures, a broader judiciary, the justice system, and more independent and self-regulatory statutory regulator bodies.

The press is also specifically mentioned in the Constitution and is alluded to in a variety of ways in an open democratic society. There are also many other softer social mechanisms of accountability, which create pressure of various kinds.

It seems to me that you can trace very clear lines that show the capture of so many of those mechanisms I have mentioned by the governing party over the last 20 years. An example is the very grave difficulties that the justice system finds itself in right now. I think Alex alluded to those already, and are a very clear result of struggles over the leadership of that institution and its independence. The battle for control of appointments to the judiciary, and the terms in which those appointments are made, speaks to this.

The very public fight, which you would have seen me and some of my colleagues engaged in in recent years, about how the press is regulated, speaks to an attempt to capture the commanding heights of the pretty ungovernable, for better or for worse, *accountability mechanism* that is the press.

But as anxious as we all are about that, I think we do have to recognise that while there has been a degree of erosion in our accountability mechanisms, they certainly aren’t completely broken or beyond repair. We have all kinds of faulty transmission systems in our society, and many of them are seriously under threat, but nevertheless they do achieve things.

We published a story about Petro SA two weeks ago and the very dubious funding arrangements. Within days people had resigned. I worked on a story detailing the links between the former National Commissioner of Police, Jackie Selebi, and the underworld. Initially, nobody believed us. They thought we were mad. This is a story like something out of Batman, with the Police Commissioner and Mafia hanging out at social functions and cutting deals. But a few years later he was in jail. He is out now, under questionable circumstances, but something happened as a result of the work of the press.

The unions are very conflicted, and having a very difficult time for a variety of

reasons. But there is a very serious attempt within aspects and elements of the union movement within the tripartite alliance to try and create some kind of internal check. I think there are probably very deep, profound contradictions that might make that effort ultimately doomed.

I think Zwelinzima Vavi is discovering how difficult it is to play that role. He is finding himself under investigation and under attack in a variety of ways for being too effective an internal opposition figure. But the courts have remained relatively insulated, and some of the structures within the state have been very badly damaged.

The Special Investigating Unit ['SIU'], for example, or the Assets Forfeiture Unit, has suffered a lot. Here have been attempts to side-line very active independent strong leadership. The Public Protector continues to function. The difficulty is, and I think the risk is, that when so many of these pillars are damaged, the pressure that gets placed on the remaining ones becomes very, very severe.

That's a challenge that the judiciary clearly faces. We saw that, quite profoundly, during the period leading up to plans to charge President Jacob Zuma. The attack on the Constitutional Court and on other levels in the judiciary at that time was sustained and profound and genuinely damaging, and it is still rippling through the Judicial Service Commission now.

I've spoken briefly about some of the attacks on the press which I think we have successfully defended, but they aren't over. With the failure of the regulatory push, there are now real efforts to gain more control through the back door with ownership. Some of those deals are unfolding right now, and I think they should be watched very, very carefully.

Whenever there is someone who really seems to stand up against corruption, South Africans adopt them as a hero. We saw that with Bulelani Ngcuka 10 years or so ago, and we know what happened to him.

Thuli Madonsela now finds herself in the position where she is supposed to pull the wagon for the entire anticorruption effort. It's impossible. She is institutionally not capable of it. It is not possible for any person, and it makes the political pressure on her very, very intense.

We need to find ways, and I agree with others on the panel, that electoral reform is one of those ways. We need to find ways to broaden and deepen accountability culture and to thicken the institutions of accountability that we have and that still function either partially or very well.

I think our political project has to be about establishing where everyone stands on the ideological spectrum. There are people who have these concerns within the ANC, within the union movements and within the opposition parties.

I hope that one of the important things currently happening is that opposition parties are perhaps getting better at accountability themselves. They are becoming more accountable themselves to the degree to which they are capable of being representative, to the degree to which they are capable of hearing citizens and representing citizens who haven't always felt in the past that there is an opposition party for them.

I include in opposition parties the ANC, which, unfortunately, is like an ineffective opposition party in the Cape, and isn't always able to hold the DA as much to account as it ought to be able to.

