

# The Thinker

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A PAN - AFRICAN QUARTERLY FOR THOUGHT LEADERS

Peter Lawrence on

## CORPORATE POWER, THE STATE, AND THE POSTCAPITALIST FUTURE

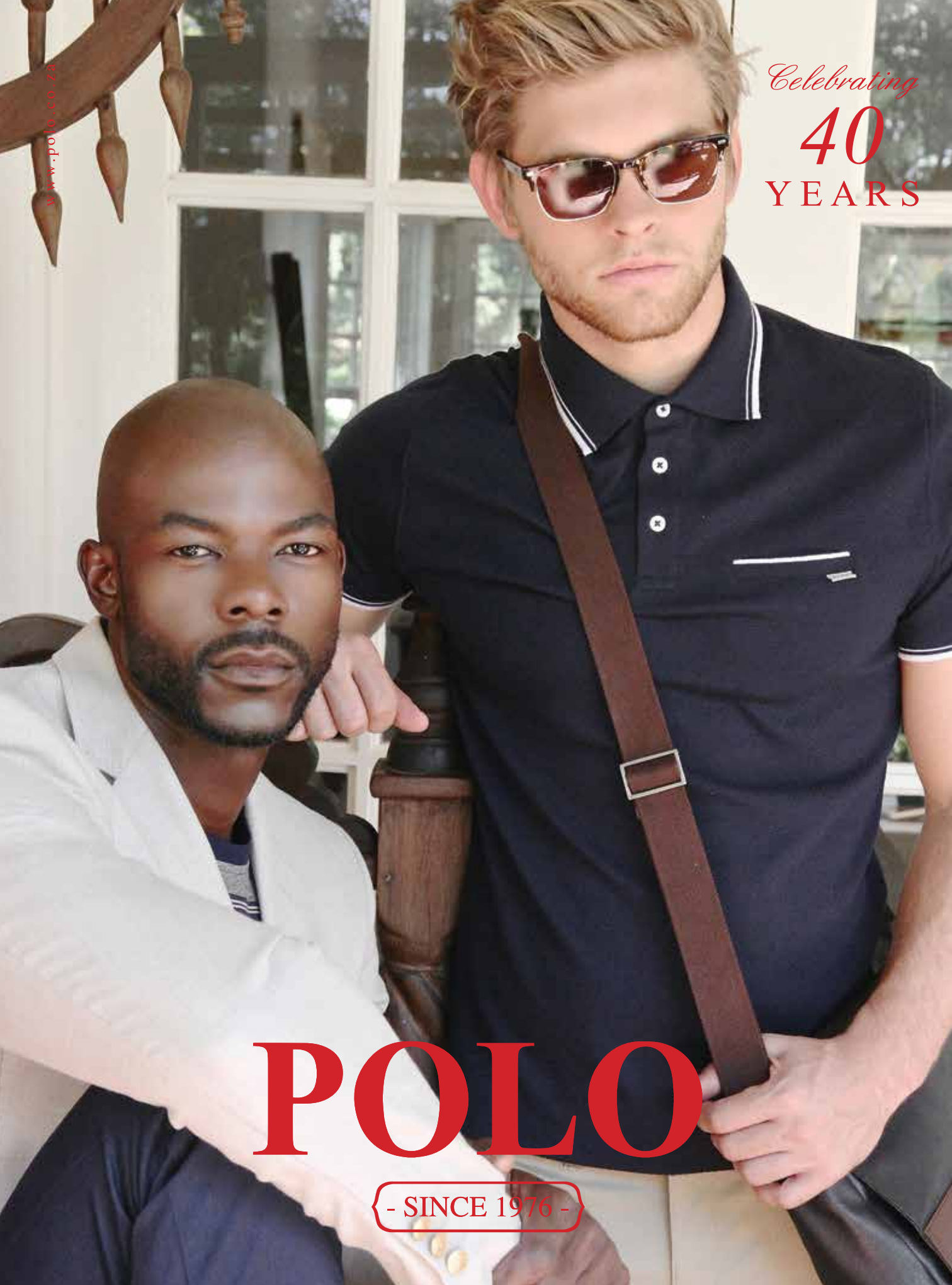


### Editorial: “I AM FIDEL”

Garth le Pere Chris Landsberg Slava Tetekin Ademola Araoye Oscar van Heerden  
Declan Kearney Abba Omar Thando Ntlemeza Gerson Tjihenuna Mammo Muchie  
Minga Negash Seid Hassan Abu Girma Moges Madikizela Boniswa Amrit Panda  
Manyika Kangai Bishop Clyde Ramalaine Naledi Pandor Anton Pillay David Makhura

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## On the Cover:

A Reflection of the City of London and Wall Street:  
A Den Of Thieves?

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# “I am Fidel”

Great leaders don't just appear and disappear in history. They make it, shape and mould it, transform it and leave behind an everlasting legacy.



One of the greatest revolutionaries in world history left us on 25 November, 2016. His death was a time of great sadness for the people of Cuba and progressive humanity. Following five days of mourning the cortège left Havana for Santiago de Cuba, the cradle of the Cuban revolution. In that revered city lie the remains of some of Cuba's outstanding revolutionaries and freedom fighters including Jose Marti, Carlos Cespedes, Mariana Grajales, General Antonio Maceo and General Maximo Gomez.

Throughout the four days and 1000 km of the “caravan of freedom” journey hundreds upon hundreds of thousands of people overcome with emotion lined the streets to celebrate his memory, chanting with passion and emotion “I am Fidel!”.

His funeral was attended by many international figures including the Presidents of South Africa, Zimbabwe, Mexico, Ecuador, Bolivia, Venezuela, Panama, Nicaragua, the Prime Minister of Greece and two former Presidents of Brazil.

The deep searing pain and sense of grief of the Cubans was shared across the world. He was without doubt an extraordinary international icon. He was a remarkable leader who fought relentlessly for workers, peasants, the rural poor, the oppressed and despised in Africa and Latin America.

During the cold war, the major imperialist powers led by the US were the bastion of support and assistance to racist, colonialist, authoritarian and reactionary regimes in Africa and Latin America.

Cuban internationalist combatants

fought alongside African freedom fighters in the Congo, Algeria, Guinea Bissau and Cape Verde and Angola. Even the legendary Che Guevara personally fought not only in Latin America, but also together with African freedom fighters in the Congo.

In 1975 the military forces of racist South Africa reached the outskirts of Luanda, constituting a real threat to the independence, sovereignty and political integrity of Angola which was led at that time by Augustino Neto and the MPLA. Cuban internationalist soldiers intervened and together with the Angolan army forced the occupation troops and the local counter-revolutionary forces to retreat to their bases in Northern Angola. Then in 1988 the Cuban internationalists once more defeated an even larger and better equipped force of the apartheid military machine at the historic Cuito Cuanavale battles.

These victories changed forever the political landscape in Angola, Namibia and South Africa. The apartheid regime had no option but to enter negotiations for the independence of Namibia led by Sam Nujomo and SWAPO.

These developments, together with the intensification of armed actions by MK, the mass struggles conducted by the UDF and COSATU and heightened international solidarity compelled the apartheid regime to unban the ANC, SACP, PAC and other political formations in February 1990. This paved the way for substantial negotiations and the first democratic elections in 1994. The ANC won those elections decisively and has governed the country ever since.

Progressive and revolutionary forces

in South Africa have fond memories of Fidel Castro. Nelson Mandela, also a great freedom fighter and international icon, said Castro was “a source of inspiration to all freedom loving people”. In an interview with the SABC former President Thabo Mbeki recounts how Fidel Castro insisted that in a meeting with O.R Tambo, another outstanding patriot and freedom fighter, they should discuss the ANC's Freedom Charter. Castro, who fully supported the aims and objectives of the Freedom Charter, cautioned Tambo and the ANC delegation: “Don't you need, first of all, to win this political victory, entrench yourselves (and) make sure that you're properly prepared to take on battles of that kind?” Mbeki also said Castro was concerned about “the need for the democratic revolution in South Africa to succeed... and ... that we didn't do anything which might lead to the defeat of that democratic revolution”. (*The Star*, 28 November, 2016)

In a moving tribute to Castro, Ahmed Kathrada, a fearless freedom fighter and former Robben Island prisoner with Mandela, wrote: “In his 1998 speech to the South African parliament, Castro stated that some 400 000 Cuban forces ‘fought together with African soldiers and officers on this continent for national independence or against foreign aggression.’

“From the African land in which

they worked and fought voluntarily and selflessly, they only took back to Cuba the remains of their fallen comrades and the honour of having fulfilled their duty," he said. "That is why we know and value the human qualities of the children of Africa much more than those who for centuries colonised and exploited this continent."

In the same speech to parliament, Castro also called for a more equitable society, highlighting the great rift between rich and poor in South Africa. He described 'two South Africas': "one that enjoys well-being and freedom, the other having been able to conquer freedom but without well-being." His analysis of 18 years ago still rings true today. (*The New Age*, 28 November 2016).

It is also noteworthy that in many parts of Africa and Latin America we have Cuban doctors, nurses, dentists, teachers, engineers and other skilled personnel offering selfless service to empower these countries to secure a better life for all. In addition, Cuba, notwithstanding its huge economic problems, continues to offer scholarships to students from our continent and Latin America.

This international support was given and offered in the face of an inhuman economic and trade blockade imposed on Cuba by the US since 1962. This was after the heroic Cuban people defeated the US inspired and organised Bay of Pigs invasion in 1961.

Following the collapse of the Soviet Union and the other socialist countries in Eastern Europe Cuba suffered catastrophic economic and social hardships. But millions of Cubans led by the Communist Party of Cuba remained steadfast and resolute in defence of their motherland, independence and revolutionary ideals. The overwhelming majority of Cubans adored Fidel Castro and appreciate the fruits of socialism in Cuba. As Thair Shaikh, who has family members living in Cuba, wrote in *The Star*, 28 November, 2016:

*This is Fidel's legacy. Clean water and electricity for all. And universal free education and healthcare. Cubans often joke that they're healthier and better educated than Americans despite the 50-year-plus US blockade. So for me, rural Cuba*

*is Fidel's Cuba. His ideals live on here – and the rural poor of Cuba have benefited the most from his cradle-to-grave policies. Here, the grandchildren of peasants really do go on to become consultant surgeons and commercial airline*

**“ It is also noteworthy that in many parts of Africa and Latin America we have Cuban doctors, nurses, dentists, teachers, engineers and other skilled personnel offering selfless service to empower these countries to secure a better life for all. ”**

*pilots. These are the people who idolise Fidel and will mourn his passing more than most...*

*Most Cubans I speak to support the reshaping of the economy and the greater ties with the US. Just like us, they want to better their lives, they want a better mobile phone, a*

*bigger house, they want to travel.*

*But none of them would want to live in a Cuba, no matter how rich, without universal free education, free healthcare, cheap public transport and the lowest rates of violent crime in the Americas. None of them. This is Fidel's legacy.*

Fidel Castro, a selfless and fearless freedom fighter, an outstanding internationalist, a deeply passionate and committed communist and leading Marxist-Leninist theoretician leaves behind a truly wonderful legacy. Great leaders like Lenin, Castro, Mandela and Gandhi don't just appear and disappear in history. They make it, shape and mould it, transform it and leave behind an everlasting legacy.

Conservative and reactionary forces in the world including South Africa will continue to demonise Castro and Cuba. This also applies to a number of major Western media outlets. As Shannon Ebrahim points out: "The Western media have failed to reflect on the humanity and generosity of Castro's Cuba. The narrative of Castro's legacy has largely been framed through an American paradigm of self-righteous indignation. But for those who understand what it means to struggle for a just cause, Castro remains the greatest revolutionary." (*The Sunday Independent*, 4 December, 2016) ■



Fidel Castro, Chris Hani and Essop Pahad



## SUSTAINABLE GROWTH FOR THE WEALTH OF OUR CLIENTS

The Oasis philosophy is centred on the simple objective of sustainably growing the real wealth of our clients over the long term. We do this by making investments which are able to generate a competitive return through the economic cycle, maximising long term growth potential while carefully guarding against downside risk.

That being said, an investment into the real economy will always be subject to market conditions, as seen during the years of 2000 to 2007, when South Africa's robust economic growth rate drove strong gains in the stock market. In the 2011 to 2016 years, market returns have been less buoyant, as growth has softened due to a variety of factors. Uncertainty around the long term outlook has also generated excess volatility in stock prices, and many investors have felt nervous about sticking to the principles of diversification and value-based investing.

SA Economic Growth Conditions		
%	2000-2007	2011-2016
Population growth	1.2	1.6
Productivity growth	3.1	0.2
Price inflation	7.7	5.8
<b>Total economic growth*</b>	<b>12.3</b>	<b>7.7</b>

\* Nominal GDP Growth Source: IMF WEO Database November 2016

In our view, this approach is misguided. In fact, becoming fearful when markets have come under pressure can have a devastating impact on your wealth. As market declines send herd investors into speculative selling, we often find that even high quality companies are priced at attractive valuations, providing investors with the best opportunity for real wealth creation.

This principle of long term investing can be compared to the challenge of farming in a sustainable and profitable way. A farmer wishing to produce fruit should not plant a mature tree into the ground, as the tree will be close to the end of its life cycle and is unlikely to grow his real wealth over time. Rather, the farmer should purchase seeds which can be carefully planted in the soil, so that with time and patience, his investment will grow into many trees ready for harvest each year. In this way, the farmer benefits from a growing source of new seeds which can be used to expand his farm as the years go by, reinvesting the profits into a sustainable, perpetual and compounding source of income and wealth.

### A Word on Financial Matters

In a very similar manner, there are times when the portfolio of a long term, disciplined, and fundamentals-based investor will underperform the market, as money flows into fashionable investments with strong price momentum. During these periods, investor sentiment can become severely detached from underlying prospects, as speculators convince themselves that prices can only go up. This kind of market behaviour was clearly demonstrated in the years leading up to the technology bubble of 2001 and the global financial crisis of 2008, during which many were enticed by feelings of greed to ride the wave of irrational exuberance.

Those investors who remained steadfast in their pursuit of sustainable and long term real wealth creation would have underperformed market indices during the months before the fall, inviting criticism from others who benefited from short term gains. However in the years and

decades which follow, those investors who remained patient, unemotional, and disciplined in the pursuit of real value have given themselves the best chance to consistently beat inflation and improve their standard of living.

### In the News

Over this past month, Oasis entered into a partnership with the University of Cape Town by providing R10 Million to ensure that over the next five years funding is provided to deserving students who require financial assistance for their tertiary studies. Oasis funds will be channelled towards undergraduate as well as postgraduate degrees with the objective of ensuring that qualified and debt free graduates enter the employment market and are able to actively participate in the economy. With the current challenges within the education environment, our response has been to deepen our commitment towards assisting students, who now more than ever, need leadership and guidance from the collective structures and stakeholders within our society to stand behind them and ensure progress and development.



Pictured at the partnership meeting with Oasis Executive, is the Vice Chancellor of UCT, Dr. Max Price and the Deputy Vice Chancellor, Prof. Anwar Mall.



Dr. Russell Ally of UCT's Alumni Funding and Development Department receives a cheque for R10 Million from Oasis

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**Declan Kearney** was elected as a Member of Legislative Assembly for South Antrim in May 2016. Declan has been active in republican politics since 1980. He has been a key member of Sinn Féin's national leadership since 2003, and has previously served as the Party's northern Chairperson and deputy General Secretary. Currently he is the Sinn Féin National Chairperson and has been central to the Party's all-Ireland development, and its negotiations and reconciliation strategies.

**Professor Chris Landsberg** is Head of the NRF Chair in African Diplomacy and Foreign Policy at the University of Johannesburg. He holds MPhil and DPhil International Relations

Degrees from Oxford University, and is a life-time member of Christ Church College. In 2009 he became the National Higher Education champion for the India-Brazil-South Africa forum. He has written articles and chapters for books on history, governance and foreign policy analysis in South Africa and Africa. He is the author of *The Quiet Diplomacy of Liberation: International Politics and South Africa's Transition*.

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**Dr Garth le Pere** is extraordinary Professor at the University of Pretoria and senior associate of MISTRA. He has a BA from Rutgers University (USA) and an MA, MPhil and PhD degree from Yale University. His areas of interest include international relations theory, multilateral trade and emerging markets, South African foreign policy, the politics of Africa and the Middle East, and China's increasing role in the world. He has just completed a book, *China's Global Emergence: Reconstructing Power after the Cold War*.

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**Thando Ntlemeza** holds a BA (Law) and postgraduate LLB from the University of Cape Town, where he was active in student politics. He is an Attorney of the Western Cape High Court. He worked as a Senior Researcher for the ANC in parliament. He has written many articles for various publications, including *Hlomelang* (ANCYL) and the *ANC's Umrabulo*.

**Amrit Panda** is currently pursuing a Masters in Human Resource Management from Tata Institute of Social Sciences, Hyderabad. His interest lies in areas of international economic and security issues as well as diplomacy. He has published academic papers and other articles in journals on diverse subjects. He is also a regular contributor at the Market Mogul.

**Naledi Pandor** has a BA from the University of Botswana and Swaziland and an MA in Education from the University of London. She completed an MA in Linguistics at the University of Stellenbosch in 1997, while she was serving as an MP. She was the first woman Chancellor of the Cape Technikon. She became an MP in 1994, was the deputy chairperson of the National Council of Provinces in 1998, and its Chairperson from 1999-2004. She was appointed Minister of Education from 2004-2009 and



is currently South Africa's Minister of Science and Technology.

**Yacoob Abba Omar** was Director: Operations of the Mapungubwe Institute (MISTRA). He was South Africa's Ambassador to Oman from 2003 to 2008, and then to the United Arab Emirates from 2008 to December 2012. Abba worked as the Deputy Director-General of Government Communications (GCIS) from 1998 to 2002 and prior to that as General Manager: Corporate Affairs of Armscor. During this period he was appointed onto the South African National AIDS Council and facilitated the Presidency's Scenario Project in 2002 and in 2007.

**Anton M. Pillay** works at the Center for Academic Development at the Vaal University of Technology and is a student of Prof Chris Landsberg.

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**Dr Vyacheslav (Slava) Tetekin** is a member of the Central Committee as well as of the Presidium of the Communist Party of the Russian Federation. He holds a PhD from Moscow University. From 1981-1996 Tetekin was in charge of support to the ANC and SWAPO from the Soviet Afro-Asian Solidarity Committee. His PhD was entitled "The UDF Against Apartheid." Tetekin is on the Editorial Board of *Sovetskaya Rossiya*, a leading national newspaper.

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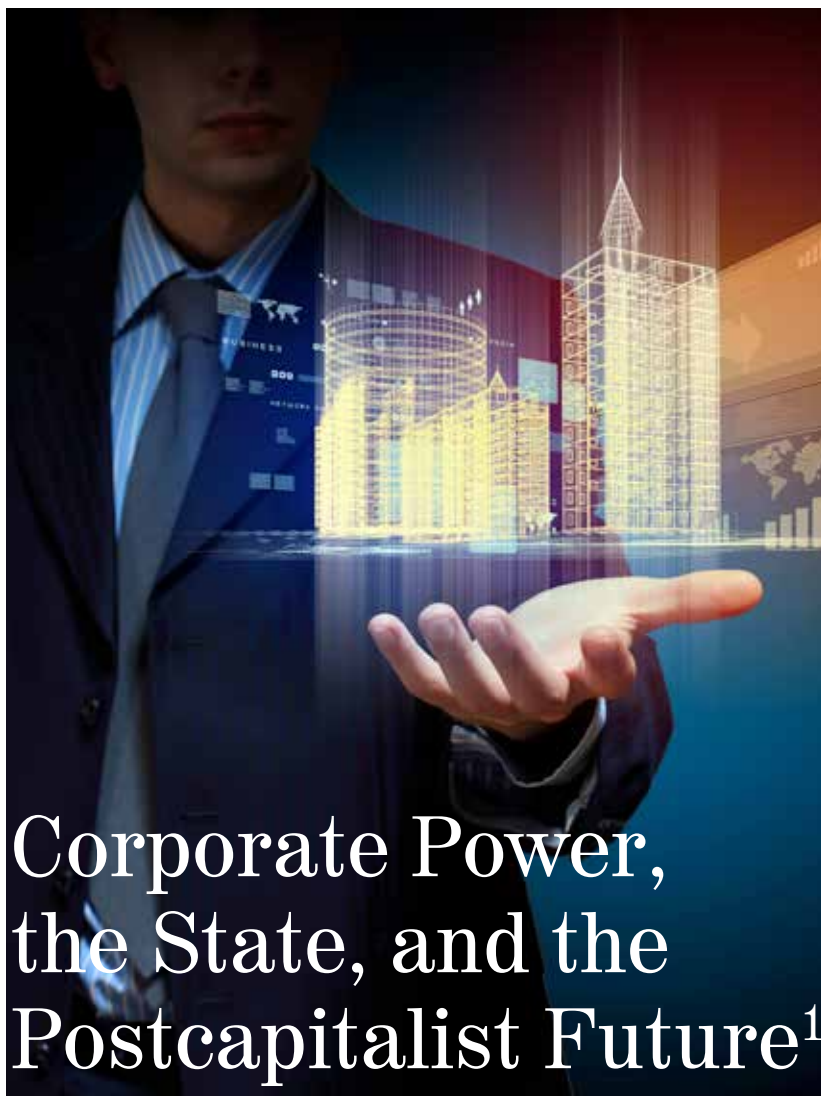
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# Corporate Power, the State, and the Postcapitalist Future<sup>1</sup>

Over recent years it is becoming clearer how corporate power has captured the State to the extent that the two have formed a symbiotic relationship in which government policy follows the interests of the corporates.

