

2016 – The year of the push back

2016 was simply a tumultuous political year: internationally Brexit and Trump; locally an enormous push back against excesses by politicians. Over the last 12 months we have seen five strong push backs in SA:

- The four failed attacks on Treasury
- The Nkandla court case
- The state capture investigations and revelations
- The election results in August
- Push back and open dissent inside the ANC

Four attacks on the Treasury

To the day a year ago Mr Zuma fired minister Nene as minister of Finance. The story is well known: there was an enormous reaction, not just from the financial markets and business, but even from old Treasury critics like Cosatu and the SACP. All came out against the action.

The picture subsequently sketched by Jessie Duarte, deputy secretary-general of the ANC, is that Mr Zuma consulted some leaders of the ANC on this issue, they expected a reaction, but they did not expect THIS reaction. The push back was much stronger than in their wildest nightmares.

In 2017 there were three more attacks against Mr Gordhan – in February the Hawks sent him 27 questions clearly aimed to intimidate him with bogus accusations; in August he was told to report to the Hawks for a warning statement; and on 11 October summons was served on him to appear in Court on 2 November. On each occasion the reaction from civil society and the country at large against the attacks got more and more furious and long before 2 November the charges were dropped. The push back was so strong that Mr Gordhan's accuser – the chief prosecutor – is now the accused.

By year end the entire political spectrum – from the SACP to Julius Malema to the DA; from labour to business; from NGOs to church leaders – was supporting Pravin Gordhan and Treasury. (Well, almost the entire political spectrum – the Zuma family, Mzwanele (Jimmy) Manyi and Black Lives First founder Andile Mngxitama stood resolutely by Mr Zuma; as did the Gupta owned New Age paper and ANN7 TV channel.)

Nkandla court case

The Nkandla case led to a stinging rebuke for Mr Zuma with the Court finding that he failed to uphold the Constitution and ordering him to pay back (some of) the money.

The case also affirmed the protected position of the Public Protector beyond all doubt (its recommendations cannot just be voted away, it can only be set aside by a Court on review); was a remarkable “check and balance” on both executive and parliamentary abuse; and re-affirmed that we have a judiciary which is prepared to stand up to the Executive and Parliament.

Mr Zuma survived this ruling, but together with the other push backs we discuss here, it undermined his legitimacy and political fortunes; and served as a wake-up call for many in the ANC (see the last push back item below).

State capture report

After statements by deputy minister of Finance, Mcebisi Jonas, and former ANC parliamentarian Vytjie Mentor that they were offered cabinet jobs by the Gupta family, the ANC launched an internal investigation into state capture. It was closed down after a while for lack of sufficient evidence.

However, the DA, church leaders and a member of the public submitted complaints to the Public Protector on this issue. In July Treasury made R1.5 million extra available to the Public Protector to hire outside forensic experts to help investigate state capture. (Presumably these experts could track the cell phones of people who visited the Gupta compound in Saxonwold – or nearby shebeens.) After desperate attempts by Mr Zuma and some ministers to keep the report under wraps, the High Court ordered its release.

The content of the report, although only “observations”, reverberated through society; and there is more to come in the New Year. Already it has led to Brian Molefe’s resignation from Eskom. (It is worth remembering that at various points during the Treasury attacks, suggestions were made that Brian Molefe from Eskom would be appointed minister of Finance to replace Gordhan. The state capture report certainly put paid to that idea.)

The contrast between a failed internal party investigation and a much better resourced and independent investigation by the Public Protector cannot be starker.

August election results

In contrast to the Brexit and Trump results, the local government election results were a pleasant surprise. Very few people expected 4 of the country’s five biggest metro to have DA mayors and to be ruled by coalitions of the DA and Julius Malema’s EFF. It is true that the ANC garnered most votes and is still by far the country’s largest party, but there is no denying the loss of the metros was a serious body blow. It was a very real example of push back; which directly sparked the next push back – the one by ANC insiders.

Stirrings inside the ANC

The result of all these developments over the year has led to a remarkable degree of public infighting between close comrades of the ANC. In our November note we analysed the balance of forces inside the ANC and will not now repeat it. In that note we stated that Mr Zuma has a majority in the NEC and that renders him “politically safe”. All the more noticeable then that a motion of no confidence in Mr Zuma was tabled at the last NEC meeting of the year. Although the motion did not go through (no surprises there), it is a remarkable display of internal ANC disenchantment. The fact that the ministers who criticised him are still (at the date of writing) in cabinet, indicate that Mr Zuma is unlikely to purge the party.

This is a remarkable push back against Mr Zuma from inside the ANC – particularly given that the NEC is stacked in his favour – and is in itself a product of the above trends.

No gain without pain

All the push back successes of 2016 (the gain) were preceded by bad behaviour (the pain).

So the cycle is bad behaviour, push back, ferocious battle, victory. Or to use different words: bad behaviour occurs, checks and balances kick in, normal and rational behaviour is restored. Nothing wrong with these cycles, and very pleasing indeed that they end in victory, but going through the cycle is taxing on citizens and is draining energy and goodwill away.

We are elated when the victories are scored, but distinctly uncomfortable whilst the “push back” or the checks and balances play themselves out. A case of Alan Paton’s “hope on Monday and despair on Tuesday...”.

Honest and ethical leadership and behaviour can of course spare us much of this pain. But in the absence of that, and even with it, there is contestation and competing interests. Progress then comes from push back and of that we have seen a lot in 2016. The result is a stronger democracy and a more open society than a year ago. The pain is clear – “hope on Monday and despair on Tuesday” can be really exhausting – but the gain is equally clear: more democracy, more openness.