I think the principles that Prof van den Heever outlines are very helpful, and I think the enthusiasm of this audience and of South Africans today watching a parliamentary debate in their millions is helpful as well. I'm sure this was the highest rated parliamentary viewing session in the history of parliamentary viewing.

That represents a real chance, and it's a chance we must seize. That's why I'm the cheerful person on the platform rather than the usual bringer of Friday morning doom. Thanks.



discussion

MARK OPPENHEIMER, JOHANNESBURG BAR: *My first question is for Prof van den Heever. You stated earlier that we ought to have transparency in party funding, and I wonder if there might be a problem with that for smaller parties. If it were known that certain institutions were funding certain parties, and if those institutions or companies receive money from the state (that they would now no longer fund) they would be punished by the state.*

My second question is for Dr Ramphela. You stated that we ought to have a system where members of parliament are allocated to constituencies. I wonder if this creates a bad conflict of interest that as a member of parliament you ought to be acting in accordance with the national interest and not with a narrow parochial interest related to your particular constituency.

When it comes to budget allocations, in order to get re-elected, you might siphon money into your constituency so that a bridge gets built or that school gets developed, instead of actually working out what's in the national interest. That seems like a severe problem.

COMMENT: *In parliament we have question time, which seems to be an accountability structure, but is increasingly being ignored by MPs refusing to answer the questions. Is there any comment on that, and how we can strengthen it because I think it's a critical means of holding our government to account?*

ISHMAEL MKHABELA: *For me, I think the very concept of accountability seems to be too abstract, and once it is abstract, I don't know how we can hold anybody accountable.*

For instance, when a plane lands in Waterkloof, you find that we would always say that the government or the Defence Force or a particular department should be held accountable. But I think, until we are able to point a finger at a particular person, if it's Number 1, so be it, and if it's the ANC, so be it, I don't think we will go anywhere.

Another comment I'd like to make: When I say I'll be punctual, but I come 30 minutes late to a meeting and you ask me, "Why are you late?" and I say, "That is debatable, what do you mean by late? Don't you know that Africans have African time?" Now the

questions



whole thing is not a matter of "I'm sorry I did not meet what you and I agreed" and rather becomes about justifying why people don't achieve what they want. Maybe it's apartheid, maybe it's because our democracy is new. 'Accountability' that allows justification of failure, breaking rules or rationalising why things are happening, will go nowhere.

I think people will be accountable when you deal with them from a position of power, and you know how to use that power. So here is my question: If you don't know how to use that power, how can you hold anybody accountable?



PROF VAN DEN HEEVER:

On the transparency of party funding – what makes you think the ANC don't know what's being funded? How do you know?

There is no disclosure of the process of the Secret

Services and whether or not they are linked to party funding. The extent to which there will be a chilling effect on party funding, one argument would be that people would probably take into account the fact that people probably already know.

I think the issue is that you don't only look at one mechanism. There are a lot of problems with the electoral framework, one of which is party funding, because it basically establishes a *de facto* kick-back system. A kick-back system establishes a conflict of interest and creates a systemic accountability problem. You have to deal with it.

If it means that there is going to be difficulty with fairness in funding or being able to obtain funding, then one has to establish regimes which establish fairness as a substitute for a kick-back system.

It has very destructive effects in many countries where it is allowed in the system.

I think that there has been discussion about what ought to happen, but it should be in addition to other aspects of electoral reform. I think the comment I would make on why we have elections, is that they are there to make it possible to remove parties.

The accountability effect doesn't necessarily come from voting in the most desirable party. It also comes from removing parties that don't perform, and the people that are being placed there are agents.

Accountability frameworks are there to resolve the principal-agent problem. It is there to ensure that somebody sitting in your position actually does what you want them to do.

So the electoral system is there. It's a system which at least allows you to get rid of a government without having to shoot them, unlike what they are having to do in Syria and in Libya. That's the ultimate effect of a complete breakdown of a system of accountability.

comment



MR MAIMANE: Question time happens in all structures of government. Unfortunately, one of the challenges of a one party state – and I think the point you are making about being able to vote people

in and out – would help in the quality of discourse. I have sat in all three structures, and find the discussion to be very much an electioneering mechanism, rather than one to be used to account to voters.