By Peter Lawrence

Capitalism has undergone many changes since it emerged as the dominant mode of production, although its basis has been the need to accumulate capital through maintaining the necessary rates of profit. The capitalism of small firms owned by individuals in a system

economists mythologised as ‘perfect competition’ is now the capitalism of global financial corporates. This has been a slow but accelerating process starting from early in the 20th century with increasing monopolisation of production, and later services, within nation states and developing into a

concentration of enterprises across the globe. The process of what has been called ‘the financialisation of everything’ has produced an outcome in which financial corporates dominate the global economy. There was a short period of history during which the State exercised a degree of control over the activities of what used to be known as monopolies, then multinationals and now global corporations. However, the power of those global corporates is now such that they have effectively captured the State and the international financial institutions. Further concentration is likely. This in large part helps to explain why governments, especially radical ones which promise much, are unable to deliver.

This increasing concentration of control in the hands of very few global corporates is paralleled by increasing global inequality, not only between nations but also within them. This is driven by the dictates of the dominant financial institutions whose demand for a rate of profit that matches that which they can achieve through the trading of the financial instruments (‘products’) they issue, forces enterprises in the non-financial sector to squeeze wages and salaries of all but the top executives and worsen conditions of work. This is the race to the bottom, where many areas of production migrate to where labour is cheapest and the labour force is unorganised or politically suppressed. Recent research has drawn attention to the way wealth is increasingly concentrated in the hands of the few to the extent that 1% of the world’s population owns approximately 50% of global wealth (Oxfam, 2016). Even within that 1%, there is a further concentration of wealth. In the US, for example, the wealth of the top 0.1% is now almost equal to that of the bottom 90% (Saez and Zucman, 2014), something that, according to the authors, has not occurred since the beginning of the last century.

However, there are developments within the system that may make it unsustainable and lead to a new way of organising society and its production of goods and services. Marx’s argument that capitalism would sow the seeds of its own destruction was largely forgotten in the wake of socialist revolutions

in Russia and China. However the evolution of capitalism as a hegemonic global system, and especially the abundance and cheapening of so many goods and services together with the development of the 'sharing economy', has prompted a return to the notion of the evolutionary demise of capitalism (Mason, 2015).

This article draws together work on the concentration of capital, on the relationship between the State and Corporate Capital and on the future of capitalism; all of which demonstrate the possibilities of different futures, some less benign than others.

**Corporate concentration and control**

Capitalism is supposed to generate the most efficient outcomes in terms of minimising the costs of production and, given 'normal' profits, minimising the cost of consumption, thus maximising consumer welfare. This is achieved by a large number of firms in an industry competing with each other for market demand, seeking continually to drive costs down in order to maximise profits. However, as is by now well known, this neoclassical economic picture of capitalism probably never existed and certainly does not now. What we

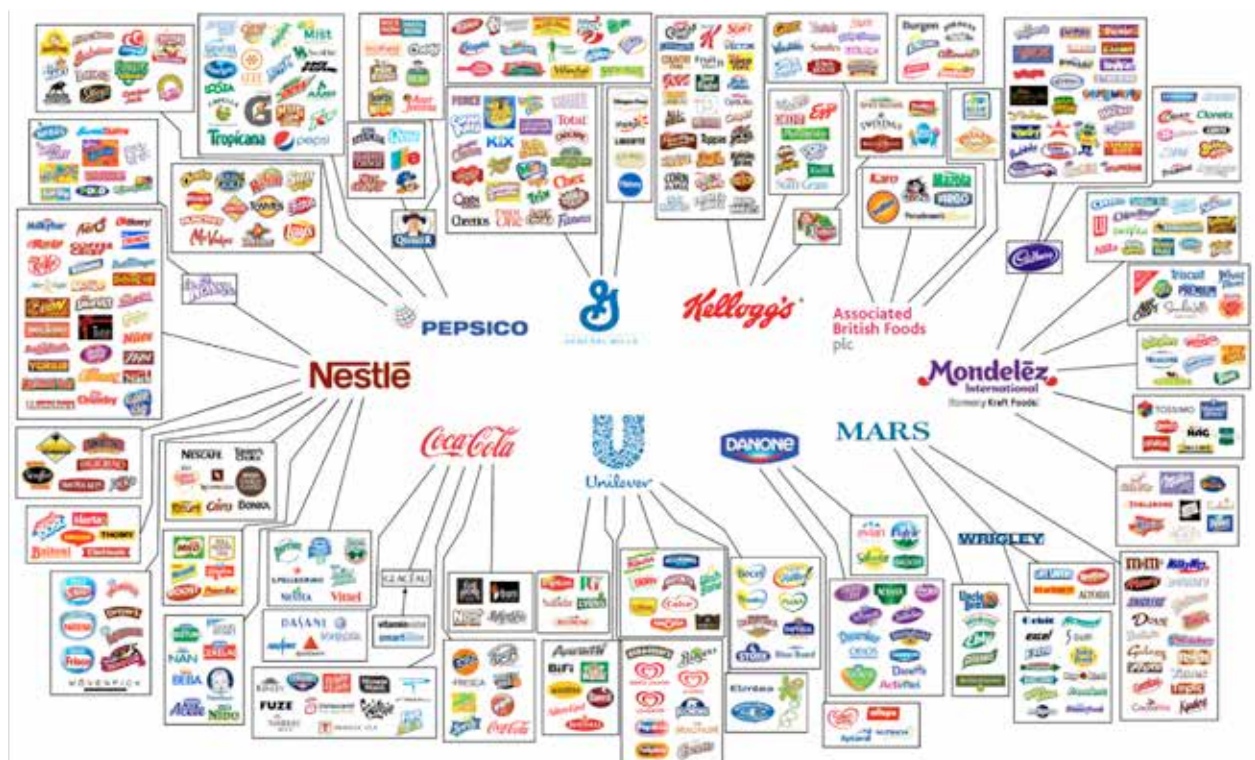
observe in all products and services is their production by a small and ever declining number of producers. A good example is illustrated by the chart below which shows that 10 food companies own almost all the well known brands of processed food, many of which began their life as independent enterprises before the raft of mergers and acquisitions that produced these global conglomerates.

The process of concentration of capital continues and accelerates. In late 2016, global brewers SAB-Miller, an amalgamation of major South African and US brewers and a number of other small brewers around the world, merged with its main global rival, Anheuser-Busch InBev, itself an amalgamation of three major national brewers in Belgium, Brazil and the US, to form a global brewer with most of the household names in bottled and cask beer. Two of the major media companies in the US, Time Warner and AT&T have announced a plan to merge to create a giant corporation dominating US media and challenging that country's famed anti-trust laws. This process of mergers and acquisitions has been operating throughout the history of capitalism

and looks set to continue. This suggests a further corporate stranglehold leaving the small percentage at the top with even greater power than they already have.

A Swiss team of researchers (Vitali et al, 2011) constructed a global corporate network starting from a list of over 43,000 transnational corporations. They found that 737 top holders accumulate 80% of the control over the value of all TNCs, 40% of the control of this network of corporates was held by a group of 147 TNCs in the core, which had almost full control over itself, 75% of the core were financial intermediaries, 75% of the ownership of firms in the core remained in the hands of firms of the core itself; and finally, the top 50 (45 of which are financials) have 75% of the core.

The leaders of these corporations along with senior politicians from both centre-left and right, both in government and opposition, can be found at the annual World Economic Forum (WEF) held in Davos in Switzerland and the Bilderberg Group which now seeks to be more transparent with a website that, like Davos, tells us who was there. At the last meetings of WEF at Davos, of the





top corporates mentioned above, over one-third were represented by executives at chairman or CEO and just below levels. The IMF and World Bank heads were there as were several prime ministers, presidents and royal heads of state as well as various security interests – private firms, academic bodies and defence ministries, as well as senior members of military forces and alliances. Bilderberg is a more restrained event with a much smaller number covering much of the same sets of interests.

This is less a conspiracy to maintain the existing power relations than an exercise in solidifying the ‘groupthink’ of those who attend which effectively defines the limits of state power vis a vis the corporations. Given these relationships, it is hardly surprising that after the financial crisis of 2007-8, governments rescued the banks and other financial institutions and have effectively allowed them to continue as before by pursuing an economic policy of ‘quantitative easing’ which has allowed them to restore their capital base. As we shall see below, there are other ways in which these corporates ensure that their interests are protected at the political level.

The concentration of corporate power has accelerated a process of state capture which has itself aided the increasing corporate dominance of the system. The election of governments in the late 1970s and during the 1980s and after, which embraced the ideas of what has come to be called ‘neoliberalism’, has assisted this process in many different ways, not least through limiting the ability of trades unions to protect their members and managing to divide the working population into different and opposing camps. The neoliberal ideology has been promoted in academia and the media and this has ensured that corporate power effectively runs government policy. This policy has accelerated state capture not least by allowing a creeping privatisation of traditionally state-run activities, such as health, education, transport, power and prisons, generally by selling off state-owned assets, or through a system of the sub-contracting of government services to the private for profit sector, or the licensing of

private for profit companies to run public services in competition with the state sector. This practice has permeated local authorities so that there is no part of the public sector that is not commercialised except for the army and the police services, and even there, the rise of the private security companies is beginning to invade that space.

### The State and the Corporates

The financial crisis and its resolution recalls Marx and Engel’s observation in 1846:

*With... the development of commerce and industry, individuals grew richer and richer while the state fell ever more deeply into debt. ...It is therefore obvious that as soon as the bourgeoisie has accumulated money, the state has to beg from the bourgeoisie and in the end it is actually bought up by the latter.* (Marx and Engels: 1998:382)

Substitute ‘financialisation’ for ‘commerce and industry’ and ‘the banks’ for ‘individuals’, and this summarises neatly what happened after that banking crisis. This is not to say that individuals have not grown richer in the process, as noted above, giving rise to the widely held view that capitalism works for the 1%, or the 0.1% and that the modern state follows suit. Indeed, in spite of the apparently more sophisticated analyses of the State which appeared in the 1970s and after, it would seem that rather than this institution being ‘autonomous’ and independent of class, it has developed to the condition where it conforms to that famous remark about the State in the *Communist Manifesto*:

*The executive of the modern state is nothing but a committee for managing the common affairs of the whole bourgeoisie.* (Marx and Engels, 1962:36)

### The Revolving Door

Over recent years it is becoming clearer how corporate power has captured the State to the extent that the two have formed a symbiotic relationship in which government policy follows the interests of the corporates. The revolving door which sees politicians join the boards of

corporates and corporate directors or senior executives are recruited to the ‘executive of the modern state’ is now well oiled and has led Transparency International to conclude about the UK that:

*Surveys of public perceptions of the most corrupt sections of British public life revealed that a public official taking a job with a company that s/he was previously responsible for regulating was rated as potentially corrupt by 80% of respondents.* (Transparency International UK, 2010)

Indeed a survey conducted by the UK polling company, YouGov, in January 2012 found that 69% of respondents agreed that it was ‘too easy for former ministers to get jobs that allow them to make improper use of their time in government’ (Transparency International UK, 2012). Indeed it is. Fourteen former ministers set themselves up as consultants in 2010-11 compared with just one in 2005-06. One of those, a former Labour Defence Secretary, Geoff Hoon, has helicopter manufacturer Augusta Westland among his consultancy clients. In 2005, while Defence Secretary, he approved a £1 billion contract to this company, which was controversially declared a ‘preferred bidder’ despite claims that other companies could have provided better value-for-money helicopters in a shorter time-frame.

There are many examples of former ministers, civil servants and ambassadors going to well paid jobs or directorships in big banks or the corporates with interests in areas where former politicians might provide useful information from which the corporates might gain. In 2015, the former Health Secretary, Andrew Lansley, a newly elevated member of the House of Lords, and who actively worked towards the further privatisation of the National Health Service, took a job with a US consultancy firm working with healthcare clients. Lansley’s job is to advise corporate clients on healthcare reforms, as these clients become increasingly involved in bidding to run parts of the NHS (Syal and Hughes, 2015). In January 2013, the former head of the UK tax

authority, Her Majesty's Revenue and Customs (HMRC) became an advisor to the Hong Kong and Shanghai Banking Corporation (HSBC)'s Committee on Financial Systems. Four months later the same man joined Deloitte's, a global accountancy corporate to 'advise overseas governments on how to implement "effective tax regimes" (Neville, 2013). The Director General of Commissioning at the UK Department of Health (DH) became the Global Head of Healthcare at the accounting corporate, KPMG, taking him from responsibility for designing new ways of commissioning healthcare to preparing bids for DH contracts. His successor at the Department followed him to KPMG a year later. KPMG won at least three contracts following these moves (BBC, 2011).

Some former ministers are prepared to act more directly in gaining income to add to their substantial pension. Two former foreign ministers were secretly filmed offering their services for hire and naming their price. Although this was a newspaper 'sting', it still revealed that these politicians were for hire, after they ceased to be MPs, as long as everything remained confidential (Perraudin, 2015).

The revolving door also sees people moving from the private sector to the civil service. It was reported that John Manzoni, the new chief executive of the civil service, would be 'allowed to keep a £100,000-a-year position on the board of the drinks company SABMiller ...he takes his salary in company stock and holds shares worth more than £250,000 in the company'. The report continued:

*A government spokesman said: "The Cabinet Office is satisfied there is no conflict of interest".*

Manzoni left the private sector to become chief executive of the Major Projects Authority earlier in the same year and worked in the Cabinet Office with Lord Browne, who was his boss when both worked at BP. Browne is the government's lead non-executive director and the chairman of Cuadrilla, the chief fracking company in the UK. He was one of six members of the appointment panel who chose Manzoni for the job (Mason and Campbell, 2014).

A more recent example of this revolving door is related to a government decision after a delay of years about which London airport should get an additional runway following the recommendation from the Airports Commission set up to look at the options. The chair of the commission, Sir Howard Davies, formerly the first head of the UK's Financial Services Authority, is also on the board of the Prudential, where he chairs a committee on investment risk.<sup>2</sup> Prudential has spent £300m buying properties around Heathrow. Its asset management business, M&G bought in 2013 the Hilton hotel at Terminal 5 for £21m and received planning permission to build a hotel close to the proposed third runway, and two years later bought more property

however strongly held his apparent left wing views appeared to be (Watt, Pegg and Weaver, 2016).

The criticisms of the various cases of the 'revolving door' hinge on the notion of a 'conflict of interest', while the defence of such practices is usually that of vouching for the integrity of the person involved who is able to 'wear different hats' and resolve any conflict of interest by shutting out other personal interests while pursuing the public interest. However, this apparent conflict could be looked at in another way. The revolving door is about ensuring that the commercial interest becomes the public interest and so then there is no conflict of interest.

The case of the UK is replicated in many other countries and groups of countries. The European Union (EU), has drifted from offering the opportunity to have greater control and regulation over the activities of international corporates to being captured by the lobbying of global capital through the same revolving door as evidenced in the UK. The most infamous recent example is that of former EU president Jose Manuel Barroso, who on retirement from that post, joined Goldman Sachs (one of those 50 global corporates) as a non-executive chairman (Dolan, 2016). Former EU staff move from gamekeeping to poaching on a large scale as in the case of a former lobbyist for the coal industry who joined the EU staff as a coordinator of coal policy, a former MEP who was a supporter of carbon capture and storage, set up his own lobbying consultancy after he left the European Parliament, a consultancy that has as a client a firm that represents the major oil companies, keen on this technology because it safeguards their mineral production (Corporate Europe Observatory, 2015).

The list of these connections is endless. Readers of *The Thinker* will recall an article on Democracy (Prior, 2015) which referred to a series of alleged scandals involving European politicians in the context of corruption and the erosion of democracy. One of those mentioned is the former German Chancellor, Gerhard Schröder who while in office championed the Russian-German pipeline. Out of office, he

**“This is the race to the bottom, where many areas of production migrate to where labour is cheapest and the labour force is unorganised or politically suppressed.”**

close to Terminal 4. Davies also used to advise the GIC (Singapore), which owns 11.2% of Heathrow. Questions have been raised about the impartiality of the chair of the Commission given what appears to be a clear conflict of interest (Davies, 2015).<sup>3</sup>

There are many other examples of this close relationship between the supposedly independent civil service and the private sector (Wilks, 2015). Most recently this practice affected the leadership contest in the opposition Labour Party. One of the candidates had worked for Pfizer, the global pharmaceutical corporate and played an important role in its lobbying activities for NHS contracts. This compromised whatever he had to say about reducing the role of the private sector in public health provision

became chairman of the board of the North-European Pipeline Company, majority owned by Gazprom, the giant Russian energy corporate, a post reportedly paying between €200,000 and €1m a year, though Schröder claimed those sums were exaggerated (Harding, 2005). These cases suggest that the power of the large corporates over states and state groupings through the use of the revolving door is getting stronger. The revolving door and the power of corporate lobbyists has been prevalent in the USA for decades<sup>4</sup> and some of the flavour of practice in that country is given in the following discussion of election funding.

### Election Funding

The funding of political parties, especially during election campaigns, has been subject to considerable scrutiny and criticism, not to mention accusations of the corruption of the political process. The US presidential campaign saw billions of dollars raised in funding for each candidate. Limitations on individual donations directly to political parties and candidates is now overshadowed by the donations to 'super-PACs' – the political action committees that are prohibited from having direct ties with politicians or their parties but are able to support particular candidates through advertising in newspapers, on television and through electronic media. There is no limit on what they can spend but the money they raise has to be spent independently of the parties and candidates they support. Furthermore, although for-profit corporates are required to declare the source of their contributions to super-PACs, non-profit organisations do not have to do so. Donations from unknown sources, 'dark money', to non-profit organisations allow corporates to donate through the back door and thus swell the coffers of candidates and parties. Up to the middle of October, over \$1.5 billion had been raised by the presidential candidates, of which a sixth came from super PACs (Bloomberg, 2016). Ironically given the result, Clinton raised twice as much as Trump overall, and three times as much from the super-PACs, which raises

questions about the effectiveness of the expenditure of these sums (Open Secrets, 2016a).

Funding of candidates for Senate and the House of Representatives raises issues concerning the direct influence of legislation. For example, the largest donors by far to members of the Senate Banking, Housing and Urban Affairs Committee are from the Finance, Insurance and Real Estate sector. Thanks to Wikileaks, we now know that an executive of Citigroup, one of the four big US banks, played a major role in advising newly elected President Obama on his staff and cabinet (Wall Street on Parade, 2016). Citigroup had to be rescued by the US government in 2008, and as in many other cases of banking failure through corrupt practices, nobody was prosecuted. One of the explanations that has been given for this is the large amount of funding for election campaigns. One insider who became a whistle blower and stood in the recent elections against a member of the above Senate Committee, has observed that:

*"The banking and financial industry is the leading financial contributor in this election. Hands down. Banking has the most to lose," said Stern in an interview. "So they are trying to buy as many politicians as possible. The banks are very smart. They know that if they get their voices heard in Washington and they buy the politicians they'll be OK". (Hill, 2016)*

During 2015-16, the Finance, Insurance and Real Estate sector contributed over \$912 million to election funding, of which just over half went directly to the parties and candidates in the ratio of 58:42 to the Republicans and Democrats respectively. The other half went to 'Outside Spending Groups', the super-PACs (Open Secrets, 2016b). This is by no means the only explanation for the failure to prosecute banking and finance executives for the failures of their institutions, but it is quite a persuasive one. Other explanations are of course plausible. Proving intent to defraud is difficult, proving that sophisticated financial institutions that purchased the toxic assets did

not know the risks and relied on the sellers' honesty is also possibly difficult, and it is also possible that prosecuting senior executives would have further damaged the finance sector and therefore the economy. Having too much on their plate to investigate and ordering priorities to deal with cases that were easier to prosecute may also explain the senior executives' escape (Rakoff, 2014). Whatever the case, that politicians can be bought adds to the general discontent with the political systems that allow this kind of influence to be exerted on elected representatives and the governments they support.

### The Financial-Security Complex and the 'Deep State'

The concentration of economic control in the hands of a small number of corporates, and especially financials, who appear to have the power to guide government policy in directions which suit their interests, together with the heightened levels of security concerns at home and abroad, has given rise to the concept of the *financial-security assemblage*, to complement the 'military-industrial complex', as the driving force of modern capitalism. This relatively new term in the academic literature embodies both the phenomena of the financialisation of the system and the increasing need for the securitisation of the system, not simply in its financial sense but also in the sense that global military and private security needs to expand to ensure that this process of financialisation is not disrupted, especially by 'terrorist funding'. The effects of ensuring that informal money transfers worldwide, and especially by migrants sending money home, are not being used for funding terrorists, are to draw informal money transfer arrangements into the formal banking sector where they can be subject to security checks. (Gilbert et al, 2013).

The growth in the surveillance activities of state security agencies and of military interventions in pursuit of terrorists or of regime change has occurred alongside the growth of private security enterprises, not only providing services for the movement



of money, the security of shopping malls, sports events and universities, but also working with the military forces involved in the various 'wars on terror'. Private security is big global business with one of the best known corporations, G4S, operating in well over 100 countries, and in any one country, a major employer (Abrahamsen and Williams, 2011). Private security now outnumbers the traditional suppliers of personal and public security services, the police force, by ratios of between 2:1 and 10:1 (Abrahamsen and Williams, 2007).

The research suggests that security against terrorism, security for the plutocracy that lives in gated mansions, and security for the financial institutions now underpins the dynamic of global capitalism in which the State is colonised by finance and the military and provides profitable activities for global finance capital. Emerging too from these developments is the 'Deep State'. The concept originated in Turkey under military rule and has more recently been broadly defined as representing:

*..... the political interplay between unacknowledged or unrecognized factions inside and outside the regular government. The deep state is not an entirely monolithic entity that shadows the bureaucracy, military, or civil society. Rather it is an eclectic, ever-evolving political theatre of competition, one that includes elements both explicitly legal and outlaw in nature. Paramount to the operation and survival of the deep state is the extreme emphasis placed upon state security, a need that places both law enforcement and clandestine agencies in the forefront of both the formulation and execution of state policies (Gingeras, 2011).*

### **The Future out of the Present<sup>5</sup>**

The concentration of economic power and its capture of the State raises the question of where this is all leading and what is to be done to change the direction of travel. The increasing levels of inequality, the proliferation of low paid jobs and zero hours contracts alongside the huge

senior executive salaries and bonuses, the pressure from the private sector to roll back the State's ability to protect people at the lower end of the pay scale and maintain the quality of public services thus forcing a move to increase privatisation, have all resulted from the pursuit of the neoliberal political economic model over the last four decades. The 2007-8 financial crisis occurred in spite of the widespread belief among proponents of the system that such crises could never occur, and that the boom and bust of the system had seen its last as a consequence of the neoliberal revolution. The crisis has further exacerbated the condition of large proportions of the population in late capitalist societies but has not created the classic revolutionary conditions which accelerate the demise of the system and the rise of its successor, socialism.

The failure of social democratic parties to reverse this process, and their effective co-option by the corporate interests that have colonised the State, have fuelled the now abundant cynicism about governments' ability to do anything about a system in which they have a vested interest. Lower voter turnout and voter rebellion as manifested in the UK vote to leave the EU and the election of a political outsider to the US presidency, accompanied by a shift to supporting populist parties, mainly of the right, but also of the left, recalls an earlier era of the 1920s and 1930s which ended in a world war.

However, the capitalism of the early 21st century is not the same as that of the 1930s and its development since 1945 and especially after the micro-electronics revolution has prompted the use of the concept of 'post-capitalism' to describe the ways in which late capitalism is morphing into something else. Postcapitalists argue that the neoliberal model is effectively broken. The assumption that there can be a return to the model that was based on the growth of financial markets is a flawed one as the financial system is fragile and prone to further crises. In any case, the model prior to the crisis depended on private more than public borrowing financed by bank credit. Wage growth was suppressed except

for those at the top of private and state enterprises and public bodies. The debt problem became a global one with creditor nations financing borrowers, China lending to the US and Germany to Greece being two examples of these debt relations. Most importantly the rapid development of information technology made many consumer and capital goods much cheaper.

The financial crisis demonstrated that, contrary to the view of 19th century economic liberalism and 20th century neo-liberalism that markets allowed to operate freely would self-correct, they clearly did not. The response to the financial crisis and the subsequent increase in state expenditure to rescue the banks and mitigate the economic and social consequences of the crisis, was austerity, driving down wages so that at some point in the future they would match those of countries in the Far East as those countries' wages rose. Mason refers to a report of a speech by the then CEO of Prudential, Tidjane Thiam, now CEO of Credit Suisse (no 14 in the list of those 50 corporates listed above), in Davos in 2012. Thiam argued that 'Unions are the 'enemy of young people' and the minimum wage is 'a machine to destroy jobs'. Minimum wages made 'the workforce more precarious' and reinforced the protectionist nature of trade unions which "represent people already in jobs so they always support minimum wages. That crowds out the unemployed. People can't get full time employment" (Mason, 2015:4). A liberated labour market would no doubt find market clearing wages where everyone would have a job, though what those wages would be is another matter.

Postcapitalism is not socialism as in the classical Marxist trajectory in which capitalism sows the seeds of its own destruction and the proletariat effect a revolution, although the process postcapitalism theorists describe bears a strong resemblance to that Marxist trope. It may not lead to socialism, but it is beyond capitalism. However, it is a process which arises out of the contradictions of capitalism and contains the seeds of a new relationship between social relations and an economy dominated

by information technology. While capitalism's persistent tendency to crisis, such as the financial one of 2007-8, encourages the belief that the system is unsustainable, postcapitalists accept the system's unsustainability because there is a disjunction between the changed social relations (no longer characterised by a capitalist class and an industrial proletariat) and the changed technological level (forces of production in Marxist terminology) which has created free goods, zero prices and zero work.

Going beyond this critique postcapitalists argue that that the latest technological developments are going to create an abundance of goods whose production costs tend to zero and whose prices tend to zero. Markets in the sense of institutions which fix a price that satisfies both producers and consumers, can no longer operate at zero price. Furthermore, markets cannot deal with climate change, nor with the current migrant and refugee crisis. Increasing automation now using robots is reducing the amount of work that needs to be done by human beings. Ironically, given the potential of IT, Mason argues that 'instead of rapidly automating work out of existence, we are reduced to creating bullshit jobs on low pay, and many economies are stagnating' (Mason, 2015:242). However, information technology is also driving down marginal costs, and prices, towards zero and thus together with other non-market developments, 'corroding market mechanisms, eroding property rights and destroying the old relationship between wages, work and profit' and 'leading towards a post-capitalist economy' (Mason, 2015:112).

As it is now well recognised, advanced capitalist economies have seen the decline in the relative importance of manufacturing as the economy of retail and financial services has rapidly developed. Financial services no longer simply provide credit to the other two sectors, but develop a life of their own with an array of financial 'products', some of which were a direct cause of the 2007-8 crash. Automation, accelerated by developments in IT, has accentuated the decline in the relative position of

manufacturing by reducing the size of the manufacturing labour force. The labour force in general is better educated and has seen the emergence of what Mason calls 'the universal educated person' who now works in networks, not factories.

The emergence of the 'knowledge economy' is another key development. A good part of it is free to access. Wikipedia operates on the basis that the information it contains is free to access and is produced (and corrected) for free by those with the knowledge. Free open source software can be improved by those who use it. Indeed it would seem that charging and thus restricting the use of this software makes it less valuable. IT software is now added to the content of physical goods thus reducing the costs of production towards zero and creating 'a world of free stuff' (Mason, 2015: 142).

If this is really the way capitalism is developing in a way which will see it destroyed by the 'world of free stuff', then how do we get there? Mason schematises the following paths. First, we should and will engage in more collaborative work which would involve the creation of more cooperatives coordinated by an Office of the Non Market Economy, the socialisation or suppression of monopolies, the gradual disappearance of market forces, as the myth of the free market is exposed through its erosion, the socialisation of finance as it is returned to its original purposes of holding accounts and lending money, and last but not least, the institution of a basic income for everyone. To achieve all this it is necessary to 'unleash the network' (Mason, 2015:286): IT enables the production of an abundance of goods, everyone has a basic income which allows them to access these goods, while they contribute to society freely in exchange.

The abundance of production and the sharing of consumption according to need and on the basis of the contribution to society being based on ability is of course not new and an outcome envisaged by Marx after the transition from socialism to communism. Mason has effectively updated this vision in the light of the possibilities which IT offers to make

what appeared to be a Utopian fairy story into a reality for the future. A future in which work to earn the means of subsistence is no longer the central purpose of living is now possible. A combination of a universal basic income and the option of a reduction in working hours to zero would mean that people could choose how much work they wanted to do and the boring and mundane jobs could increasingly be done by robots.<sup>6</sup> However the issue of exactly how this transition can occur and through which human agency remains. How are people to believe that society is moving in this direction and that they have to push it that way? If the agent of change is to be the State, as Mason suggests, then the State has to be liberated from the corporates and the famous 1%, or even 0.1% have to be liberated too, and not just of their wealth. Srnicek and Williams (2016) offer a more detailed discussion of who might be 'the active agent of a post-work project' (p.156). They opt for a populist movement organised around 'an ecology of organisations' (p.163) to counter the hegemonic common sense of neo-liberalism with a hegemonic common sense of a vision of a post-work society. The organisations could encompass political parties and campaigning organisations, local and national with the common vision of a post-work society given the unsustainability of capitalism as it now exists.<sup>7</sup>

### Another Future?

It is true that there are now radical left movements in western Europe such as Syriza and Podemos as well as radical libertarian movements, who might shift popular opinion in the direction of the change that Mason believes is taking place. The parallel rise in Europe especially of right wing populism, including elements of fascism, is a challenge to this IT-inspired collaborative, dare one say, socialist future. Indeed this is a reminder that this is not the only direction that capitalism can take. There are an increasing number of examples of a 'disordered future' (Streeck, 2014). The current refugee crisis in Europe and the Middle East,

the EU crisis which is not simply about 'Brexit', but about its very existence, the various political crises of around the world, the failure of the United Nations to become an institution of world governance, and now the breakdown of the various proposed free trade treaties which corporate power needs for its economic health but which also embody provisions which ensure it gains even more power.<sup>8</sup> The era of growth which characterised the neoliberal renaissance of the late 20th century has given way to a decline in growth, even negative growth at some points, the increasing concentration of oligarchic power, and the rolling back and disempowerment of the State and its provision of public services. All of these aspects of capitalist disorder show no signs of being dealt with and looks like they might get a lot worse.

### The Implications for Africa

Although this article has been concerned with State-Capital relations at the centres of late capitalism, readers will no doubt be asking what are the implications for the countries of Africa? The notion of state capture of states in the Global north will no doubt resonate with citizens of African countries who have witnessed similar connections between corporate capital and the State. The recent publication of a report on alleged links between a particular corporate and government ministers by South Africa's Public Protector (Madonsela, 2016) raises issues not unfamiliar to citizens of many other countries, even if it only deals with one very public case, rather than the more pervasive issues of revolving doors and political connections.

Perhaps the most significant revolving door in the case of African governments pursuing economic policies likely to aid corporate investment, is that between them and the International Financial Institutions (The World Bank, the International Monetary Fund and the World Trade Organisation). In 2012, it was found that 20 per cent of the Finance Ministers of the 47 African countries then aided by the World Bank, had previously worked for the Bank or the IMF (Bretton Woods Project, 2014), returning to their countries to implement policies

that would promote the interests of the corporates – privatisation and the alienation of land for prospecting for minerals or for growing industrial or high value food crops (the 'land grabs'). How far in African countries, corporate power and political connections have pushed policy in the interests of corporate capital, or how far this is a systemic consequence of neoliberalism will always be a matter of some debate and in any case requires research that goes beyond the scope of this article.

Finally, in a postcapitalist world, the question of the place of the Global South in relation to the automated global North with zero process and zero work, is yet another question that needs more thought than yet given to it by the postcapitalists. Watch this space. ■

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### Endnotes

- <sup>1</sup> An outline of this paper was first presented at the Second European Blue Sky Conference: Global Transformations Consequences and Alternatives, Budapest, 29-31 October 2015.
- <sup>2</sup> This is another example of the revolving door. After chairing the Airports Commission, Davies moved on to chair the Royal Bank of Scotland, technically state-owned after being bailed out in the financial crash of 2008.
- <sup>3</sup> Ironically, the one member of the Commission who was forced to resign because of a conflict of interest was the former chief executive of Manchester Airports Group, which owns the third London airport at Stansted, and which seems to have been out of the running very early on.
- <sup>4</sup> See for example the work in this area of Open Secrets: <https://www.opensecrets.org/revolving/index.php>.
- <sup>5</sup> The following account of postcapitalism and its future is heavily based on: Mason, 2015; and Srnicek and Williams, 2015, *Inventing the Future: Postcapitalism and a world without work*.
- <sup>6</sup> See Srnicek and Williams, especially pp 120-7
- <sup>7</sup> The reduction in the working week and the emancipation of people from 'psychologically unproductive labour time within necessary labour time' was part of the East German thinker, Rudolf Bahro's vision of a different future. (Bahro, 1978).
- <sup>8</sup> The implications of Britain's withdrawal from the EU for the Economic Partnership Agreement with 16 West African states are explored by Michael Prior in *The Thinker* (Prior, 2016)



**UBUNTU AS FOREIGN POLICY**

# The Ambiguities of South Africa's Global Identity



My main concern is based on the extent to which South Africa can and will continue playing an influential and consequential role on the global stage that is normatively defined and morally driven.

By Garth L le Pere

South Africa's foreign policy since 1994 is often extolled as one of the most inspiring and progressive aspects of its public life. Its success has been grounded on the mutually reinforcing pillars of the struggle against apartheid and South Africa's transition to democracy and constitutional rule. However, in recent times there has been growing consternation that the carefully crafted script of values and principles that have underpinned and guided the conduct of South Africa's foreign policy have increasingly been compromised on the altar of expediency and convenience.

There are even worrisome symptoms concerning the institutional locus of South Africa's foreign relations. For example, in the *Sunday Times* of 2 October 2016, there was an article which contained some disturbing allegations about erratic expenditure patterns in the Department of

International Relations and Cooperation (DIRCO). It was alleged that the Auditor-General found that there was irregular expenditure of R338 million while expressing concern that a procurement contract worth R347 million did not meet the criteria defined in the original specifications. South Africa's Auditor-General is known as a model of probity and prudence and while only allegations, they do cast aspersions on DIRCO's ability to manage a strategic portfolio of public affairs. Not only does this denote gross dereliction in the management of DIRCO's supply chain, but it also has profound implications for the department's image as the custodian of South Africa's foreign policy.

This custodianship is embodied in the 2011 foreign policy White Paper entitled, *Building a Better World: The Diplomacy of Ubuntu*. Within the philosophical and normative remit of *Ubuntu*, the white paper is an

attempt to place the affirmation of the humanity of others as central to the affirmation of a South African humanity. This humanist dialectic in *Ubuntu* is complemented by the principle of *Batho Pele* (putting people first) and takes into account the fashioning of a diplomatic calculus in the service of promoting certain values, the most critical being human rights, democracy, reconciliation, and eradicating poverty and underdevelopment. According to the White Paper, the essential tenets of *Ubuntu* as diplomacy will unfold in the context of promoting Pan-Africanism, South-South solidarity, global equity and justice, building partnerships with developed countries, and helping to strengthen the multilateral system.

However, in this article I want to argue that the virtues and values of *Ubuntu* and *Batho Pele* have been poorly served and executed in South Africa's foreign policy if viewed through the prism of building and developing a global identity as a middle power which is committed to an active multilateralism. A strong argument can be made that the erosion of South Africa's identity as a purveyor of certain norms and values – whose contours took on increasing shape during the Mbeki presidency – has a lot to do with the decline of its multilateral profile, most crucially in the United Nations, the World Trade Organisation, the World Bank, and the International Monetary Fund. While obviously a broader problem and dilemma for the government, we cannot discount DIRCO's culpability, especially its troubled institutional profile, its weak managerial and political leadership, and its human and analytical constraints.

As a matter of fact, the first draft of the chapter dealing with foreign policy in the National Development Plan provided a critical but fair diagnostic assessment about South Africa's global image, namely, that its diplomatic capacity was over-stretched; that its power and influence had declined in relative terms; that it was viewed as Janus-faced in Africa where its bona fides were suspect; and as a consequence, the country had suffered material losses in bargaining power and had lost trade and investment opportunities not only in Africa but more broadly.

The chapter was withdrawn and

subsequently revised ostensibly following dissent and protest about its accuracy by the DIRCO Minister Maite Nkoana-Mashebane. However, the initial diagnosis was suggestive of a country whose moral and political currency was depreciating. This depreciation, in my view, has become even more pronounced and evident under the Presidency of Jacob Zuma since 2009. The perception and reality has gathered pace of a new ruling aristocracy that has been more concerned with the trappings of power, self-enrichment, and wealth accumulation much to the detriment of South Africa's global image and reputation. This has become a creeping cancer that has undermined the very substance and neutrality of public power. The ANC government finds itself at an intersection where many South Africans feel that their hopes and aspirations for a better life have been betrayed, exacerbated by growing social alienation, anger, and discontent among the country's poor and marginalised. These impressions have been reinforced by the outcomes of the recent local government elections which in a sense was a referendum on the ANC's moral authority to govern South Africa, a gain that was painstakingly won since its establishment in 1910.

On the basis of the growing cynicism and despair fuelled by the Zuma Presidency, it seems that there has been a drift away from the ethical foundations of South Africa's foreign policy into an instrumentalism and 'unprincipled pragmatism' which accords more with public relations, perfunctory diplomacy, and ceremonial ephemerals than with the normative internationalism which has shaped South Africa's foreign policy and concurrently, its global standing since 1994. We would do well to remember that since 1994, South Africa has pursued an activist foreign policy – informed by the historical antecedents in the struggle against apartheid – that saw a strong moral convergence (in its beliefs) and ethical compatibility (in its behaviour) with regard to the promotion of human rights, democracy, solidarity politics, and its own developmental needs.

On this basis, South Africa's credibility and uniqueness on the

international stage was built on three axiomatic factors: a relatively peacefully negotiated transition to democracy; Nelson Mandela as the global embodiment of reconciliation; and South Africa's emergence as a strategic multilateral actor under President Mbeki. In essence, these were the vectors that provided South Africa with vast reserves to act and behave as a 'norm' entrepreneur in international relations. The country was thereby able to exercise considerable regional and global influence which was quite disproportionate to its population size, material capabilities, and geographical location.

This was very much in keeping with the moral principle relating to a manifest sense of duty and obligation that came with South Africa's transition to democracy and the manner in which the ruling party chose to position the country on the global stage; or put another way, South Africa was able to meet the demands of what Immanuel Kant called a 'categorical imperative' which underscores conduct that is based on a universal precept and which advances the ends of human existence informed by a common good. And here we find a certain complementarity and resonance between the philosophy of *Ubuntu* and basic Kantian maxim which enjoins us to act in line with principles under the reasonable assumption that those principles are logically applicable to everyone else.

However and to repeat the point, the role of moral discourse has been eroded in South Africa's foreign policy in favour of a more instrumentalist and functional type of diplomacy that is lacking in energy, spirit, and direction. And herein lies the dilemma for the White Paper and whether *Ubuntu* could provide the necessary impetus to recapture the lost discursive moral ground. Here we are not simply talking, for example, of a successful hosting of international events like the soccer World Cup, joining BRICS, providing regional public goods such as the North-South corridor, delivering development assistance, or participating in peace missions.

My main concern is based on the extent to which South Africa can and will continue playing an influential and consequential role on the global

stage that is normatively defined and morally driven. Such a role has a direct impact on its identity as a country that represents and upholds certain values and principles in foreign policy. The country was able to build and develop its reserves of soft power based on the essential purposes and ambition of its foreign policy project in a difficult and mercurial global environment where less developed countries and people, but especially those of Africa, have been subject to greater structural vulnerability and insecurity in the form of poverty, conflict, disease, environmental degradation, economic stagnation, social dislocation, underdevelopment, etc.

The legitimacy and power hierarchy of the international order is still defined and dominated by America and the West. To the extent that it can be challenged, there is an imperative to move away from or at least contest the realist dictates of international relations. While still early to assess its exact foreign policy contours, it would seem that the Trump presidency will be based on an unequivocal assertion of the preponderance of American hard power and its vital interests in the high politics of war and peace. If this is the case, the call for normative agents to raise their collective voices cannot be exaggerated since a President Trump could turn the world into a more dangerous, volatile, and unjust place than it already is.

In his *Peloponnesian War*, Thucydides fills his epic of the war between Athens and Sparta with tales of heroism and brutality, victory and defeat, brilliance and stupidity, and honour and deceit; these binaries in many ways continue to shape world politics. But there is also an underlying cynicism that the brutal suffering of the Melians at the hands of the Athenians represents an ongoing dominant logic of realist thinking where the powerful get what they desire and the weak suffer what they must. It is in the interstices of these consequentialist extremes where we need to locate our critique about the nature of moral duty and the correctness of actions. As a consequence normative agency in international relations still matters a great deal since it defines the parameters in which collective action can take place.

According to the Oxford IR scholar Andrew Hurrell, a central theme of current world history is the struggle by revisionist states (also known as ‘middle or emerging powers’) for equal rights which are often overtly or covertly subverted by the more powerful developed countries. Without discounting the concerns of military confrontation between major powers and the nature of asymmetric conflict after the 9/11 assault on New York and Washington DC, the idea has gained traction that the global community of states and people should strive to promote shared values and purposes in the provision of global public goods in an international order where the divisions between rich and poor countries are more pronounced than ever before. How is it possible that in an age of unprecedented global prosperity, more than 2.7 billion people – mostly located in the developing world – still have to live on \$2 a day or even less?

And paradoxically, this level of destitution coincides with a rapid expansion of the circuits of global governance: there has been an exponential increase in the number of international institutions; in the growth of the scope, range, and intrusiveness of global rules and norms; in the growing diversity of global compacts; and in greater demands for collective action in the UN to deal with global problems and challenges.

Hence, the normative quest for greater equity and justice in international relations has been closely linked to the articulation of new and different forms of state legitimacy and authority where emerging and middle powers have increasingly challenged traditional forms of statecraft and foreign policy. As such, new forms of soft power have been privileged and new forms of diplomacy have been rewarded insofar as these forms attempt to redress the structural and institutional deficits that exist in international relations, especially as these define the ongoing marginalisation and disempowerment of developing countries in the international system.