Even in the structure of the question, part of where it's been the problem, is that the principle accountability structure has been via the media.

So the quality of questions tends to lead people into the belief that we must embarrass this government out of power, and that in itself is a problem. If that's your ultimate objective, it means the quality of questions is often quite poor, and therefore the quality of responses is often rhetorical.

One of the things that we've had to try and insist upon is that in our parliamentary process across all levels of government must become better at the analysis of

policy, so that you can ask better question, for example. "You said you would build 20 houses by this time, have you or have you not?", so that we create units of measurement that are consistent across all cultural barriers. When I can say to you I was going to build 20 houses and I've only built 5, I mustn't then turn around and say "but at least we've achieved something" and let's celebrate that.

It is the same as when we sent our athletes overseas and told them bring back so many medals, and when they come back with a few we say, "at least they did something", rather than actually interrogating the issue better.

I think the issue of Q&A is one that must mature from both sides, both the quality of the questions and responses. I think this is where the leaders of government, business and all other structures must ensure that the principals deliver answers to questions.

We have an endless frustration with this issue, because you end up with some questions becoming outdated. They come six months after the original question was framed, by which time a new discussion has entered the discourse.

Comment



comment



MR DAWES: More and better question time in parliament would be great for the press. It's a pity that parliament is no longer very functional as a mechanism for oversight. A lot of that damage began when the arms deal report came to parliament, when President Mbeki and the parliamentary leadership of the time sought to prevent that from being properly discussed.

Some similar damage was done around discussion of HIV/AIDS in parliament round about the same time. Many of the most talented governing party MPs at the time were very discouraged by that, because they had seen, and indeed they had been using parliament as a very effective venue for real democratic engagement.

Certainly, when I first got to parliament as a reporter, I was stunned by the openness of it and the amount of information that was available. You could just wander into a committee, sit down on a chair a few feet away from the MPs, pick up the large piles of documents, talk to government officials and really interrogate what was going on. It was a very thrilling thing for me as a reporter. I was very proud to be part of that.

That side of parliament is not functioning very well right now.

But a certain amount is happening in the chamber where opposition parties are getting cleverer and cleverer by using it as a platform to get into the press and to get public discussion going. I think after the 2014 election, you will see even more of that, as the complexion of the opposition changes in a variety of different ways.

Party funding and transparency is something that we campaign about in the Mail & Guardian. We hear the refrain that it is unfair to ask the smaller parties about funding because the donors will be punished.

I think there are a few answers to that. The one is that in different ways you can regulate public funding. For example, you can insist on the public funding a top-up. But you can also argue that it has to start somewhere, and you have to start creating space in which alternatives are acceptable and where the load is shared.

Everyone is too frightened to speak out. Maybe that's part of the value of what Agang is trying to do, in stepping up. I do ultimately think we have to stand on that principle, because the damage of unregulated party funding is so profound and deep.



DR RAMPHELE: Mine is just in relation to party funding. It's really about how we have allowed ourselves to be fearful as citizens. And the corporate sector, I'm afraid, really has not acquitted itself well. On

one hand, there is this petrified response to any suggestion of an alternative. On the other, they acquiesce to the most horrendous deals.

At Chancellor House – all of us are sitting here facing a bleak winter. We are going to have blackouts because we have acquiesced to the governing party owning 25% of this Medupi contract, with the company that has proven itself unable to do basic welding.

As a public, we don't respond to it as an outrage. Instead of being worried about public disclosure of funding and the anger of the governing party. We should be saying "to hell!", because you are funding yourself with my tax money at huge expense to the economy.

I think, on the part of citizens, a return to fearlessness is what really needs to happen in this country. As Nic reminded us, we have protection from so many institutions. We were fearless as a ragtag army of students with zero protection, and if we hadn't done that, we would still be sitting and moaning about the past.

This issue about the media funding is another thing. It's one thing for the governing party to buy into a media company. They are welcome to, but not with my tax and pension money. That's what they are doing, and no one is raising a stink about it. It's a double whammy, and I just think that we really need to raise our game.