It has been argued that the efficacy of such new forms of soft power and new forms of diplomacy have to be commensurate with and constitutive of a strong sense of self-esteem and identity.

What the French philosopher and social theorist, Michel Foucault, has called ‘governmentality’ provides the basis for self-esteem and national identity and this has to do with how the business of government is conducted with respect to such matters as managing the economy, executing social policies on poverty and unemployment, providing welfare services, putting incentives in place to encourage the private sector and so on. In many ways, ‘governmentality’ is closely aligned with the *Batho Pele* principle of putting people first.

As such and theoretically at least, domestic policy is mirrored or refracted in foreign policy since ‘governmentality’ at home informs the values and identity narratives which a state projects abroad. An important Foucaultian syllogism suggests that while the operation of

“Not only does this denote gross dereliction in the management of DIRCO’s supply chain, but it also has profound implications for the department’s image as the custodian of South Africa’s foreign policy.”

power can and must be a positive force dispersed throughout society, similarly that positive force can be projected onto the global stage to solve global systemic problems like poverty, human rights violations, humanitarian disasters, disease pandemics, environmental degradation, food and energy insecurity, transnational conflicts, financial instability and so on. Such a characterisation conforms to the concept of national role conception which relates to how a domestic consensus evolves to generate shared views, norms, and understandings of the role a country should play as part of a social collective on the global stage and in terms of an imperative of burden sharing and joint responsibility. Such a role conception is further defined and

informed by a sense of identity which encourages certain forms of behaviour that promotes emancipatory problem-solving in the international arena.

This involves the shaping of symbolic, ideational, and psychological parameters that derive from the security of subjects with regard to their sense of well-being, continuity, stability, and safety in the domestic regime. Where a state is secure and confident about its own existence in a community of states, logic suggests that it will be able to affirm a global personality that is based on a consistent sense of identity and self-esteem in its international relations. In other words, the imperatives of citizen security focused on welfare and physical safety mutually reinforce a country’s global personality represented and enhanced by coherent narratives of society, and its role and place in the world; this dialectic is often referred to as the ‘intermestic’, represented by a close affinity between the international and the domestic.

In terms of this logic, we can equally assert that where there are high levels of social insecurity as exists in South Africa in the form poverty, inequality, and unemployment, even coherent narratives of society will buckle under the weight of evidence to the contrary and hence strain the credulity of the country’s projected global personality. In this way, foreign policy becomes inextricably interwoven with the values and identity of a country and *ex hypothesi* with its subjective sense of dignity, honour, recognition, and standing.

In the case of South Africa, there has been an erosion of the fabric that hold its citizen security and its global personality together, with serious implications for the White Paper’s *Ubuntu* underpinnings and for the status of its identity and stature. We can refer to several incidents and events which shape perceptions about the country and which have recently damaged South Africa’s sense of self-esteem, self-image, and national identity.

- While still hotly debated, there is a school of thought which argues that South Africa’s intention to withdraw from the International Criminal Court signals a retreat from helping to strengthen the foundations of



multilateral governance. If anything, it is an attempt at asserting a form of 'credentialism' among an increasingly sceptical African audience. Moreover, South Africa will have great difficulty in advancing the principles of *Ubuntu* and *Batho Pele* in Africa as long as many of its citizens remain deeply intolerant and resentful towards immigrants and refugees from the African continent.

- It remains puzzling why South Africa has not ratified important human rights treaties such as the International Covenant on Economic, Social, and Cultural Rights and the Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These failures bring into stark relief South Africa's refusal to support the UN General Assembly resolution to decriminalise homosexuality even though gay rights enjoy constitutional protection in the country.
- Harry Truman, the US President from 1945-1952 once said "the President makes foreign policy". In the cases of Presidents Mandela and Mbeki this certainly seemed to be the case given their exceptional leadership roles in guiding the country's external relations during a turbulent period of change at home and abroad. However, under President Zuma, it would seem that South Africa's international image has suffered serious harm; which other sitting head of state has 783 corruption charges hanging over his head? He has thus failed to build on the solid normative foundations inherited from his two predecessors and much of this has to do with his own failures to provide moral leadership by constantly being mired in controversies and scandals of his own making.
- South Africa's aggressive lobbying on behalf of Dr Nkosazana Dlamini-Zuma to win the Chair of the AU Commission turned out to be a very divisive exercise at a time when the country had reaffirmed the centrality of the continent as a fundamental principle in the foreign policy of *Ubuntu*. This violated and went against the grain of a standing

convention that large countries would not put candidates forward for the position but South Africa nevertheless went ahead in the face of growing acrimony and resistance to its tactical manoeuvres to subvert the convention. By all accounts, this incident aggravated South Africa's already dented image in some parts of the continent and among certain countries, causing its leadership bona fides to come under greater scrutiny.

- We cannot ignore the impact of any impending downgrade by ratings agencies, Standard & Poor and Fitch. South Africa's credit rating currently stands at BBB – which is one notch above junk status. Its low economic growth – which the Reserve Bank forecasts at 0% this year – has direct consequences for its *Batho*

“On the basis of the growing cynicism and despair fuelled by the Zuma Presidency, it seems that there has been a drift away from the ethical foundations of South Africa's foreign policy.”

*Pele* social contract. However, the ratings agencies have expressed concern about how political tumult under the Zuma presidency has threatened policy and institutional stability and undermined structural reform, especially in bloated and mismanaged state-owned enterprises. South Africa's sovereign credit profile has been severely compromised and the country has lost its lustre as a primary destination for foreign investment, with direct ramifications for its global standing and stature.

These cases and examples are emblematic of a growing pathological syndrome of a state that has not been able to ensure the security of its citizens with consequent negative effects for its personality, image, and reputation in international affairs which

draws on a normative history of active multilateralism. This takes on added significance since South Africa has to strategically navigate its way between the modern world of realist geo-politics and power and the post-modern world of idealist images and influence.

If the German philosopher, Georg Hegel, would have us believe that the state is the incarnation of reason and rationality, then unreason and irrationality are incrementally creeping into the anatomy of the South African state in its current form. In Hegelian discourse, the South African state has not lived up to its calling as the "universal overseer", thus leading to an attenuation of its leadership and hegemony over society and this is closely tied in with the failures of the ruling party to maintain itself as an idea and reality among its support base.

Here Antonio Gramsci, the Italian anti-fascist thinker, is very instructive when he writes: "At a certain point in their historical lives, social classes become detached from their traditional parties. In other words, the traditional parties in that particular organisational form, with the particular men who constitute, represent, and lead them, are no longer recognised by their class (or faction of a class). When such crises occur, the immediate situation becomes delicate and dangerous because the field is wide open for violent forces, represented by charismatic men of destiny."

The recent developments and trends in the country's economy and polity will continue to be subject to delicate and dangerous unknown forces and thus represent the makings of an existential crisis in the South African state if left unchecked. And herein lie the ambiguities for the country's global image and identity: it will be a real struggle and challenge for DIRCO to realise the liberating ethos of *Ubuntu* and *Batho Pele* in the present environment and under the current leadership. But the endeavour will be worth it if it results in a different kind of social contract and political culture which advances the frontiers of citizen security in a manner that is commensurate with re-establishing South Africa's normative agency in international relations. ■

**THE BIG CHIEF OF AFRICA**

# The *Kragdadige* Leadership Impulses of Jacob Zuma



Here we have a cunning, crafty and wily old fox who uses the traditional base to manipulate his way through the turbulence and turmoil of politics as the underdog and the victim.

By Chris Landsberg

**A** man under siege! A man under attack! An angry man! They say angry men are dangerous men. In recent years I have tried modestly to help fill a void by focussing on leadership, specifically international political leadership, and a country's domestic and international fortunes. Recent months have seen a confluence of circumstances and events that have led to the recent decision by some members of the African National Congress (ANC) National Executive Committee (NEC) calling on President Zuma to resign. For this meeting, the president's base and his ardent supporters were rallied to help stave off the call.

After the extended ANC NEC meeting at the end of November 2016, the ANC released a statement asserting that the real threats to the

revolution in South Africa are "racism, ethnic nationalism and monopoly capital". It was the emphasis on ethnic nationalism that struck a cord and in recent months we have witnessed increasing interest in and focus on the leadership styles and travails of President Jacob Zuma. A *kragdadige* (forceful), at times belligerent ethnic nationalism has played itself out as the President sought to deal with his challenges, travails and detractors and fight to restore his credibility.

In a riveting piece about President Zuma, ANC stalwart and veteran Mavuso Msimang wrote in an article in the *City Press* newspaper in November 2015 that President Zuma "is a very angry man". Msimang wrote this piece in reaction to President Zuma's off the cuff, unscripted words during an ANC Provincial conference. In that speech,

Zuma launched a "visceral attack on Kgalema Mothlante". Motlanthe made the mistake of criticising certain practices in the ANC, including corruption and factionalism. The former president quickly learned that the president did not take kindly to criticism of the ANC, the "collective" as he sees it, and less still criticism of him as president or person, as he is part of "the collective". He detests being removed from the collective and being singled out, for snakes are killed by chopping off the head. When he is targeted as the "head" he feels he is being likened to a snake; a bad omen in his culture.

Just when I thought this was an exception and not the rule I had to remind myself that, after being "relieved" of his duties in 2005 as Deputy President, Jacob Zuma went

to Kwazulu-Natal to bully-pulpit so as to reinforce his base and build up and consolidate his devotees. So when in November 2016 the president delivered another truculent, unscripted speech in KwaZulu-Natal, and this time round in his address to thousands of supporters at the ANC's victory rally in eDumbe, it was suggestive of a peculiar pattern that developed. Zuma vowed that he was "not scared of political parties who approach courts to scare" him. Said the Big Chief, "people think democracy is done at courts. They never mention the will of the people, they always talk about courts...They think by going to courts they are intimidating the ANC". A pugnacious, belligerent side revealed itself when he warned his detractors: "we are not going to be intimidated even if it means I get arrested today. I am used to it. I have spent a lot of time in jail. You cannot threaten me with jail time. I am not scared of jail time. I have been there".

I sat up and became increasingly intrigued by this curious style of Number 1, not just when he speaks unscripted and from the "heart" so to speak, without a text and with his mind really going political, but by his resorting to cultural and ethnic politics when he chooses KwaZulu-Natal as the base to go and deliver combative off the cuff speeches. Here is a man that has always been in touch with his traditional, cultural base, and when he feels he has his back to the wall, he goes back to the base for inspiration and support. The role of personality matters in politics, and speeches in both content and tone, and how the leader connects with popular constituencies can give one a true sense of someone's leadership style.

During the years 2015-16, it became plain that South Africa was searching for relevance and purpose in world affairs. The politics at home appeared feeble with the ruling ANC experiencing major internal challenges and its leader, President Zuma, finding himself bogged down in a number of political scandals and disgraces. The Constitutional Court ruled in March 2016 that the President was acting in ways that were outside the spirit and the letter of the constitution. The currency see-sawed at the hands of amorphous

"markets" amid speculation about the future of the President.

The ruling party appeared to have lost its political and strategic compass nationally and this sense of misdirection at home appears to have spilled over into the Republic's foreign affairs. South Africa has lost international respect and its sense of balance in global affairs, and when probed the issue of the leadership of the head of state is questioned.

On 18 November 2016, President Zuma again went to Pietermaritzburg in the heartland of his strong base in KwaZulu-Natal, and gave another one of those frank, and combative speeches. The President again openly expressed the view that the reason why we find ourselves in a global spot of bother was two-fold: he is not liked by some at home, including many in close ANC ranks, and that the ANC and South Africa are "not liked" globally. The President appealed for sympathy. He played the politics of victimhood and wanted his base to understand that he was being persecuted and tormented by enemies.

The President sharpened his tongue for those veterans who dared to challenge his authority and had the temerity to do so outside of ANC structures. He also belted former President Thabo Mbeki for a letter in which he implored Zuma to meet with the 101 veterans and stalwarts that was leaked to the media even before he received it.

International forces were not spared the President's ire. The reason why we are "not liked", according to the President, is because we are "independent" and we "chose to join the BRICS group". Said the President, "most people do not like us because we cannot be told what to do". BRICS is "a small group but is very powerful" and this constellation "had interfered with the global balance of forces" and "western forces did not like BRICS". President Zuma did not stop there. He argued that ratings agencies were part of the "arsenal being used by countries seeking to smash the BRICS alliance". This sounded like Kraal leadership not confined to domestic politics but also applied to BRICS and the Russian nuclear deal and heckling

critics were urged to back off their continuous strident criticism of ANC and government politics.

How true is it that South Africa's dwindling influence in world affairs, and the growing lack of respect, is the result of it being punished by the West for having had the audacity to join BRICS? There is no doubt that there is a sense of irritation on the part of the West for South Africa's perceived pivoting to China and outreach to Russia in search of a special and distinctive entente. Many in the West still believe that the fulcrum of South Africa's foreign affairs is with the West. The ANC is within its right to strengthening ties with Brazil, India, China and the broader South, and to stress that it believes in an "Africa first" policy. Ambivalence and criticism towards the "West" is understandable; but to use a foreign policy issue for kraal leadership to rally and mobilise the political base is a novelty in South African politics. Just as it becomes difficult to restore international confidence in its faltering economy, it became increasingly difficult to make sense of the Republic's domestic politics and global standing. The trivialisation of politics at home and personalisation of foreign policy appears to be a desperate quest by the Big Chief to restore his and the ANC's leadership and repair their dented prestige and reputation nationally and in world affairs.

This quest for embrace by the world and search for global status has revealed a crisis of confidence in the Republic's international affairs. All the bravado and at times defiance of its posture notwithstanding, the crisis at home appears to have spilled over into a crisis of conviction in foreign policy and diplomacy. South Africa's diplomacy and international relations could not escape the tormenting web of divisive and conflict-ridden slate politics that have come to beset the ANC. Foreign policy is now an extension of slanting regime politics.

South Africa's foreign policy appears to be caught between issues of liberation brotherhoods/sisterhoods and solidarity, the quest for national interests, and adhering to lofty, cosmopolitan, liberal values. While the rhetoric of foreign policy has an increasingly pro-Africa,



pro-Asia [read: pro-China], pro-South, and pro-multilateralism posture, and conversely an anti-US, and west, and anti-imperialism stance, the reality is that it is much closer to western powers than it cares to admit and recognise, while showing a palpable shift in its ties with Asia and South America. One of the motivations for its membership in Brazil-Russia-India-China-South Africa (BRICS) congregation for example is the idea of being a member of a “big club” that will help it to punch above its weight in foreign affairs, and help to enhance its prestige in world affairs. While President Zuma is of the view that South Africa is a “big player” in BRICS, others doubt whether South Africa is earning its keep in foreign policy.

Our foreign policy remains one that is driven by regime and self-interest considerations. In the 2015 ANC foreign policy discussion document, there is no reference at all to human rights, suggesting that the ANC, at least under President Zuma, is crafting a post-human rights international relations posture. The African continent’s woes are all laid at the door of exogenous factors as “imperialism and neo-colonial forces”, according to the ANC, “are responsible for the wave of social instability in our continent”. There is scarcely any reference to endogenous factors.

The Zuma government went to the extent of arguing that “the national interest” is the doctrine that would inform the country’s foreign policy. But in the realpolitik, self-interested world of President Zuma’s government, the national interest seem to have become a cover for regime interests and self-interest in an increasingly utilitarian, economic driven foreign policy that is pursued under the banner “Open for business...In a big way!”.

#### **Laissez-Faire foreign policy decision-making of a Big Chief of Africa**

In order to understand the current perplexing standing of South Africa in world affairs, we have to zero in more on the Polokwanisation of South African foreign policy decision-making. The fault-lines and deviations in South Africa’s foreign policy can best be explained by the haphazard manner in which policy is arrived at, based on

the fact that, just as government in the main has become factionalised and full of slates, so foreign policy reflects these unsettling trends. The bureaucracy and diplomatic machinery have become highly politicised, and the state and foreign policy apparatus has been on “auto pilot” for quite some time, with no epi-centre evident to drive strategic decision-making. Whereas the ANC was concerned with the emergence of two centres of power when President Mbeki was recalled in 2008, now multiple centres of power have emerged with no clear strategic centre of gravity.

During the past seven years policy-making and foreign policy formulation have been the result of a diffused and scattered, hurly-burly process. Just like with other aspects of the state and decision-making, foreign policy and

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diplomacy became characterised by fissures and frictions because of factional politics in the ANC after the deeply divisive Polokwane congress which resulted in the defeat of Thabo Mbeki, and his eventual recall in September 2007. The lack of strategic management of foreign policy and diplomacy became palpable after these developments.

Over the past year ANC Secretary-General Gwede Mantashe and President Jacob Zuma himself have bemoaned divisions and factionalisation in the ruling ANC. Foreign policy and diplomacy appear to have become a highly factionalised muddle, in which there is very little that is predictable. The much debated ANC foreign policy discussion document came about because of this laissez faire style as different groups

and factions in the ANC could not agree on what would be the final draft of the document that should see the light of day. Jacob Zuma is not a hands-on, policy president; nor a nuts-and-bolts foreign policy manager. This management style has spilled over into the realm of foreign policy where there is a real sense of vacuum and free-for-all paradigm at play.

During the past seven years one finds it difficult to locate the traces of the much-promised networking, consultative style of foreign policy as promised by president Zuma when he ran for president in 2009. We have instead seen a situation in which powerful interest groups have sought to gain access to a national interest-driven, utilitarian foreign policy that has as its main goal economic gains.

#### **Conclusion**

South Africa is struggling to find stability and cohesion at home and searching for a role and relevance in world affairs, and has sent many contradictory identity signals in this regard. The contradictory messaging in domestic and foreign policies has often resulted in the articulation of incongruous national and foreign policy postures by the Republic given the slate politics and factionalism in the ruling party.

Just as the Big Chief knows how to speak from both sides of his mouth, so South Africa has in recent years spoken with forked tongues in diplomacy, as different strategic documents say different and even contradictory things about the same issue.

In recent years and months we have witnessed growing tensions between self-interest and regime interests on the one hand, and lofty cosmopolitan values proclaimed to be central tenets of our domestic politics and foreign policy. These tensions are increasingly being played out in the realist, utilitarian, scorched-earth politics of Jacob Zuma, the man and the president. Here we have a cunning, crafty and wily old fox who uses the traditional base to manipulate his way through the turbulence and turmoil of politics as the underdog and the victim. Welcome to Zuma’s kraal! The Kraal of zero-sum politics. ■

## A 'MANIPULATIVE' AND 'DISTRIBUTIVE' DEMOCRACY

# How to rig elections



This downward trend is a serious signal to Putin on the eve of the Presidential elections due to be held in March 2018. He finds himself between the hammer of powerful Western pressure and the anvil of people's discontent with his socio-economic policy.

By Vyacheslav (Slava) Tetekin

Russia's stand in support of the legitimate government of Syria as well as some other recent foreign policy actions indicate that Russia is returning to the centre stage of global politics as a major counterbalance to American imperialism. But domestic, socio-economic policies are still formulated and implemented by a narrow group of outwardly pro-Western members of the ruling group. In order to retain its positions this group had to ensure its

victory at Parliamentary elections on September, 18, 2016. These elections can hardly be called free and fair.

The ruling United Russia party (UR) got 76% of mandates (343 out of 450). 5 years earlier it got only 238 parliamentary seats though 5 million less people voted for the UR this year than in 2011. Where does the 76% support come from? The trick is that the electoral legislation was changed so that 50% of the mandates (225) were contested on party lists while the other

50% were contested in single member constituencies. On the party lists the UR got 54% (5 years earlier: 49%). But in single-member constituencies (far easier to manipulate) it got an outrageous 90.2%. Hence the new average of 76%.

However the 54% won on party lists is also misleading and does not reflect the real level of support (or lack thereof) of the ruling party. Many facts indicate massive vote rigging. For example, at 100 polling stations in the Saratov region where Volodin (the new Speaker of Parliament and former 1st Head of Presidential Administration in charge of domestic policy) was standing, the results were astonishingly similar: United Russia: 62.2%; Communist Party: 11.8 %; Zhirinovskiy's Liberal Democrats: 9.1%; Just Russia: 6.1%. Precisely the same results! At 100 polling stations in one region! Any comment needed? It's not elective democracy. I call it "distributive democracy".

Another significant factor was a low voter turnout. It was claimed that 47% of the voters came to the polling stations. But the hard fact is that in major cities the attendance was from 35% in Moscow to 25% in Saint Petersburg – the second capital of Russia. That means that people "voted with their feet" as a sign of distrust in the elections. In fact the ruling group wanted a low attendance as it created a bigger space for manipulation. The trick was that it tacitly encouraged low attendance in major cities with a bigger concentration of protest voters and artificially pumped up the attendance in rural areas where the electorate is far more dependent on local authorities.

One more trick was to radically increase the number of political parties. The 2011 elections were contested by four major parties. But according to the legislation introduced years ago the minimal number of members required to register a party dropped hundred times - from 50 000 to 500. It immediately increased the number of parties to a ridiculous 76.

Then the authorities felt that they had overplayed democracy, so only 14 parties were allowed to participate in the elections. But significantly they were mostly those able to snatch

votes from the Communist Party. For example newly created and practically unknown “Communists of Russia” (another “Kremlin project” organised and financed by the ruling group) got 2.5% of the vote simply by using the CPRF-type emblem and more radical rhetoric.

These were relatively new methods of vote manipulation. However the “good old” methods were fully used as well. In many places the ballot papers were not even counted as the heads of “independent” election commissions (selected and controlled by the local authorities) simply wrote in the final protocols the figures submitted from the upper levels of falsification machinery (hence the above mentioned staggering results in Saratov). They do not need votes. They write the figures. The observers from opposition parties were in many cases forcefully removed from the polling stations.

As a result of this “manipulative” and “distributive” democracy the leading force of the opposition – the Communist Party – got 42 mandates out of the 92 that it had before. Other opposition parties – Zhirinovskiy’s Liberal Democrats and Just Russia also suffered very considerable losses of parliamentary seats.

It might look as a triumph for the ruling party. But these results do not reflect the real mood of the people. All opinion polls before the elections showed support for the UR falling below 40%. So the 76% of the parliamentary seats that the UR claims to have obtained will hardly convince the majority of the electorate which abstained from the elections. A significant part of Russian society thinks that the elected Parliament lacks legitimacy.

These figures are quite misleading and do not reveal the serious contradictions in Russian society and its political and economic leadership. The State Duma is increasingly regarded as a meaningless body rubber stamping the draft laws that come from the Executive.

Months before the elections top members of the ruling group understood how to organise genuinely free and fair elections. But why did the ruling group decide to rig the elections

in such a naked and shameless manner? The feeling is that these developments show growing insecurity of the Russian “elite”. Recent opinion polls indicate a strong downfall of prestige of major state institutions as compared with just several months earlier. The State Duma’s support has dwindled from 40% to 24%. The Government’s prestige collapsed from 45 to 26%. Even the popularity of President Putin (that seemed unshakable after the Crimea returned to Russia) has dropped from 80% to 74%.

This downward trend is a serious signal to Putin on the eve of the Presidential elections due to be held in March 2018. He finds himself between the hammer of powerful Western pressure and the anvil of people’s discontent with his socio-economic policy.

One of the signs of this insecurity is his tendency to surround himself with weaker players. Right before the elections the Head of Presidential Administration, former KGB general Sergei Ivanov, unexpectedly retired. He was replaced by a practically unknown former head of Presidential Protocol Vaino – an ethnic Estonian with no previous record of senior State positions. Immediately after the elections the Speaker of Parliament (and a former Head of Presidential Administration) Sergei Naryshkin was appointed the Director of the External Intelligence Service. It is an obvious demotion of a person quite loyal to Putin but of political calibre at least equal to the President. This applies equally in the case of Sergei Ivanov...

And then the constant reshuffle of security forces. A National Guard was formed on the basis of the Interior Ministry troops creating a complicated balance of forces between the Army, the Federal Security Service, the Interior Ministry and the National Guard. It seems to be another sign of the president’s insecurity. Three former members of his security team have been recently appointed governors of major regions.

It would be wrong however to attribute the shock waves in Russia’s domestic policy to the personality of Putin. The tendency to concentrate power and to run the country nearly

single-handedly finds its explanation in the deepening economic crisis of the last two years.

This crisis in its turn has its roots in the inability of the ruling group to get rid of the total dependence of the economy on oil and gas and start the re-industrialisation of Russia on a modern technologic basis. This inability also has its roots. They are in the incompetence and corruption of a ruling group simply not fit by any standards to run such a huge and complicated country as Russia. They savagely exploit the tremendous economic resources created by the outstanding effort of the Soviet people during 70 years of Soviet power and hardly think as far as even 5 years ahead.

However with the fall of world oil prices from 120 to 45-50 USD the Russian state budget collapsed. The only way to preserve economic and political stability chosen by the ruling group was to allow a two-fold devaluation of the ruble: from 36 dollars a ruble in mid-2014 to 65 in mid-2016. Of course this was very profitable for raw material export-oriented businesses and destructive for manufacturing, which strongly depends on imports. Thus oil and gas oligarchs became richer while the rest of the population became poorer.

It is clear that there will be no return back to the oil prices of 120 USD a barrel. With 50% of the State budget formed from oil and gas profits the price of oil below 50 USD a barrel means a very big hole in the state coffers. But there is no replacement as all the talk of re-industrialisation remains at the level of empty declarations. There is neither a strong desire nor the required professional competence to start and run major industrial projects. 94 billion USD are placed in US banks at a miserable 2-3% interest rate, while the Russian manufacturing sector is suffering from very inadequate investment.

The falling economy reflects itself in falling living standards. Officially this has gone down by 10%, but in fact by far more. The number of destitute people (a phenomenon practically unknown in the USSR) has reached a staggering figure of 22 million. The salaries of the



state and municipal workers are frozen while the official level of inflation last year was over 12%. The old age pensions are also effectively frozen, and there is increased talk of raising the pension age by 5 years.

The State budget is frozen for the next three years at the level of 2016. Given the inflation rate this means that the budget will fall by at least 10%. In the draft budget for 2017 the expenditures for health care go down by 25%, for employment assistance by 30%, and support for economic development and innovation by 22%.

Budget cuts in education and science make the “modernisation” talk particularly meaningless. The feeling is that those who formulate Russia’s economic policy are determined to retain the country in the club of raw material suppliers and prevent its revival as an industrial power. It is not surprising as despite all the patriotic talk the ruling group of Russia remains an integral part of the global oligarchy. And the contradictions which sometimes emerge are a manifestation of the Russian elite’s strong determination to rob the country “without foreign interference”.

So in order to fulfill the minimal social obligations the Government has to increase the fiscal burden on the population. New forms of taxation are introduced on a regular basis. Putin stubbornly refuses to drop the obviously bankrupt economic policy influenced by the “friends of the West” thus increasing social tension in the country. This in itself creates a breeding ground for wide-spread dissent. The mass media is tightly controlled by the ruling group. Because of a specific Russian mentality this does not always manifest itself in the public sphere. But the amount of anger is growing deep inside the hearts of the people.

One of the things giving rise to particularly strong indignation is a staggering level of corruption. It far surpasses even the countries which have become symbols of that evil. Society is shocked on a weekly basis by new corruption scandals. Recently a staggering sum of 120 million dollars in cash was found in the flat of a modest police colonel in Moscow. Notably

he was serving in the Interior Ministry anticorruption unit. The lavish spending of the top members of the ruling group including members of the Government and the heads of the State corporations (including top 100 yachts at 80-90 million USD and palaces in Europe at 100-120 million USD) show that the level of social differentiation has reached unprecedented proportions.

This total negligence of the interests of Russia’s economic and social development is explained by the nature of its ruling class. It is a very narrow group (less than 2% of the population) consisting of rich and super-rich oligarchs and top bureaucrats. These

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two groups are closely intertwined with oligarchs occupying top positions in the government, with most of the ministers having highly profitable businesses.

The only asset presented to the electorate was the return of Crimea to Russia. But the impact of this factor is dwindling. The nation is also asked to rally around the national leader to stand against Western economic, political and other sanctions. The patriotic card is strongly played by the ruling group. The hard fact however is that the most important socio-economic part of

the Government – the Central Bank, Finance Ministry, Ministry of Economic Development, the two deputy Prime Ministers in charges of the economy – is firmly in the hands of the friends of the West.

The question which the Russian Communist Party asks is: How does President Putin manage to combine an anti-Western foreign policy stand with his “ugly capitalism” domestic policy? The recent appointment of Kirienko – former head of the Atomic Energy Agency and a well-known “friend of the West” – as the 1st Deputy Head of Presidential Administration is a signal that the pro-Western group is reinforcing its influence in the Kremlin. They are not interested in the development of Russia. It seems that the gradual destruction of Russia’s economic, scientific, educational and cultural potential is quite a conscientious policy of the influential part of the ruling group.

Of course Putin’s tough stand on Syria and other international issues enjoys support and sympathy in Asia, Africa, Latin America and the Middle East. However this stand should be understood more through the prism of inter-imperialist rivalries than as a restoration of the anti-imperialist internationalist stand of the USSR.

Even if the policy of the Kremlin appears to look “back to the USSR”, in essence it is an attempt to defend the right of the Russian oligarchy to keep plundering the natural resources of the country and protecting this right against the old colonial powers.

The Russian ruling group is part and parcel of global monopoly capital. The unexpected firmness of Putin’s stand on the international arena and increased defence spending is in the fact that the fate of Slobodan Milosevic, Saddam Hussein and Muammar Gaddafi are very ominous signals that he might be the next on the list.

So the economic and political crisis in Russia will keep deepening and no “triumphant” results of the elections will hide the fact that the ruling group is failing, just like the political and economic system imposed on Russia in 1991 following the collapse of the Soviet Union. ■

## THE GHETTOES OF PAN-AFRICANISM

# Fictive Sovereignties, Contingent Nationalisms, Distorted Spritualities and Identity Defections



As dysfunctional sub-African socio-economic and accidental haphazard political constructions, these African monstrous political entities have no discernible *raison d'être*.

By Ademola Araoye

*Sometimes people hold a core belief that is very strong. When they are presented with evidence that works against that belief, the new evidence cannot be accepted. It would create a feeling that is extremely uncomfortable, called cognitive dissonance. And because it is so important to protect the core belief, they will rationalize, ignore and even deny anything that doesn't fit in with the core belief.*  
– Frantz Fanon, *Black Skin, White Masks*

Africa, indeed the black race, is burdened: trapped in the ghettoes of its Pan-African longings. The challenge is to reorient its misguided, misaligned and dilapidated consciousness that is integral to the entrenched indolent fixations underpinning the current deleterious fictions: the incontinence of assumptions of possessing numerous sovereignties that emanate from the travails of its encounter with hegemonic forces; reconstruct the many externally inspired and internally legitimated impositions and distortions associated with the broken template on which its horrible existential realities now rest; and, critically, reaffirming the unassailable validity of the singular historic compass designed to navigate the intricate extrications from an ancient quagmire, including survival in only tangential relevance.

Alienated from the vision of a sacred consecration of a peoples' oneness, a broken and subdued Africa is bound to a counterfeited constancy of a long moment of convenient rationalisations in the service of a dominant historic fallacy. The construction of the universe of the African state and society and the concrete expression of this state and the associated multiplicity in the unceasing bifurcations of the one community of its humanity constitute a stout quotidian nightmare that perpetually survives. This survival persists at a horrendous cost to the people in the continued alienation from the peoples' historic sense of oneness. Indeed, that the real intellectual origins of Pan-Africanism have been located in the Caribbean<sup>1</sup> or even if in the United States as conventionally thought, suggests its true essence as a holistic counter poise by a unified black humanity even if far flung in and by its ancient travails. Africa is in a constant location along dissipated thresholds as one singular global community strenuously charting the difficult terrains of the process of an imposed and distorted modernity.

Dominant contemporary interpretive formulations and dedicated structural phantoms that detract from the wholesome fullness of the vision are tragic. The same Pan-Africanism that made visible to Africa the fundamental qualities and potentials of modernity

and served as the black philosophy of redemption to navigate the horrendous denials of the essential humanity of blackness, systemic inequities and challenges of the process of modernity, has been vacated and upended to serve the very opposite ends of consolidating Africa's location in the margins of irrelevance and the brutalised periphery of an elusive modernity. In building structural edifices to perpetuate the permanence of this tangential status, the tensions between core Pan-Africanism and the counterfeited contemporary expressions of the vision are palpable and defining of the falseness of the powerful currency of the ghettos; both intellectual and political.

Cheikh Anta Diop anticipated the fatal pathologies of the ghetto. The ghettos, as the very antithesis of Pan-Africanism, were to be constituted by a proliferation of dictator-ridden little countries without organic ties to one another, ephemeral, afflicted with chronic weakness, governed by terror with the help of outsized police forces, but under economic domination of foreign countries. He adumbrated that if Africa was to be protected from such a fate, the idea of a continental federation must actually constitute a method of survival by way of an efficacious political and economic organisation, and not just a dilatory demagogic formulation receiving merely lip service. He called for an end to fooling the masses with a patchwork of minor states and bring about the ultimate break with all the fake structures (Communaute, Commonwealth, Eurafrika), that, he noted, held no future for Africa. Black Africa, he urged, must be started up the slope toward its federal destiny.

About the same time, one of the earliest home grown attempts to codify the intellectual responses to the oppression of black Africa by alien structures of knowledge and the institutions emanating from them into a conceptual framework for holistic African emancipation can be traced to the work of Anton Muziwakhe Lembede.<sup>2</sup> By 1946, Lembede perceived among Africans a clear sign of national awakening, national renaissance or rebirth on the far-off horizon. Accordingly, he enthused

that Africa had to "realize its own potentialities, develop its own talents and retain its own peculiar character."<sup>3</sup> Lembede's starting point for his vision of African nationalism was the recognition of the fundamental reality that Africans had to transcend their ethnic divisions and accept responsibility for their common destiny.

Anta Diop was very prophetic about the very real potential of a hopeless descent of Africa into the ghettos. But he underestimated the tenacity of Africa's prurient leadership to mortgage the interests of the people for their personal gains till the end of time, as the contemporary state of Africa demonstrates. He had hoped that in the years ahead Africa, in surveying the overwhelming bleakness of its evolved circumstances, will be forced progressively to strengthen their organic federal ties while ridding themselves of the remains of those that still bind them to their former mother countries.<sup>4</sup> Anta Diop's fear of the emergence of this ghetto, constantly rationalised by a formidable academy of entrenched hypocrisy and sychophancy and conniving quasi-intellectual accessories, has been Africa's existential nightmare. The challenge of our age thus is to institute epistemological pillars in progressive excavations toward a re-appropriation of the legacy of the core compass and engage to infuse Pan-Africanism with its original defining redemptive impulses.

The strategic deficits of Africa are therefore in its fractious geopolitical structure that is mainly constructed to advance the status quo and the absolute absence of that elusive dedicated human agency for progressive and constructive change. A long journey thus beckons to a historic and predictably turbulent odyssey in the creative deconstruction and revolutionary reconstruction of their odious present. As Jean-Paul Sartre notes in situations like this, the necessary reinvention of man cannot be accomplished by tinkering, patching and mending in the dark. It can be done only by constructing guided by principles, by breaking and melting down all our shackles. Otherwise, the trenchant reconstruction of the dolorous African reality may remain

permanently barred. The narratives however must begin from the alienated and denounced beginnings.

In the beginning there was only one concept and incontestable authentic expression distilled in the Pan-Africanism of Marcus Garvey to which the last true apostles including Kwame Nkrumah and Cheick Anta Diop remained faithful. The latter day Pan-Africanism of the many vacuous strands of 56 fictive sovereignties and contingent nationalisms is the very antithesis of the true vision of one Africa in the service of black humanity. The intellectual and political undertakers of the funeral of this sacrosanct aspiration of the people are gathered in temples that are consecrated to the subversion of the spiritual quintessence of a whole humanity. But the eternally simmering pulse of the inalienable union of the African people is a transcendental force that in periodic constancy would flaunt its incontestable supremacy over the many mere temporal expressions of the upended vision. These charging slides are supported by the mercantilist appreciations of hollow and quack intellectualism that serve as handmaidens of dominant villainous systems and structures of the moment. They spin their nebulous epistemic props dedicated to the horrific denunciations of the true and deferred spirit of the one people of Africa.

At a basic level, pan-Africanism is a belief that African peoples, both on the African continent and in the Diaspora, share not merely a common history, but a common destiny.<sup>5</sup> Yet, in the place of a singular consolidated vision of one people ineluctably linked to a common destiny in a natural logical emanation from the horrendous travails of its peculiar evolution, Africa carries the weight of fictive sovereignties and associated contingent nationalisms of fifty six parasitic rag-flag states. These are largely weak and unviable monstrous sociological constructions. 45% of all Africans live in five states, who between them control at least 5% each of Africa's traumatised people. 56% of Africa's 56 pretend states are obscure and mere political enclaves that do not even contain 1% each of the 1.16 billion humanity resident in Africa. 9 of the 56 are rag flag states



with a population of less than a million each. They constitute the true soft underbelly of Africa. No grand or strategic plans, including Agenda 2063, rehashing all the previous grand blueprints beginning with the Lagos Plan of Action of 1980, can redeem them from dependency on hegemonic forces. They are neither configured nor primed to advance either the public good of their Lilliputian enclaves or of that of the continent. They represent a recurring debit on Africa's comprehensive ledger; social, economic, developmental and political. They exist only so that another egomaniacal African can be addressed as president and for him/her to build a dirty fiefdom for himself and family. As dysfunctional sub-African socio-economic and accidental haphazard political constructions, these African monstrous political entities have no discernible *raison d'être*. They merely wear the pretentious garb of state entities that entrap an alienated and disaffected billion plus humanity within a crushing global order. Meanwhile, that systemic order is founded on the norms, values, preferences, prejudices, protocols and prerogatives of a hegemonic External Other driving the systemic order in absolute discountenance of any interventions or inputs from Africans and the continent in their subservient locales.

In actuality and entrapped in its self-absorbing ghettos, the African universe is a complicit net absorber of impositions and a willing object of systemic diktats. Compromised and ensnared in a tangential location with scant locus in this oppressive global structure, the urgent salience for holistic emancipation as well as the debilitating challenge of Pan-Africanism in the new millennium could not be more starkly expressed or more daunting. The situation, compounded by massive distortion of the African spiritualities instigated to align with the dominant order, is also driving a process of ferocious defection from black and African identity. The African burden is thus total: across the main arteries of timelessness and traversing every realm of futuristic human endeavour and in the whole of quotidian life expressions. Together, the fictive sovereignties,

contingent nationalisms, distorted spiritualities and the consequential identity defections of a defeated people surviving in a zone of a rationalised compromise of their human essences and undervaluation of their integrity, constitute the contours of the ghettos of a truly defined emancipatory Pan-Africanism.

With these self-repudiatory processes unfolding across the board, Africa is holed up in the ghettos of a future long abandoned to the precarious vicissitudes of a replicating old past still outside its control. Its feeble response to the oppressive context of its contemporaneous being is gripped by counterfeited articulations of platitudes. The core principles and immutable tenets of Pan-Africanism across vital existential realms – intellectual, political, economic, cultural and

**“With the crushing influence of the likes of Sedar Senghor, Francophone Africa is one large consolidated expanse of the ghettos of Pan-Africanism.”**

spiritual – have suffered such grave and convenient distortions. The related epistemic firmament is suffused with the irreverence of denuding interpretive formulations peddled by revisionist apologists in often poorly researched scholarship. They survive as convenient pseudo-intellectual cheap barmaids in the taverns of an extant destructive continental establishment and a deleterious status quo. The outcome has been a steady and incremental attempt to vacate the authentic and historically validated substantive and normative delineations of the core essences of Pan-Africanism. This has been the major task of the purveyors of the dominant quackery of all times. But there is the incontestable proclamation of time and hindsight.

There is and can only be one historically sanctioned and consolidated concept of Pan-Africanism. The Pan-

Africanism of its early propagators and disciples, from Henry Sylvester Williams, through Marcus Garvey, WEB Du Bois, Alain Locke, the Panamanian Marie Du Chatellier, Edward Wilmot Blyden, originally from the Virgin Islands, the lawyer Casely-Hayford from the Gold Coast (Ghana), and the Sudano-Egyptian Dusé Mohamed Ali, all envisaged one cathedral of the common whole in a permanently interwoven and unionised communion for the total emancipation of black humanity. This dedicated aspiration was to counter the real threat of the rise of monstrosities and contrivances that proved prescient in the emergence of the burden of unholy socio-political configurations and betrayals of the long moment that have kept the spirit of the whole dilapidated and in perpetual torment. These have been in confrontation with the vision of Pan-Africanism.

The early internal challenge to the integrity of the Pan-African vision was through the insertion of black fifth columnists, representing and in the service of the French establishment, mostly from francophone colonies in Africa and the Caribbean into the discursive space. Early in the critical years of the formulation of Pan-Africanism, Blaise Diagne and Gratien Candace, both French politicians of Senegalese and Guadeloupien descent respectively, challenged the expressed commonality of the destiny of blacks and Africans. They raised the only dissenting voices at the 1921 Second Pan-African Congress that convened in sessions spread across the cities of London, Paris and Brussels. Both were representing Senegal and Guadeloupe in the French Chamber of Deputies. Acting as a proxy of white France, they abandoned the idea of Pan-Africanism instead advocating equal rights inside French citizenship. They declared that the future of blacks in French colonies in black Africa and the Diaspora lay as incorporated elements of French civilisation. Diagne was the intellectual precursor of his compatriot Leopold Sedar Senghor's strand of Negritude that amplified that same thesis, while at the same time weeping that the white France should treat blacks as equals. His Negritude was the nadir of self-imposed black indignity. While

Senghor was at it, France was being taught lessons on racial and national pride elsewhere in Algeria and Indo-China. With the crushing influence of the likes of Senghor, Francophone Africa is one large consolidated expanse of the ghettos of Pan-Africanism. It has produced a galaxy of minions in obscure African state houses under the inflexible influence of France. It is not a coincidence that not one of the five winners of the Mo Ibrahim prize has come from Francophone Africa. The most loyal are rewarded with false accolades and honours like the France instituted Sedar Senghor peace prize.