The local and national dilemma is that we underestimate the sophistication of local people. I have travelled around the country. No one wants their own private school. You know what they are concerned about? The quality of education. The quality of the economy to deliver opportunities that are open to everybody.

They are not asking for legal jobs for their children. They are talking about the quality of healthcare for everybody. These are old women who have stopped having children. They are worried about childbirth, as it is now one of the high risk areas in this country for. Women die in childbirth like in medieval times.

They are worried about the quality of safety and security systems. I know how it is abused in the United States, where people have lobby groups.

Many feel that there is hope for their children. That the promises of freedom that we all made, including standing in those long queues in 1994, actually can find reality in their lives.

If we're worried about private something, let's worry about Chancellor House. Let's worry about the R500 million that went into a media company that was basically bankrupt. I don't know how you buy 25% of a bankrupt company for half a billion rand.

CHAIRPERSON: Thank you. I will take some more questions. Please identify yourself. I would prefer questions to comments. Thanks.



questions

DR LETLAPE: *I'm interested in the notion of accountability, but generally, where we have arrived as a country. How can we speak about accountability when we have a manifest separateness that is more profound than apartheid, where we live in a different world to these people?*

We have no skin in the game in the suffering of ordinary people. We are on the other side and we see a country where ordinary people are worse off than they were 20 years ago. That's what we have come to, and we talk about accountability in a patronising manner.

We talk about textbooks when our kids have iPads in private schools, and we then talk about accountability. Just not so long ago, 20 boys died at an initiation school. A few days ago, the total tally in Boston was 26. The President of the United States says this is a national disaster.

We have 20 preventable deaths, and they happen every year. Who is accountable?

CHAIRPERSON: Thank you.

MS DE JONKER: *Dr Ramphela, I'm interested in a comment that you made that the electoral system was transitional, and that Dr Van Zyl Slabbert had put forward an alternative. I'm not clear what 'transitional' means, and did it have an end-date?*

In terms of the report that Dr Van Zyl Slabbert wrote – is it publicly available? And would you know how one would take the process forward to get to the debate of alternatives?

MR KOTASHE: *A new ethos and philosophy are evolving amongst a number of organisations and companies and it is called 'reputation management.' I would like the panel to apply its mind to what this means. What is the spirit and the purport of this wonderful phrase?*

Additionally, I would like to make a comment to the effect that in legalese you have a phrase that is known as 'fraudulent non-disclosure.' I have a view that this should actually permeate.

It should not only find expression in legalese. If people do not deliver on what they are supposed to, then it must be labelled for what it is, fraudulent non-disclosure, and they should bear the consequences.

Lastly, I'm curious about the role that is played by spokespersons. What is their actual role? Is it to salvage the reputation of the company or their principals? Is it to lie through their teeth? Is it part of reputation management? What is it in essence? Thank you.

CHAIRPERSON: I will allow that last question. We have a number of senior diplomats here, and we know that the 17th century definition of a diplomat is someone who goes abroad to lie for the good of his country! Maybe we've localised it to the corporate? I will ask the panel to respond to the question about this 'growing gulf'. It's a difficult set of propositions to absorb. I would like to ask the panel to respond to this, and then I will go on to the Van Zyl Slabbert Commission Report.



PROF VAN DEN HEEVER: I think a distance can develop between the people and government. If the accountability system doesn't work, then you get bad education, you get bad healthcare, you get systems which don't respond effectively to any instances where those occur.

So, for instance, if you take an example of five babies dying in a public hospital in Gauteng, the question is, what happens next, and this is the kind of test case for an accountability system. What is the next response?

Well, firstly, the story ends up in the newspaper. It isn't in a formal reporting structure going to a provincial department which is actually responding in a systematic way.

Next is a media report which embarrasses the politicians. What is their incentive in that structure? Well, probably, it is to, deflect attention.

The question is: Do you appoint an independent enquiry? This is what would happen if there were proper accountability systems in place. An enquiry would produce an independent report, with recommendations for remedial action. For instance, closing a unit or taking action against people who have been identified as a problem.