Predating the formation of the African Association in 1897 was the struggle instigated by Absalom Jones and Cyril Allen in Philadelphia in 1777 to re-infuse some modicum of dignity to the physical expression of the Black being even in death and in life's terminal minutes. It is supremely ironical that the final voluntary capitulation of Africa was at the cusp of national independence and in Africa by Africa's opportunistic villains. The Accra 1963 watershed in the triumph of the dolorous existent dissipated the outcome of centuries old sacrifices in a timeless struggle for holistic emancipation that taxed every black human being. The struggle predated this infamous club of men whose life careers were ultimately proven to be driven by self-aggrandisement that was far divorced from the singular spiritual cause of black humanity for the validation of the integrity of its being. Through their actions to advance infinitely narrow personal agendas, they bankrupted history and black humanity.

In 1963, the great derailment of the historic aspiration of black humanity occurred. The Organisation of African Unity (OAU), a caricature that was born through this incubus, reflected the triumph of petty personal ambitions of conservative forces over the ultimate unfathomable historic and timeless African public good. That was exactly what the enemies of Africa wanted. Half a century and a decade after, the defunct OAU and its latter day scant metamorphosis in the so-called African Union provide the evidence of the countermanding of a people's destiny.

We look no further than to the pitiable role of these parodies of Pan-

Africanism to validate their credentials as a historic emasculation of the true pulse of the African people. The constituent constituencies of an organisation bonded and defined by orgiastic affinities in a closed circuit of corrupted individual cultic traducers of a broken black humanity as their common platform determined to wreck the future of black humanity was horrible enough. All monstrosities, self-acclaimed stinking local heroes with feet of clay, are welcome as members in good standing. No moral compunctions. The killing state is the normative expression in the ghettos of corrupted Pan-Africanism. Idi Amin, Mobutu Sese Seko, Sani Abacha, Omar Bongo, Sassou Nguesso, Robert Mugabe, Bernardino Viera, Charles Taylor, Obiang Mbasogo, Houphouet Boigny, Pierre Nkurunziza, Joseph Kabila, and Paul Biya are all in good company. Notwithstanding the exceptional leadership of the likes of Pedro Verona Pires of Cape Verde, who was awarded the Mo Ibrahim prize because he had helped transform the tiny island country off the West African coast into a "model of democracy, stability and increased prosperity" and Thabo Mbeki of South Africa, with membership mostly of the former cast, the OAU became the validator of the emasculation of the African spirit. Their latter day African Union has not fared any better.

So as then and famously now, the undercurrent of the challenge of institutionalising authentic Pan-Africanism would seem to be the internal politics and the personal ambitions of the major actors. These considerations that hampered the institution of true Pan-African structures and institutions have remained the permanent impediments to progressive advances. Every champion of the authentic Pan-African vision from Marcus Garvey through to Kwame Nkrumah and Muammar Gaddafi has been denounced on grounds of self-aggrandisement by opponents of the true Pan-Africanism. They have also largely suffered sorry fates. The horrible end of Pan-Africanists of the authentic strand has included savage elimination in conspiracies almost always instigated by and involving local rivals beholden to foreign interests. Marcus Garvey,

abandoned in a London flat, lonely, died sick and in penury. The pantheon of Pan-African heroes includes Cheikh Anta Diop who had to contend with his nemesis in the person of the preeminent French stooge and negritude exponent Senghor who incarcerated him. Frantz Fanon, reputed for his theory that some neuroses are socially generated,<sup>6</sup> was an early critic of post-colonial administrations which failed to achieve true freedom from colonial institutions and also wean the population people from the trauma of colonialism by instituting a new consciousness from the newly liberated from colonial enslavement. For Fanon, a descendant of enslaved Africans and indentured Indians, born on the Caribbean island of Martinique, which was then a French colony, the rise of corruption, ethnic division, racism, and economic dependence on former colonial states resulted from the mediocrity of Africa's elite leadership class.<sup>7</sup> Fanon literally suffered the same fate as Marcus Garvey, dying lonely in the United States. Kwame Nkrumah fell to the Central Intelligence Agency's (CIA)-inspired coup led by infamous men who were later executed in Ghana's revolutionary moment. Thomas Sankara was betrayed and murdered by another French poulain in Burkina Faso, Blaise Compaore. Compaore later fled the wrath of burning Ouagadougou streets after helping to crush the revolutionary ferment in West Africa by springing the French instigated Forces Nouvelles in Côte d'Ivoire against the Pan-Africanist couple, Simone Ehivet and Laurent Koudou Gbagbo. In this pantheon of grace are Patrice Lumumba, Amilcar Cabral, Muammar Gaddafi, and Samora Machel. All of them were brutally murdered in plots orchestrated by hegemonic forces, France, Portugal, the United States of America and the murderous machinery of the Apartheid South African state. Living Pan-African legends include Laurent and Ehivet Gbagbo. Both have been incarcerated by proxy institutions of hegemonic forces, the International Criminal Court, (ICC) that is acting out the scripts of their extra-African controllers. Thabo Mbeki is visibly the last man of his generation standing for the cause. They struggled against and

denounced the evolution towards 56 little personal chapels and little sects perched on their governing pitiable canticles of doom. There is no denying, even by the traducers, the palpable torment of this long moment of Africa's internment in the ghettos.

In the context of this pervasive fundamental violence against the revolutionary ferment of authentic Pan-Africanism and the associated convenient and partisan devaluation of its historically legitimated frame of reference for practical action, the vitality of black humanity in the pursuit of its holistic emancipation is compromised. Accordingly, the acknowledgement of the irreducible commonality of the destiny of black humanity flowing from a sense of a unified and common being forged in the crucible of the blunt horrors and sharpness of an ancient historicity is integral to absolute re-appropriation of the complete wholeness of this strand of humanity. These constructions of a defining irreducible denominator in the commonality are validated by the ancient assault against this being.

The peculiar historicity imposes the imperatives to robustly negate the strangulating existential realities in the certain descent of black humanity into the very nadir of insignificance and irrelevance in the schemes of human affairs. This can be achieved by instigating a movement to oppose the continued entrapment in the ghettos of these de-legitimated visions. The imperative challenge is a radical repudiation and final revolutionary rejection of the horrors of the existent in all its manifestations; political, economic, social and spiritual. This comprehensive rejection would entail the revalidation of the authentic original and axiomatic principles of Pan-Africanism through a deconstruction of the existent weighed against the wholeness of the understandings of the oneness and commonality of the destiny of the race.

Minka Makalaki traces the antecedence of Pan-Africanism to African diasporic activist-intellectuals who convened the first Pan-African conferences. He dates the first of these to the Chicago Conference on Africa of August 14, 1893. Lasting a week,

conference participants are cited as including among others, Henry McNeal Turner and Alexander Crummell, the Egyptian Yakub Pasha, and African Methodist Episcopal Zion Church bishop Alexander Walters. Makalaki observes that a few years later, the Trinidadian barrister Henry Sylvester Williams seized on a political movement organised around a series of conferences that would draw representatives of the "African race from all the parts of the world." Toward this end in September 1897, Williams established the African Association (AA) to "encourage a feeling of unity [and] facilitate friendly intercourse among Africans," and "promote and protect the interests of all subjects claiming African descent, wholly or in part, in British Colonies and other places, especially in Africa. Significantly, the AA's leadership was representative of the African diaspora: Rev. H. Mason Joseph of Antigua served as chairman; T. J. Thompson of Sierra Leone was deputy chairman, while the South African woman A. V. Kinloch was treasurer. As honorary secretary, Williams quickly directed the African Association into politics. The seamless articulation of the common interests of the black race was notable.

Tracing the evolution of the Pan-African movement, Ramla Bamidele observes that by 1900 only two African nations had escaped subjugation: Abyssinia (Ethiopia), which had roundly defeated the Italian army in 1896, and Liberia, which had deployed diplomacy and its historic alliance with the United States to stave off imperial encroachment. It was against this background that the first Pan-African Congress took place in Westminster Town Hall, London, from July 23rd to the 25th, 1900. The objectives of the Pan-African Congress were clear. The aims and objectives of the Pan-African Association were: to campaign for effective legislation to secure civil and political rights for Africans throughout the world; to encourage educational, industrial and commercial enterprise among peoples of African descent; to produce information and statistics about peoples of Africa and African descent; and to raise funds. Moreover, the delegates hoped to establish a united front of independent

black African states, an objective that would later be resuscitated by Kwame Nkrumah of Ghana. Concrete results of the congress were few, however, and the high hopes for effective Pan-African unity failed to materialise.<sup>8</sup>

The significance of the 1900 Pan-African Congress lies in its deployment of the term "Pan-African" as central to its organising principle. The Congress for the first time brought together leaders of black opinion for the common cause to protect the interests of independent and colonised Africans and peoples of African descent. It is also significant in contributing to the ideas of race unity and a common political organisation, which acquired centrality in the later Pan-African Congresses. Bamidele credits the Pan African Congresses with starting one of the most important dialogues among blacks in global black history.

After Accra 1963, it was the deluge for the authentic Pan-African vision. In its stead counterfeited appropriations of the vision have emerged in many consolidated counter revolutionary structures and institutions. These display their mangled values, devalued ethics, horrible norms and are tended to mainly by caricatures and pretences of statesmen. The defunct Organisation of African Union (OAU) and its nomenclatural transformation to the African Union (AU) express the convenient corruption of Pan-Africanism. They represent the very antithesis of the anticipated seamless unity of the people.

Against this inglorious background, the post-colonial state that emerged post Accra 1963 is thus a weakly institutionalised political environment. The African state largely depends on coercion to assure compliance. Paradoxically, the post-colonial state survives at the expense of the international community. Whatever their limitations in terms of internal contentions about its domestic sovereignty, the basic rule of international legal sovereignty is that recognition is extended to entities, states, with territory and formal juridical autonomy. This state is thus treated by other actors in the international state system in the same manner as individuals treat each other as equals



consistent with the liberal theory of the state.<sup>9</sup>

The African state, like every other state, is an artificial creation. Created in an era of more refined sensibilities at the international level, the Westphalian transplant is unable to impose the development of a loyal citizenry and continues to lack organic roots in society. It is thus an imposed aberration that has sought from its very creation to find a *raison d'être* to legitimise its problematic existence. The embryonic social and political orders born out of the impositions lack legitimacy, since there are no legitimising principles on which the state is anchored. In fact, there is systemic value dissonance, given the lack of convergence in basic values and worldviews around which any legitimising principles could evolve.

The African inter-state system is a product of an attempt at crisis management by hegemonic forces. These powerful elite actors are as engaged in Africa in the post cold war as during the cold war. While the practical expressions of this engagement have altered with the display of greater circumspection, it has not diminished in the manner in which some analysts have posited in the post cold war era. Basically, the African state was designed by its foreign creators as an instrument for the articulation of interest of hegemonic forces. The broad outline of the African state system is a reflection of the perceived historical claims of colonial forces on the continent. The growth, or a lack of it, of the institutions of the post-colonial African state and the lack of evolution of state system is largely the consequence of the pattern of engagement of these states with their original creators. The state lacks an organic will for its very existence as its creation did not result from a manifest will of its people. On its own, this state is not grounded on any principles nor underpinned by any philosophical understandings commonly share by the peoples. The state is thus an alienating political construct that has trapped peoples in them. The boundaries of the quasi Westphalian are thus dehumanised.<sup>10</sup> The nationalisms of these artificial rag flag spaces are dubious. Basil Davidson laments this alienating impact of the post-colonial

states and observes that “instead of building new states from the foundation culture of Africa’s pre-colonial states, Africa had tried to build new states from the foundation culture of colonial states, a very different thing. So independence had not been able to join Africa to its own history and tradition.”<sup>11</sup>

A major preoccupation of the newly created post-colonial state is the struggle to gain internal legitimacy in the social space of the new state and to concretise its international legitimacy from its very creators. According to O’Brien, “The inhabitants of African states, whether they should be properly designated citizens or subjects, do not readily regard their rulers as providing legitimate authority, and state power does not rest on a secure foundation of popular belief in the right of rulers to rule.”<sup>12</sup> The struggle for intra and international legitimacy

**“The state lacks an organic will for its very existence as its creation did not result from a manifest will of its people.”**

has become the dominant theme of its very existence. In effect, the post-colonial African state and its system as constructed cannot take Africa far into the evolving millennium.

The profile of the leaders of the African ghetto state is represented by Sese Seko Mobutu of Zaire, Idi Amin of Uganda, Albert Omar Bongo of Gabon, Ibrahim Babaginda and Sani Abacha, both of Nigeria, Theodore Obiang of Equatorial Guinea, Yahyah Jammeh of Gambia, Samuel Kanyan Doe and Charles Taylor of Liberia, Paul Biya of Cameroun, Bernardino Viera of Guinea Bissau, Olusegun Obasanjo of Nigeria, Hissene Habre of Chad, Idris Ethno Derby also of Chad, Blaise Compaore of Burkina Faso and Sassou Nguesso of Congo Brazzaville and Pierre Nkurunziza of Burundi. Many of them double as stooges of hegemonic forces that validate them. These include Houphouet Boigny of Côte d'Ivoire, who in collaboration with

the now disgraced Blaise Compaore of Burkina Faso unleashed Charles Taylor on West Africa to tear apart the sub-region. The main reason was to derail the sub regional economic project of the Economic Commission of West African States (ECOWAS). When he finally passed away, the French establishment, the controllers of his entire life career, instituted a peace prize in his name to sanitise his legacy of violence and pacify memory. But Africa is not deceived. Even Africa's latter day self-acclaimed revolutionary leaders are crumbling to the virus of the ghettos of Pan-Africanism.

Many of these are considered leading lights of a ghettoised Africa. They are prominent players and the leading lights of their beggarly African Union. The profile of Sese Seko Mobutu is suggestive. Joseph Desire Mobutu joined the colonial army of Belgium at age 19 following a formal education in missionary schools. He rose to the rank of a sergeant-major. Following independence, in the power struggle that ensued between Prime Minister Lumumba and President Joseph Kasavubu, Mobutu, now a colonel, sided with the President. In September, 1960, at 29, Mobutu as Chief of Staff of the Army, suspended the government and placed Lumumba, who was subsequently murdered in January 1961, under house arrest. In 1965, he led a coup d'état and proclaimed himself as President. By 1970, as President, he established a political party, the Popular Movement of the Revolution (MPR) to which all Zaireans were forced to belong. In 1971, he changed the name of the country to Zaire and in 1972, changed his name to Mobutu Sese Seko. These leaders have also formed the exclusive club of Africa's richest families at the expense of the impoverished people entrapped in their traumatised enclaves. The richest people in Africa could easily be former and current presidents and rulers of African countries.<sup>13</sup> A few examples should suffice.

Sani Abacha, who was a professional soldier throughout his life and Nigeria's former military ruler, died a multi billionaire. Upon his death in 1998, the Nigerian government uncovered over \$3 billion that was held in personal

and proxy bank accounts in tax havens as diverse as Switzerland, Luxembourg, Jersey and Liechtenstein. Following a series of negotiations between the Nigerian government and the Abacha family, Abacha's first son, Mohammed, eventually returned \$1.2 billion to the Nigerian government in 2002.

The United States Department of Justice in November, 2011 filed an asset forfeiture claim against property worth over \$70 million owned by Teodorin Nguema Obiang, the 41-year-old first son of Equatorial Guinea's President. The targeted properties, which are believed to have been acquired with the proceeds of corrupt activities, include a \$30 million Malibu mansion, a \$38.5 million Gulfstream jet and \$2 million of Michael Jackson memorabilia. Teodorin Obiang, who serves as Equatorial Guinea's Minister of Forestry and Agriculture even though he spends very little time in the country, is one of Africa's most lavish spenders – despite officially earning just a little over \$6,500 a month. Earlier, the French National Police raided his 42 Avenue Foch home in Paris, where they seized his \$10 million car collection as part of a foreign aid money-laundering investigation. Some of the cars seized in the raid included a Maserati MC12, a Porsche Carrera GT, two Bugatti Veyrons and a Ferrari Enzo, among others. Apart from his Malibu and Paris homes, Obiang also owns plush residences in swanky neighbourhoods in countries like South Africa and Belgium.<sup>14</sup> Also, the oldest daughter of the Angolan president, José Eduardo dos Santos, who is Africa's richest woman, has built a vast empire in one of the world's most expensive cities. Her businesses range from telecommunications to banks to satellite TV to sports. In all, she owns a large chunk of Luanda's major businesses. Isabel dos Santos is worth some \$3.2 billion dollars.<sup>15</sup>

Following the nature of the post-colonial Africa, state candidates with authentic credentials for leadership are driven out of the political arena. There is thus a flight of credible leadership material from the national process, including politics. Those from the credible pool of leadership who are bold enough to venture into the political

arena are often assassinated. Political engagement in the post-colonial African state is often the reserved domain of the very tough. Also, power is often personalised. Rulers stay in power for as long as they can even when they are severely constrained by physical health to rule. Houphouët Boigny dominated the Ivorian political space for over sixty years before he passed away. Cameroun's Paul Biya, at 83, is still in office. Gabon's Omar Bongo Ondimba remained Africa's longest running head of state having spent 42 years in power. And when they die, they impose their children in dynastic succession. As noted earlier, there are a few exceptions.

The African Union, where they pretend to seriously deliberate on African affairs, has thus become a platform for the continent's most senior despicable renegades, thieves, anti-democrats, with the most dishonourable masquerading as statesmen. They are even too greedy with their looting of their respective national treasuries to fund the AU, their validating platform. They have reduced the African Union into merely a shameless continental begging bowl, just like the states that constitute that body. The AU complements the member states' penchant to carry the calabash around the globe, as if Africa was a poorly endowed geological space.

These developments were not unforeseen. Presciently, Cheikh Anta Diop was clear that at the base of these ephemeral constructions of states and structures was a fundamental contradiction. Only a few of the early political leaders wanted to make the sacrifice necessary for a concretisation of truly Pan-African structures and institutions. Indeed the vision of Pan-Africanism was, under extraneous influences, contested very early in the twentieth century and later, on the intellectual plane, codified in such concepts of Senghor's brand of Negritude. His notion of negritude sought to gain equality and respect within an integrated French international community and culture, rather than promote the vastly degraded communion of black humanity. With the consolidation of the discounted visions of Africa's future in the last half century and a decade since the watershed moments of

1963, it is clear that the revolutionary project of reinstating authentic Pan-Africanism poses a threat to the extant conservative continental establishment. The establishment and status quo, living off in the deep contradictions of the structural and institutional contraptions, thus pose a threat to the much needed authentication of the Pan-African project to resolve the very predicaments that are required in the reinvention of the sordid realities that characterise the extant ghettos of black humanity.

The 56 state structure dividing the African people must be jettisoned. The totality of the spatial and social expanse of African must be reconstructed based on the guiding principles of authentic Pan-Africanism: one consolidated federated African state. That was and remains the authentic spirit and visions of the true champions of the holistic African good. The current and present represent the very ghettos of the dangerously deferred vision of the commonality of Africa and its children. It is the pitiable sour outcome of a hope eternally fermenting. There is no room for this hopeless anachronism in the future of Africa. ■

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# The sooner we exit the ICC the better



Our current UN system of which the UNSC and ICC are an integral part reflects a duality within the international system where rules apply to some but not to others.

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By Oscar van Heerden

I can't help but notice that at the current juncture, our thinking and argumentation takes the form of a binary code: it is good vs evil; Hillary vs Trump; feesmustfall vs police brutality. Under threat, concerned, angered and frustrated, we pick our sides and hold our positions. Our opinions spew forth in a hurricane of tweets, posts and short video clips. It is black or white with no room for grey scale or nuance. There is certainly little room for any dissenting views.

Take the recent announcement of our South African government to exit the Rome Statute of the International Criminal Court. The argument is clear. This is our evil Zuma government doing something... another really bad thing. I mean the ICC is for prosecuting gross human rights violations, genocides, and war crimes. I know for sure that those are prime-evil, so choosing to withdraw from the ICC must mean our government supports that kind of thing. Holy smoke! How is that possible? I just don't get it. If anyone still talks about us going down the tubes, this waterslide is now down in a deep-level mine shaft. The end is nigh!

Hold your horses. Let's back up a little. Hold it steady and think a bit: Is this another binary code?

Matters of statecraft within the international system are a little more complex than the simple binaries of right vs wrong; black vs white, good vs evil.

As a scholar of international relations, I support South Africa's withdrawal from the ICC. Here is why:

### **1. I recognise and abhor the duality that exists in the global international system to which the ICC contributes**

The ICC does not operate in isolation and is part of a global international system. International Relations post World War II have taken on a duality in the application of rights and responsibilities. In short, the more powerful countries (the victors of WW2) have configured global institutions in a manner that benefits them and not the rest of the world.

To illustrate, the United Nations Security Council (UNSC) is configured to have five permanent members

(United States, United Kingdom, France, China and Russia) which have final say over all decision making on global security affairs. These permanent five each hold a veto power which they can use to stop any decision with which they don't agree. The World Trade Organisation (WTO), the International Monetary Fund (IMF) and the World Bank (collectively referred to as the Bretton Woods institutions) represent the same duality. They agreed that the IMF President can only come from the EU and that the head of the World Bank can only come from the USA. But that's another argument for another time.

A good example of how these UNSC veto powers play out is the matter of 'rape as a weapon of war'.

During South Africa's first tenure as a non-permanent member of the UNSC in 2006-2008, a resolution was sponsored wanting to declare rape as a

“By exiting the ICC, South Africa joins the United States of America, China, Russia, Israel, India and Pakistan, to mention a few.”

weapon of war. Most parties in the UN Security Council were in support of this resolution. Most, except the USA which wanted their armed forces stationed all over the world to be exempted from this crime. As a result the resolution was never passed. The sheer brazenness of the USA to think that they could get away with such duality was insulting in the very least. Due to the persistence of the then members, resolution 1820 was eventually passed by all members and indeed, all members were subjected to its application.

My point here is that the ICC remains an extension of that duality which is represented starkly when examining which nations are signatories to the Rome Statute. It should also be borne in mind that many African countries have been cajoled and 'strongly encouraged' to sign the statue by some of their former colonial masters

and stronger trading partners. Just like they are now threatening most countries with severe consequences should they want to exit from the Rome Statute.

Most revealing is the long list of countries which either have never signed the statute, or after initial willingness have failed to have their membership ratified. By exiting the ICC, South Africa joins the United States of America, China, Russia, Israel, India and Pakistan, to mention a few. There are, however, 103 countries which have ratified the Rome statute.

### **2. The ICC has not acted or voiced concern relating to numerous global war crimes, genocides and human rights abuses**

A layperson could be forgiven for assuming that that the ICC is a body set up to enforce international law pertaining to gross human rights violations, war crimes, genocide and that what applies to one global player will apply to all. Not so with the ICC in its current form. To the contrary, the ICC only acts on cases which pertain to the signatories of the statute.

Not only does it not pursue violations that occur globally, it does not even express itself or show any concern relating to atrocities committed by non-signatories.

Let me give some examples. The ICC was silent when the United States invaded Libya and by proxy resulted in the killing of Gadhafi; it was silent when the USA and the UK invaded Iraq which led to the killing of Saddam Hussein; and to think this was done on the pretext that there was weapons of mass destruction, and no action was taken against President Bush nor Prime Minister Tony Blair. It remained silent when the United States intervened in Syria to overthrow Assad's government by assisting rebel forces in that country. It was similarly silent on the involvement of France in many of its former colonies in North Africa, Cote d'Ivoire, Mali and Central African Republic, to mention a few.

All of these examples have not even been mentioned by the international prosecutor of the ICC as being of possible relevance to its work of

upholding international law as it relates to gross human rights violations. Many will argue the world is well rid of the likes of Gadhafi, Saddam and others, but at what cost to their respective countries? These countries till today remain blood baths, killing fields for their citizens; women and children cannot find peace because of these interventions by outside countries.

I am sure any reasonable person must question the global value of the ICC. This is a court that applies its rules to some and not to others in the global arena, simply because others are non-signatories. Just these past weeks, we are informed of the ICC Prosecutor's willingness to look at the atrocities committed by US armed forces in Afghanistan and Russia's involvement in armed conflict in the Crimea. One does not know whether this is a calculated move on the part of the Prosecutor, due to the intent by some African countries to withdraw or whether indeed there is real intent to expand the jurisdiction of the court, to include non-signatories as well. Needless to say, both countries have publicly expressed their displeasure with the court. The USA State Department went on the offensive and said it is unfortunate and unwarranted since the USA has the necessary internal structures to enforce any such violations by its armed personnel. Russia went a step further and symbolically said it would withdraw its signature to the Statute. This move is simply political posturing since Russia's government never ratified the Statute.

### 3. The ICC is structurally flawed and inconsistent in relation to who can bring cases to its attention

The Rome statute makes it clear that governments of respective signatory countries are the only rightful plaintiffs at the ICC. The reasonable person may be forgiven for assuming that, as such, only governments of signatory countries are able to bring cases to the prosecutor to lay charges against one of their own. In fact, this argument is frequently used to indicate that the court is not biased towards any particular country and/or continent. The reason that the majority of cases before the ICC concern African states, is because

“Not only does it not pursue violations that occur globally, it does not even express itself or show any concern relating to atrocities committed by non-signatories.”

African governments themselves have brought these charges. The ICC itself does not choose who to prosecute, rather cases are brought to them by the respective governments of the signatory nations.

It is not quite so straight forward, unfortunately.

There is an important caveat in the Rome Statute which indicates that the permanent five members of the UN Security Council can also tell the court whom to charge. Remember that Russia, China and the USA are all permanent members of the UNSC, but not signatories or have not ratified membership to the ICC. In other words, non-signatory countries can instruct the ICC to prosecute others in the world. This in itself conjures up numerous legal ramifications which many jurists have been preoccupied with over the years. A select few non-signatory countries are able to influence and determine the fate

“The clearest recent examples of attempts at peaceful resolutions scuppered by ICC processes are the cases of Sudan and Côte d'Ivoire. In both instances the South African government was intimately involved in establishing lasting peace in these war-torn regions.”

of signatory countries. In other words they don't want to be held accountable under the Rome Statute themselves, and yet they can be referee and player with the lives of others.

This was the case with the prosecution of Sudan's al-Bashir. This case was brought to the ICC by UNSC (which includes non-signatory countries). The further irony of this specific case, is that Sudan is also one of the countries that have not ratified the Rome Statute. What makes this situation even more curious was that neither the plaintiff nor the defendant were signatories to the statute. It was however South Africa's failure to arrest President al-Bashir when he was present in our country, and not the obvious duality at play in the ICC which made the headlines. Notwithstanding the correct argument by our government of the contradiction that exist between two sets of legislation in this regard: the Customary law protecting Diplomats and heads of states against prosecution by means of 'diplomatic immunity'; and the Rome Statute attempting to override this law. We however shall await the outcome of the Constitutional court case in this regard here in South Africa with regards the al-Bashir matter. It is already known that a South African court dismissed an application by the opposition party to invalidate the intent by the South African government to withdraw from the ICC.

### 4. ICC judges are not required to have a legal background

The make-up of the court is perhaps also of relevance when discussing the need to be or not to be a signatory. There have been many legal scholars that have taken issue with the fact that one would think an esteemed institution such as the ICC would have the best legal minds as its judges. And yet this is not always the case. Many of the judges over the years in fact have no legal background at all. Can we imagine our highest court in the land, the Constitutional Court, being presided over by non-legal minds?

### 5. I don't believe that justice should trump peace

In the letter that the South African



government sent to Ban Ki Moon at the United Nations, indicating its intent to withdraw, it states: “The RSA has found that its obligations with respect to the peaceful resolution of conflicts at times are incompatible with the interpretation given by the ICC.”

The clearest recent examples of attempts at peaceful resolutions scuppered by ICC processes are the cases of Sudan and Côte d’Ivoire. In both instances the South African government was intimately involved in establishing lasting peace in these war-torn regions.

In Sudan there was civil war between warring factions in the North and the South in which the South wanted to accede and be their own governing territory. President al-Bashir was one of the leading protagonists (for the North now ‘Sudan’) and as a result a key stakeholder in the negotiations process to find a lasting solution to the killings in that region. The UN Security Council – not the government of Sudan – deemed it important and necessary to instruct the ICC to charge al-Bashir with war crimes regardless of the peace efforts underway in the region, needless to say, adding fuel to an already very volatile situation. This leads one to question the timing of such actions by the ICC and indeed the intent by some of the permanent five UNSC members.

Similarly, in Côte d’Ivoire warring factions were involved in a protracted civil war. Again, the African Union in general and South Africa in particular sought to broker a peace deal. However, these were undermined when following an election (which is widely accepted to have been rigged) the opposition forces to President Gbagbo, aided and abetted by the French military, came to power. When they ‘won’ the election, they laid charges against the former President Gbagbo at the ICC. All this happened whilst South Africa made a genuine request to the ICC to please consider the timing of the charges because of the sensitivity of the peace deal, but to no avail. Charges were instituted and Gbagbo arrested. The country remains in turmoil to this day.

A similar story line of political retribution unfolded in Kenya where the winning party then decided to

lay charges against their political foe, Kenyatta. This case was subsequently withdrawn post the outcome of the elections due to insufficient evidence.

Central to the South African government’s decision to withdraw is a nuanced understanding of the politics of war and retribution; and how this plays out in negotiations for peace. Peaceful resolutions are applauded the world over; but are seldom initiated by the powerful nations. Theirs is the hard-talk tough-action domain of military incursions, drone attacks, regime change and weapons of mass destruction politicking. This is a far cry from the soft power approaches of talk-about-talks, peace accords and negotiated settlements. I am happy to debate about which approach leads to better human rights outcomes for the

“The South African ‘miracle’ of a negotiated settlement which led to a new democracy would not have been possible if we had sought to exert justice against the Apartheid regime (FW DE Klerk, PW Botha, Magnus Malan, and Adrian Vlok, not to mention their henchmen.”

citizens of particular countries. But I digress.

The pertinent question that must be resolved here, is which is a more effective means to reach the goal of halting carnage, killings, trauma and all associated ills of war: Negotiations for lasting peace which may require compromise from key protagonists or the exertion of justice on one or two leaders? This choice of means to a common end (of reducing war crimes, gross human rights abuses and genocides) is at the crux of South Africa’s decision to no longer be party

to the ICC.

The South African ‘miracle’ of a negotiated settlement which led to a new democracy would not have been possible if we had sought to exert justice against the Apartheid regime (FW DE Klerk, PW Botha, Magnus Malan, and Adrian Vlok, not to mention their henchmen. The negotiation process would have been scuppered and grossly undermined if these protagonists faced a possible ICC trial instead of a Nobel peace prize. We rightfully chose peace over justice in order to build a new nation free of all the associated ills of war.

Any peace loving South African surely must be able to see and agree given our own experience that peace surely must trump justice regardless of how evil the protagonist(s) may be.

Choosing to withdraw from an International body is not a decision to be taken lightly. But when that body operates as an exclusive club and hence only holds its member nations and not others to account its functioning and purpose has to be questioned if outsiders can also determine what happens in the club. And if it is just the rules of the game that it can only hold its own members to account; when one member chooses to no longer be party to the club who can stop them from leaving it? Surely, not outsiders? Our current UN system of which the UNSC and ICC are an integral part reflects a duality within the international system where rules apply to some but not to others.

The sooner we exit the ICC the better. It is time to reject the duality of the UNSC which finds expression, at least in part, through the ICC. It is now time to forge a new more equitable and fair international accountability and legal systems.

I’m afraid it is that same duality that is finding expression in this argument about our membership to the ICC. Many question who will ultimately hold governments and their leaders responsible for wicked, cruel, gross human rights abuses, if not the ICC? To you I ask the question who indeed will hold those governments and leaders accountable that choose not to sign or ratify the Rome statute? ■

# Time to end Ireland's partition and begin the transition to Irish unity



Gerry Adams, Political Leader of Sinn Féin, Ireland

Today Sinn Féin's long-term strategic project is to build an Ireland of Equals in which all citizens are treated with equality, dignity and fairness.

By Declan Kearney

## Irish Republicanism

The founders of Irish republicanism in the late 18<sup>th</sup> century – the United Irishmen – took their inspiration from the ideals of the French Revolution and the example of the American Revolutionary War of Independence.

The principles of 'Liberty, equality, fraternity' were the genesis of Irish

republicanism which was avowedly separatist, secular, socialist and non-sectarian.

The objectives of the United Irishmen were at the time, declared by Theobald Wolfe Tone, as follows:

*To break the connection with England, the never failing source of all our political evils, and to assert the independence of my country.*

*To substitute the common name of Irishman, in the place of the denomination of Protestant, Catholic and dissenter.*

In its essence Irish republicanism is about changing British policy in Ireland and addressing the division it has created among the people of Ireland.

Political independence and a process of national reconciliation are the foundations of this ideology.

These objectives have been pursued in every generation since the United Irishmen's rebellion of 1798; often through the use of armed struggle.

The Easter Rising against British rule in Ireland in 1916 marks one hundred and one years of one such endeavour.

The events of Easter week 1916 were a catalyst for a new, sustained phase of political struggle for Irish independence and national democracy throughout the 20<sup>th</sup> century.

That has lasted until the present day.

The political vision of the 1916 Rising found expression in the Easter 'Proclamation of the Irish Republic'.

This remains a remarkable, revolutionary document which envisioned the transformation of Irish society. It called for political independence, national sovereignty, democracy, equality and social justice, and asserted that 'all of the children of the nation should be treated equally'.<sup>1</sup>

The Easter Rising of 1916, soon followed by the Russian and German Revolutions, sat in stark contrast with the 'Great War' between rival imperialist powers of that era. Ireland's Easter Rising represented republicanism against imperialism.

To paraphrase John Reid's description of the Russian Revolution, the Easter Rising was 'six days which shook the world'. The *New York Times* gave it news coverage for fourteen days.

The Rising and other revolutionary insurrections of the early twentieth century dramatically brought to the fore the historic question about how society should be organised.

James Connolly, the Irish revolutionary leader, famously said,

*The cause of labour is the cause of Ireland, the cause of Ireland is the cause of labour; they cannot be dis severed.*

He correctly identified the

connection between the struggles for national liberation and social transformation.

That central tenet was firmly fixed within the vision of the Easter Proclamation.

Its timeless values are the ideological framework which today guides Sinn Féin in our ambition to transform Irish society. We are also a proud internationalist party which recognises that our pursuit of an Ireland of Equals is integral to the achievement of a world of equals which prizes solidarity, and guarantees equality and social justice.

Shortly after the Easter Rising a war for national independence began in Ireland but was eclipsed by the British Government's partition of Ireland in 1922 and a subsequent counter-revolution.

### The Contradiction of Partition

Two statelets (North and South) were created by a British Act of Parliament for which not a single Irish vote was cast. Six of Ireland's 32 counties were to become Northern Ireland. This was governed wholly under the aegis of British sovereignty by a local parliament with limited powers.

The larger of the two states comprising 26 counties became the Irish Free State and subsequently in 1948 the Republic of Ireland. Membership of the Dublin parliament required its members to take an oath of allegiance to the British sovereign. Limited autonomous powers were devolved to it.

Partition led to the emergence of two conservative states, north and south, and the continuation of a significant British colonial presence. More importantly the national unity of the people of Ireland was fractured in multiple ways; politically, socially, economically, culturally and in a way which aimed to be self-perpetuating.

The northern state developed into a one-party state dominated by the Ulster Unionist Party in which catholic citizens and those who shared nationalist and republican constitutional aspirations were subjected to economic and political apartheid. The non-unionist section of the community was treated as second-class citizens. A gerrymandered

electoral and political system was imposed. Discrimination was endemic in voting rights, housing and in access to employment opportunities. Irish cultural expressions and the nationalist political tradition were repressed. A permanent security regime was enforced alongside an architecture of repressive legislation.

Indeed, the former South African Prime Minister B.J. Vorster, when introducing a new Coercion Bill in 1963, said that he would be willing to exchange all the legislation of that sort for one clause of the Northern Ireland Special Powers Act.<sup>2</sup>

The systematic political and economic inequalities and injustices of the northern state created the context for renewed political conflict in Ireland after a campaign for civil rights was suppressed and a continuous armed campaign by the Irish Republican

with equality, dignity and fairness.

However, a prerequisite to achieving the ultimate republican aim of an Ireland of Equals is to bring about national independence and territorial reunification in a representative democracy, as well as a process of reconciliation and healing to address the legacy of British policy in Ireland, and of political conflict, which continues to cast a long shadow over the present.

The partition of Ireland remains the key contradiction at the heart of democratic Irish politics and society in Ireland. It polarises and perpetuates societal and communal divisions; and holds back the potential for progressive social change. Partition entrenches the hegemony of conservative forces in the southern and northern states, and facilitates the continued undemocratic role and influence of the British state in Irish affairs.

The IRA's armed campaign eventually led to a phase of negotiations which became the midwife of the Irish Peace process, and the political process which followed. In recent years it has had a transformational effect on the politics of Ireland and society in the north.

However, the existence of the northern state remains contested due to the British state's jurisdiction and the resulting violations of Irish national democracy.

“The national unity of the people of Ireland was fractured in multiple ways; politically, socially, economically, culturally and in a way which aimed to be self-perpetuating.”

Army (IRA) began in 1969/70 until its conclusion in 2005.

This year also commemorates the 36<sup>th</sup> anniversary of the deaths on hunger strike of republican prisoners of war, the H-Block martyrs, led by Bobby Sands MP.

In ways which paralleled the impact of the Easter Rising, the deaths of the hunger strikers were a watershed in the most recent phase of political struggle to achieve Irish national democracy and reunification. The hunger strike of 1981 inspired new generations of political activists to join the IRA, and others swelled the membership of Sinn Féin, as an emerging political party in modern Ireland.

Today Sinn Féin's long-term strategic project is to build an Ireland of Equals in which all citizens are treated

### The Irish Peace Process

One key element central to the successful emergence of the Peace process was the positive strategic role of international influence.

The Sinn Féin leadership drew extensively from the experience of the African National Congress (ANC), and the multi-party negotiations and political transition in South Africa during the 1990s.

The ANC continued to assist with the Irish Peace process up until the mid-2000s. (In 2008, as a result of another landmark negotiation, powers for policing and justice were transferred from the British Government to the regional coalition government. This represented another significant development in the reform of policing in the north.)



The Irish Diaspora – generations of political and economic refugees and immigrants – played a key role; especially in the United States.

The United States administration and the European Union (EU) were both strategically very important to supporting successive negotiations and providing subsequent and ongoing political, economic and financial help to the process and to its outcomes.

As a result, today the Irish peace and political processes are the most important projects in Ireland.

Both are very much a work in progress.

An entirely new political context was created based upon the sharing of political power through bespoke regional government institutions in the north of Ireland between unionists and republicans under the auspices of the Good Friday Agreement (GFA) signed in 1998.

The GFA represents a framework of principles and political structures negotiated to embed conflict resolution and the fledgling peace process at that time.

It opened a democratic road forward to resolve the causes and consequences of political conflict in Ireland. It was an historic compromise between opponents and conferred an international responsibility on both the British and Irish governments to ensure its implementation as a binding international agreement.

Its significance was in recognising that the status quo was not an option and that shaping the future would depend upon the management of change through democratic compromise and agreement.

The sovereignty of the British Parliament over national territorial reunification was removed. In future this would be determined in border polls, Irish unity referenda north and south, and requiring a pro-unity majority in both states.

Nothing could or would remain the same.

Equality of treatment; parity of esteem; and mutual respect for all political and cultural traditions, as well as competing constitutional aspirations (i.e. support for the union with Britain, or support for Irish independence),

were set out as the new benchmarks of democratic reform and change.

From the beginning, political unionism failed to unequivocally support this framework, and significant sections of that constituency have remained deeply hostile to power-sharing and partnership government as a condition of the GFA, with republicans and nationalists – particularly Sinn Féin – ever since.

This reality is reflected in the critical fault lines which remain in place, specifically in terms of opposition towards the exercise of parity of esteem and mutual respect; the eradication of communal sectarianism and sectarian segregation of population centres; failure to deal with the legacy of the past conflict; and, the development of a reconciliation and healing process in the north.

#### Political Impasse and Crisis

The effect of entrenched negative resistance to change has been to slow

“Discrimination was endemic in voting rights, housing and in access to employment opportunities.”

down and frustrate the democratic and societal transformation in the north which began with the peace process. Importantly, this has been exacerbated by the failure of both the British and Irish governments to fulfil all of their obligations under the terms of the GFA, and other agreements, arising from successive periods of negotiations.

So, whilst fundamental political social change became irreversible and the war was ended, the absence of consistent positive momentum and existence of negative resistance to change also had the effect of keeping both the peace and political processes permanently fragile.

Central to that has been the failure of both the British and Irish governments to stay properly engaged and act as co-guarantors for both the peace and political processes.

The election of the Conservative

and Liberal Democrat coalition in Britain in 2010 resulted in a policy of negative political mismanagement being adopted towards the north, leading to a very damaging austerity crisis for the local economy.

When the new Irish Government (a Fine Gael and Labour coalition) was elected in 2011 it became semi-detached from its obligations to both processes.

During this period British government policy reduced the north to a political back-water due to its negative mismanagement.

As a result, political unionism stepped away from proper power-sharing and partnership government. The consequence of negative indifference from the two governments removed the required pressure to keep political unionism properly engaged.

The unresolved fault-lines within the Peace process re-emerged and became magnified.

Despite a period of extended political impasse and crises, political stability was restored with the conclusion of the latest negotiation phase in October 2015, and a new coalition government was formed last May after the regional parliamentary elections.

The fault lines and contradictions, however, remain and require a constant hands-on approach by both the Irish and British Governments, benchmarked against the GFA, subsequent agreements and democratic norms.

#### British State Opponents of Change

The same powerful sections of the British security and military establishment which directed Britain's 'dirty war' in Ireland still exert a huge influence over British state policy. They do not want progress. Those who were always hostile to the Peace process within the British Ministry of Defence and security services in Whitehall are still politically and psychologically at war with the Sinn Féin party leadership.<sup>3</sup>

For instance, they have created a new impasse over dealing with the past because they are determined to conceal the reality of British state collusion with unionist death squads, assassinations

and systematic illegality. In this, they and the political establishment are at one.

According to their zero sum view, the British state would have too much to lose. For them, dealing with the past and legacy issues, represent a new battleground.

This is unacceptable to Sinn Féin and victims' families and representatives.

The British Government should do the right thing to ensure that a new phase of the Peace process, based upon reconciliation and healing, can emerge. For that to happen legacy issues must be comprehensively addressed. Legacy issues must be effectively dealt with.