What you find instead is that a conflicted committee will be appointed who will produce a report which is not made public. A report which the media and the provincial government demand is made public, but is

not done, except as an executive summary.

That is the accountability system we have in place, and it kills babies and it kills people in communities and in initiation schools, because there is no response. It is also the reason why we do not have text books arriving at schools, because the accountability mechanism is not in place that internalises the consequences of non-performance.

When I say 'internalise', the best way to deal with it is to have a system. In other words, to have a system of correction internalised into a system so that in fact you don't have to respond through the media, and only deal with the outliers at the level of media.

The accountability system is what effectively prevents babies dying at the end of the day. The fact that we have maternal mortality ratios in South Africa at the levels that we have, and that we have the identified performance of basic education at lower levels than in the rest of Africa, when measured by socioeconomic status, shows that we have systematic non-performance.

In fact, when you start to look at the statistical analysis of the rest of Africa, you are seeing the countries that have accountability frameworks that are converging on best practice and good practice. All of their indicators, their socioeconomic indicators, improve at levels that are better than South Africa, better than where you would expect them to be. South Africa is far worse.

Countries which have endemic corruption and non-performance, because of their failed accountability systems, tend to produce bad socioeconomic outcomes and we are one of the key examples. If we have to address what's not working in our system and correct it, that's where we need to start.

One of my criticisms, for instance, in health systems, would be that we produce a Green Paper on National Health Insurance, which at no point addresses any systemic failure in the system. There is no analysis of those kinds of failings within the system, just a grandiose plan.



MR MAIMANE: Dr Letlape, I think that question that you've just put forward is a very, very critical one in understanding the simple facts. We do live in a dual society, and unfortunately the process of policy making tends to exist within one world that seeks to influence another.

Your comment is duly noted, and I think we've created systems in our country to maintain that status quo by protecting what we like to call 'outsiders'.

Local government needs to be competent and needs to engage. Communities should be at the forefront of putting forward their ideas as to what they want to see happen to their own environment, communities, cities and provinces, and the failure to do so creates exactly that situation.

I'll take a practical example. In other municipalities, Development Plans for municipalities are written by consultants. You can make an industry out of writing a municipality's Development Plan without actually doing the due diligence that is provided in the Constitution. And, certainly, the process says go into the community and let the community determine what they would like to see.

I also want to impress upon you that it's not an all-encompassing solution, but at least this is what the very essence of local government was designed to do, and we must entrench that more.

Your question about spokespersons and what they do – I want to highlight the fact

that people are often saying to me "but, Maimane, you are interested in our votes and that's why you do that."

That's the business of any political party, and the moment we begin to ask the question about why should political parties not be interested in votes, it would be like asking McDonald's why they shouldn't be selling burgers. I think at its core, political parties' best influence is when they come into government.

To answer your question about what spokespersons do, is that often in a discourse there's a lot of information and misinformation that goes out into the public space, and I think it's important that at least there's thorough communication and engagement on subjects.

Furthermore, I will argue that we haven't treated spokespersons as people who represent particular agents, but as deputy chair of a party I am able to. You are communicating, in essence, the posture and the position of your party in a way that seeks to say how we build South Africa. That's the function of advocacy that spokespersons don't often get into, and they should.

I think there's a broader issue here, and I think there's an overreliance on spokespersons. We have to deal with the same process of letting principals speak for themselves, and ultimately being able to account to South Africans for themselves.

But I certainly do feel that agencies such as parties need voices which can represent them in a way that South Africans can begin to interrogate them through spokespersons.

comment



DR RAMPHELE: Dr Letlape, the divisions you are talking about, is a cause and effect. The sad thing is that those divisions have become worse over the last 20 years, and so we have to talk about accountability. It is because of no accountability that we are where we are now.

I talked earlier about the capture of the state through this conflation. The reason why there are not textbooks is not because you can't put textbooks at the back of a Coca-Cola truck which always arrives at every school. It is because the purpose of allocating money for textbooks is not to get the textbooks to the children. It is to have a route into the pocket of comrades.

Why do you need an intermediary today? You can press a button and order online and the textbooks will arrive. So we have to tackle the system of intermediaries which this government has institutionalised.

You were talking about the Integrated Development Plans, where consultants make a killing writing them. No one reads the reports, but every year they are written.

Because we are a divided society, we can't talk about accountability as if accountability is an issue which concerns only you and I, and not Mrs Mokoena in my village. When I first went there in February, she asked me to explain how, with the budget allocated to education, she must use her old age pension of R50 to pay a science teacher who has been allocated to this well-performing school, when the post had

remained vacant because the money has found its way mysteriously into the pockets of those who are well connected.

So we have to talk accountability to address the issue of division.

The issue of the underperformance of our education system has got nothing to do with lack of money. It is about the state allowing its relationship with the unions and the comrades to be the main driver. All that Alex talked about here about accountability is just whistling in the wind. It is like listening to today's parliamentary debate.

Basically, what we were told by the governing party is go to hell. We told you that nobody was responsible, other than these little officials, never mind that some charges have been made against them. Sadly, that came from a minister I've always respected, Minister Naledi Pandor.

I was shocked by the tone of the voice of our leaders in parliament, who tell you that we have to change the way this country is governed. That's the only way we can close that gap. Our problems of divisions and inequality are not financial. They are not lack of skills. They are not lack of resources. It is lack of political will, and that brings me to the issue of the electoral system.

The point is at CODESA there was an agreement that we will start with only a proportional representation system to give us a bridge. For two elections we were supposed to use only that. Meanwhile there was an understanding that there will be a commission set up post-1994, because it takes time to work through this.

Comment

comment



It only happened after somewhere in the 2000's. And poor Van Zyl, I always said to my friends, because I loved him very dearly, died of a broken heart. He worked like hell to try and get the kind of mixed system that would have made us get closer to the ideal. No system is ideal or absolutely a hundred percent, but at least that would have been close.

That report, incidentally, is gathering dust somewhere in parliament and the Union Buildings, so you can use legal requirements of disclosure to get it. My point, and our point at Agang, is that what we need is a discussion, now that we have had these 19 years of unaccountable distance between the citizens and the public, about what kind of system will serve us best.

We may need to change even what Van Zyl had proposed. We don't know. We have to look at what is relevant in that report, what other information we now know which we didn't know at the time, and come up with a 'made in South Africa' solution, which will be based on learning from what has worked and what has not worked in the last 20 years. But to continue with this, I think then Ntate Letlape will be a very sad man.



MR DAWES: I think that there's no one who doesn't have skin in the game, and you can calculate how you have skin in the game in a very narrow sense. If you have Lonmin shares in your pension fund, you know, you're probably taking a bit of a hit. If you have any platinum company in your pension fund, which you do by the way, you have taken a bit of a hit, and so you have skin in the game.

In that sense you have skin in the game in the much larger but still self-interested sense that there will ultimately have to be an accounting for inequality, and it can be extracted in a way which is managed and democratic and sustainable, or it can be violent and disruptive. Finally, you have skin in the game as a human being, I would hope.

I think that the challenge is to have accountability mechanisms which take as seriously the sewerage flooding the streets in Khayelitsha as they do the little pothole that I drive into in Parkview.

And when you have accountability mechanisms which are only capable of hearing the voices of the better-off, whether it's a media accountability mechanism or a city council or a national parliament, then when the other reckoning comes from the much larger part of the compilation, you are gravely, gravely deprived, it will come as a terrible shock and a surprise, and we mustn't get to the point where that happens.

'Reputation management' is mostly reputation fixing. Everyone has the right to pay somebody to take people like me out to lunch and bullshit me. You have the right to decide whether I have interrogated their bullshit properly, and to choose your newspaper on that basis.

CHAIRPERSON: Thank you very much for making us laugh at the end. I am sad to bring this to a conclusion because I know there are other questions that people want to ask.



"I stand for simple justice, equal opportunity and human rights: the indispensable elements in a democratic society – and well worth fighting for."

Helen Suzman

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yours sincerely

Francis Antonie
Director

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