The unchallengeable strategic lesson from the last six years in the north is that the Irish Peace process cannot be taken for granted. The British and Irish Governments must remain fully engaged with their responsibilities towards both the peace and political processes, and on a fair and even-handed basis, to avoid the development of serious political problems.

The British Government's failure to recognise the special economic and social circumstances of the north, its continued denial of fiscal independence to the regional political institutions and refusal to end its negative economic austerity policies; as well as its refusal to acknowledge its own role in the political conflict in Ireland and accept responsibility for helping to deal with the past, are all impediments to the full development of the peace process and political processes.

British Government political and economic policy towards the north must change to allow for sustainable political progress.

Throughout this period, Sinn Féin has grown significantly as a major political party in Ireland.

The growth in our party's popular support and political strength has been remarkable during the last twenty years.

Currently it is the third largest in the southern Irish state and second largest in the north. In February 2016 we obtained 13.8% of the popular vote in the south of Ireland's general election, (our highest ever percentage in a parliamentary general election) and returned 23 TDs (MPs) to the Dáil (Irish

parliament); a net increase of nine members in the parliamentary team.

In May 2016 the elections to the northern Assembly (regional parliament) took place, and Sinn Féin was returned again as the second largest party with 24% share of the vote, and 28 members elected to its parliamentary team. As a result, Sinn Féin will be a coalition partner in the regional power sharing government with the Democratic Unionist Party (DUP); the main unionist political party.

The popular relevance of Sinn Féin's peace strategy, and our vision of, and strategy to achieve an agreed united Ireland based upon equality and social justice has ensured growing political and electoral support throughout Ireland, as the main party of opposition in the south, and a party of government in the north.

**“The same powerful sections of the British security and military establishment which directed Britain's ‘dirty war’ in Ireland still exert a huge influence over British state policy.”**

Sinn Féin's national strategy is geared to eventually become a party of government in the north and south of Ireland, by gradually building popular support and political strength.

#### **Political Realignment**

In recent years there has been unprecedented upheaval in Irish politics, north and south. The inability of the main conservative party, Fine Gael, in the south of Ireland to form a viable administration for over sixty days after the last general election demonstrates the fragmentation and realignment of the political system.

It is too premature to say whether the ongoing flux represents a permanent political realignment, but the status quo has shifted across the island, and the potential exists for more

change to occur.

The wider context stems from the geo political and economic fallout from the international financial crisis of 2008 and consequent ideological and political flux that has found expression in Irish society and has stretched across Western Europe and the Americas.

Stark ideological differences exist over how Irish society should organise itself. There is a growing polarisation between the interests of citizens' rights and community, and those of international banks and capital.

The austerity policies implemented by the southern state caused by the terms of the Troika 'bailout' deal, and the austerity measures imposed upon the northern regional government due to the reduction of its public expenditure settlement by the British conservative government, has caused an austerity crisis and great economic hardship north and south.

Austerity is not about economic recovery. It is entirely about ideology, political control, and entrenching conservative hegemony. That is why it is synonymous in the northern hemisphere with political authoritarianism, expanded deregulation and rolling back the state. It is an inherently anti-democratic agenda.<sup>4</sup>

These are the reasons it has been a pervasive influence in the EU. And that is why the European Union played such a vindictive role against the Greek government in 2015.

Within the Irish context Sinn Féin has been the engine of political and social realignment in Ireland, and the main force of opposition to austerity, north and south.

The strategic challenge for our Party is to keep moving forward in this context, and ensuring that national perspective remains central. This is the primary determinant of our Party's political strategy for political and social transformation.

A cohesive national political strategy is paramount. Without that, electoral growth and future government in the south, or indeed the existence of the political institutions in the north risk being limited to ends in themselves; instead of the means with which to end partition, achieve national democracy

and independence, and to bring about the conditions for an Ireland of Equals.

### The Price of Partition

In June of last year the referendum on Britain's membership of the EU dramatically changed the political and economic landscape once more for Ireland.

The majority of voters in the north of Ireland and across the political spectrum, (and also in Scotland) voted to remain in Europe. Despite that outcome the expressed democratic will of the north is now being overruled and subverted by a vote in England. That is unacceptable to Sinn Féin and the greater majority of opinion in the north and south of Ireland.

While Sinn Féin has a critical analysis of the EU, we believe the required reforms can only be made within its structures. In that strategic sense Ireland is better within, rather than outside the EU.

The economic and financial future of citizens in the north has become one of unimagined uncertainty. There are huge unknown repercussions for the all-island economy. 200,000 jobs in Ireland depend directly and indirectly upon €1.2 billion of trade between north and south each week.

Brexit threatens all that and more.

Brexit is the price of Ireland's continued partition.<sup>5</sup>

The north will face an even more right wing conservative government in London, and inevitably greater levels of austerity. Between now and 2020 the north's regional economy was expected to benefit from a projected €3.5 billion worth of EU investment and funding. This economic support is now in jeopardy, and will not be replaced by the British Government. Immediately after the Brexit decision, the then incumbent British Chancellor of the Exchequer, George Osborne, forecast serious reductions in public expenditure and services.

The British State is now gripped in an unprecedented crisis with far reaching constitutional, political and economic repercussions.

But the political imperative for the north's political institutions must be to stand up for local democracy and against austerity.

The regional coalition government and parliament must respect and underpin the democratic decision of voters in the north.

Sinn Féin will press for the focus of the regional political institutions and Irish government to be on protecting the north's special relationship with the EU and defending the trade, investment and funding which are essential to support both the regional and island economies.

Brexit has once more brought into sharp focus the contradiction of partition at the heart of Irish politics. It presents profound challenges to local democracy and Irish national interests.

However, it has also begun an equally unprecedented political and civic discussion in Ireland about the future.

A huge re-evaluation has been provoked about the economic and

“Austerity is not about economic recovery. It is entirely about ideology, political control, and entrenching conservative hegemony.”

political future of the north; the relationship with the British state; and the damage caused by the south of Ireland remaining in the EU, while the north is removed.

There is considerable anger at the visceral democratic deficit being created.

An inherent danger exists for all these uncertainties to create new political instability for the Peace process. Sinn Féin will work strategically and politically with others to prevent that happening.

### New Constitutional Relationships and Arrangements

We believe that these new challenges need to be recast into a positive, national conversation about how the constitutional, political and economic future of the island can be

now reimagined and redesigned.

A real potential has emerged to enable a new popular and inclusive conversation in Ireland about our shared future; how relationships can be developed for the greater good; new constitutional arrangements on the island, and a new relationship between Ireland and Britain; as well as a new, confident outward looking relationship between the island of Ireland, Europe itself, and the international community.

Brexit has changed everything and challenges all of the old assumptions about the previous constitutional, political and economic status quo in the north and south of Ireland.

In the fast changing European and global context, the Brexit decision exposes the contradiction of partition, and folly of one part of Ireland being in the EU, and another part of the island being kept outside.

In this new context Sinn Féin believes an unprecedented strategic opportunity exists to maximise the democratic argument for an end to Ireland's partition, and to persuade for Irish unity, both domestically and internationally.

The Peace process was facilitated and supported by international good will, expertise and diplomacy, and the international community still has an essential role to play once more in continuing to consolidate the Peace process and encouraging reconciliation and healing. However, a new phase of political change has arrived and the significant strategic political influence of the international community should now be employed to assist with the planning for the transition towards a new agreed, united Ireland.

It is time to end the division of Ireland and prepare the transition to Irish unity. A positive, international axis to encourage, persuade for, and support that aim is now required. ■

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RETHINK. REINVENT.



# Can Africa achieve Peace, Justice and Reconciliation?



Over the last 60 years, in any particular year, between 40 and 60 per cent of ongoing internal armed conflicts have been linked to natural resources

By Yacoob Abba Omar

In the past two decades the UN has gone through several attempts at addressing the elusive aim of achieving global peace. With Africa playing host to almost half of the UN's peacekeeping missions it is small wonder that the challenge of attaining durable peace continues to seize the minds of Africa's leaders. This article looks at the outlines of a new approach which is emerging within the UN and how Africa's strategies will be articulating with that.

When António Guterres, the new Secretary General of the United

Nations, will have his first meeting with the newly elected Chair of the African Union Commission in 2017 there is no doubt that addressing the challenges to peace in Africa will top the agenda. With conflict on the continent costing an average of \$18bn per annum, achieving peace has to be Africa's as well as the world body's top priority.

Since its first peacekeeping mission in 1948 after the creation of Israel, the UN has had 71 missions around the world. Currently it has 16, involving about 100 000 personnel. Nine of these peacekeeping missions are in

Africa with the largest UN mission in the DRC, involving about 19 000 blue helmets. UN missions in Africa have often made the difference between descent into civil war and a slow march to some form of stability. Liberia and Sierra Leone could be considered as such successes. However, some, like MONUSCO in the DRC, seem to be endless, while those in places like the Central African Republic have taken their toll on South African troops deployed there.

Nelson Mandela in his various pronouncements, and especially in the

oft quoted 1993 Foreign Affairs article, cited the following as key pillars upon which international relations should be based:

- That issues of human rights are central to international relations and an understanding that they extend beyond the political, embracing the economic, social and environmental.
- That peace is the goal for which all nations should strive, and where this breaks down, internationally agreed and nonviolent mechanisms, including arms control regimes, must be employed.

This profoundly multi-dimensional approach is to be found in the new framework which is emerging, which has seen the adoption of what are called developmental and even robust peacemaking approaches.

#### UN Evolution

The UN has been continuously evaluating its approach to peace missions. Some of the major milestones of this introspection have been the Brahimi Report of 2000, the 2010 'New Partnership Agenda' and the 2015/2016 High-Level Independent Panel review.

In 2000 the UN carried out a deep and influential review of its peacekeeping operations under the chairmanship of Lakhdar Brahimi, a former Foreign Minister of Algeria. The Brahimi Report emphasised that the approach of the UN should be guided by:

- Preventing conflict from even breaking out though an integrated approach involving all arms of the UN, Bretton Wood institutions, governments, and NGOs.
- The UN developing the capacity for peace-building strategies. This recommendation addressed the complex issues of use of civilian processes in strengthening the law and observation of human rights, as well as the processes of demobilisation and reintegration of conflicting forces.
- It emphasised that there must be clear mandates for each peacekeeping mission. Too often such missions were embarked upon without clear, credible and

achievable objectives. The report also laid out rapid timeframes for deployment of peacekeeping operations.

The report went into a number of other doctrinal, strategic and tactical issues. However, as shall be seen by subsequent debates there still seems to be many differences as to how these laudable objectives can be approached.

To date the Brahimi Report remains the starting point of most of the current UN's approach to peacekeeping. A decade after the issuing of the report, and as UN peace deployment was reaching a new height, the UN brought its practices on the basis of the recommendations made up to date with a new document, 'A New

“ Chapter VII allows the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to take military and nonmilitary action to "restore international peace and security". ”

Partnership Agenda: Charting a New Horizon for UN Peacekeeping'.

Written in the aftermath of the Rwanda genocide, it noted that the sheer scale and complexity of peacekeeping was straining its personnel, administrative and support machinery. New political, military and financial challenges were threatening to erode the unity of vision and purpose of the global peacekeeping partnership. 'A renewed partnership and a shared agenda are essential to ensuring that UN peacekeeping can meet the challenges of today and tomorrow', the document said. This document re-emphasised the need for such partnerships to work within a commonly understood strategy,

cohesive mission planning and management, clear political direction, clarity of roles and what is expected of the role-players, faster deployment and crisis management; and it set out what had become a particular problem: a new field support strategy.

The report went into some detail on peacebuilding as part of a conflict preventive strategy. This meant focusing on the capacity of the affected governments to extend their capacity to improve the maintenance of peace.

The UN then embarked in 2015 with three reviews to look at how sustainable peace can be achieved. These were:

- The establishment by the UN Secretary General of a High-Level Independent Panel on Peace Operations to review the state of peace operations and future needs.
- The launch of a Global Study to examine progress and challenges since the UN adopted on 31 October 2000 the Security Council Resolution 1325 on Women, Peace and Security. The resolution reaffirmed the important role of women in the prevention and resolution of conflicts and urged the development of gendered perspectives on all aspects of peace missions.
- The establishment by the UN General Assembly and UN Security Council of an Advisory Group of Experts to review the UN Peacebuilding Architecture.

There were four shifts identified by the High-Level Independent Panel – namely the centrality of having a clear political approach, the utilisation of the full spectrum of peacekeeping operations, the strengthening of partnerships and the necessity of the United Nations to be “field-focused”. When the General Assembly's Special Committee on Peacekeeping Operations met in February 2016 the delegates noted that the UN's peace operations had to take into consideration newly emerging challenges such as asymmetric warfare, cyber threats and pandemics. This could be seen in the escalation of violence in Syria with the spread of violent extremism, the proliferation of weapons and epidemics such as Ebola.



The UN's peace efforts are centred around the Department of Peacekeeping Operations (DPKO) and the Department of Field Support. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, pointed out at the meeting that the other issues which need to be considered were the safety and security of blue helmet personnel, strengthening operational support capacities, the protection of civilians and conduct and discipline. The latter was due to the increasing incidence of sexual abuse of innocent civilians by certain errant blue helmets. Delegates to the meeting, when addressing allegations of sexual exploitation and abuse stressed the need for a zero-tolerance policy as the work of peacekeeping missions evolved.

Atul Khar, Under-Secretary-General for Field Support, said the international community should redouble efforts to support peacekeeping operations, particularly the missions in the most dangerous theatres of operation. Attacks such as the one seen in Mali demonstrated that more needed to be done to protect peacekeepers, he said, calling on relevant Member States to bring those responsible for such attacks to justice.

The dryness of official UN documents is matched only by the arcane speeches given by the various delegates in the debates. One needs to be a haruspex, which refers to the practice in ancient Rome by a religious official to interpret signs by inspecting the insides of sacrificial animals. For example, the question of terrorism was addressed squarely in the February 2016 debate. The delegate of India shared the views of the High-Level Panel against the deployment of peacekeeping operations in counterterrorism arenas. A number of other speakers echoed that sentiment, stressing that efforts to combat terrorism should be kept separate from the work of peacekeeping missions.

However, the delegate of Egypt, while aligning himself with the position of the Non-Aligned Movement, pointed out that the rise of non-State actors that perpetrated violence and challenged State authority had become one of the emerging threats to international

peace and security. While Egypt did not believe peacekeepers should be deployed to counter terrorism, he was convinced that a more coherent approach to peacekeeping that focused on empowering the State would be most valuable for long-term and sustainable peace.

There has been generally continued emphasis on the political sphere, which had been raised inter alia by the Brahimi report. At the February 2016 meeting the UN's Deputy Secretary-General, Jan Eliasson, said the UN's peacekeeping structures were a tool to advance political, not military, solutions to conflict, and to help States and local communities resolve their differences. The delegate of Norway said the best deterrence and response to an escalation of violence was proactive political engagement and prevention.

In continued debates on the Panel's report in the Special Political and

**“It was also pointed out that peacekeeping operations were being deployed in “situations in which there is no peace to keep”.”**

Decolonization Committee on 21 October 2016, delegates noted that attempts had recently been made to expand or alter peacekeeping mandates without consulting host States and sometimes without their consent. Egypt's representative said the fact that peacekeeping mandates created under Chapter VII of the United Nations Charter required no consent had been used as the pretext for such actions.

Chapter VII allows the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to take military and nonmilitary action to "restore international peace and security". Chapter VII also gives the Military Staff Committee responsibility for strategic coordination of forces placed at the disposal of the UN Security Council. It is made up of the chiefs of staff of

the five permanent members of the Council.

At the October 2016 meeting delegates felt that such an approach threatened to tarnish the credibility of the United Nations and to place troops as well as civilian personnel at risk, emphasising that any use of force must be absolutely necessary and duly mandated. The Egyptian delegate said that the role of regional organisations should be enhanced, including by providing support for the African Union's deployment of capable peacekeeping missions, specifically through the provision of flexible and predictable financial resources.

South Africa's representative said the African Union's stance was that the core principles of peace operations – consent of the parties, impartiality and limited use of force – remained relevant. However, they must be interpreted in a flexible manner in light of new challenges, emphasising that African Union peace operations authorised by the Security Council must be adequately funded and resourced with the necessary logistics, enablers and equipment.

It was also pointed out that peacekeeping operations were being deployed in "situations in which there is no peace to keep". The joint report of the African Union and the United Nations on benchmarks for deploying a peacekeeping mission in Somalia had established an important precedent because the situation on the ground in that country had not yet been prepared.

Capturing a key concern of the non-P5 members of the United Nations, the Vietnamese delegate said the new global context required peacekeeping operations to uphold the principles of sovereignty, territorial integrity of States, consent of the parties, impartiality and non-use of force except in self-defence. She commended the effective implementation of peacekeeping mandates and the greater focus on mediation and preventive diplomacy, but felt that such efforts must be accompanied by activities promoting economic recovery, reintegration and capacity-building. In that regard, she called for strengthened coordination between the Security Council and

the Peacebuilding Commission in deliberations on long-term policies for sustaining peace.

### Africa's position

Given the debates and developments in doctrine within the United Nation, what has been the African continent's response? With 40% of the UN's peacekeeping operations centred in Africa, and with increasing demands on the UN's capacity, it was inevitable that regional bodies such as the African Union were expected to play a bigger and bigger role. We will not go into why there have been so many armed conflicts in Africa, except to mention that these increased in the wake of the end of the Cold War. This led to a massive influx of all kinds of weapons to fuel the fighting over Africa's resources which was breaking out.

Debate has been ongoing about the need for an Africa-wide standby force, which works in conjunction with the regional-based formations such as the Economic Community of Central African States, the Eastern African Standby Force, the North African Regional Capability, the SADC Brigade and ECOWAS Standby Force. There have also been instances where the UN has been involved, such as the hybrid force in Darfur.

The African Panel of the Wise issued a timely and profound reflection on the experiences in Africa, especially in relation to how to deal with perpetrators of conflict. Under the theme 'Peace, Justice, and Reconciliation' it addressed the problems of impunity from prosecution and the observation of human rights. On the former it says that 'while sometimes reconciliation trumps justice in deeply divided societies, stable peace ultimately hinges on finding a judicious balance between the two objectives'.

Africa entered a new era with the creation of the African Union and its associated structures such as the Peace and Security Council (PSC) as one of the five pillars of the African Peace and Security Architecture (APSA). Until then African countries had been troop contributors to UN peacekeeping operations, but not taken a leading role as first-responders to crises. Mali (AFISMA) and the CAR (MISCA) were

instances where an REC, in this case ECOWAS, with the AU responded as the international response was tardy. The hybrid missions in Darfur (UNAMID) and Somalia (AMISOM) show the improving capacity of African countries.

It is worth citing substantially from Agenda 2063 of the African Union, especially 'Aspiration Four: A peaceful and secure Africa' which states:

32. *Mechanisms for peaceful prevention and resolution of conflicts will be functional at all levels. As a first step, dialogue-centred conflict prevention and resolution will be actively promoted in such a way that by 2020 all guns will be silent. A culture of peace and tolerance shall be nurtured in Africa's children and youth through peace education.*

33. *Africa will be a peaceful and secure continent, with harmony among*

“While sometimes reconciliation trumps justice in deeply divided societies, stable peace ultimately hinges on finding a judicious balance between the two objectives.”

*communities starting at grassroots level. The management of our diversity will be a source of wealth, harmony and social and economic transformation rather than a source of conflict.*

34. *We aspire that by 2063, Africa shall have:*

- *An entrenched and flourishing culture of human rights, democracy, gender equality, inclusion and peace;*
- *Prosperity, security and safety for all citizens; and*
- *Mechanisms to promote and defend the continent's collective security and interests.*

35. *We recognize that a prosperous, integrated and united Africa, based on good governance, democracy, social inclusion and respect for*

*human rights, justice and the rule of law are the necessary pre-conditions for a peaceful and conflict free continent.*

36. *The continent will witness improved human security with sharp reductions in violent crimes. There shall be safe and peaceful spaces for individuals, families and communities.*

37. *Africa shall be free from armed conflict, terrorism, extremism, intolerance and gender-based violence, which are major threats to human security, peace and development. The continent will be drugs-free, with no human trafficking, where organized crime and other forms of criminal networks, such as the arms trade and piracy, are ended. Africa shall have ended the illicit trade in and proliferation of small arms and light weapons.*

38. *Africa shall promote human and moral values based on inclusion and the rejection of all forms of terrorism, religious extremism and other forms of intolerance, irrespective of their motivations.*

39. *By 2063, Africa will have the capacity to secure peace and protect its citizens and their interests, through common defence, foreign and security policies.*

### Challenges faced

It has to be acknowledged that implementation of African aspirations is, more often than not, hindered by the continent's inability to adequately resource its own ambitions without external help. Disparities in regional resourcefulness and the paucity of continent-wide funding have become major impediments to operationalising a purely African crisis-response mechanism.

The following regional forces have been established: North Africa Regional Standby brigade (NASBRIG), East Africa Standby Brigade (EASBRIG), Force Multinationale de l'Afrique Centrale (FOMAC), Southern Africa Standby Brigade (SADCBRIG), ECOWAS Standby Brigade (ECOBRI). The African Standby Force (ASF), made up of military, police and civilian components provided by the

standby brigades, is tasked not only with carrying out its rapid deployment capability (RDC) functions but also to conduct, observe and monitor peacekeeping missions. The RDC is an integral part of the regional standby force brigades, which are to act as precursors to the deployment of larger missions. Resource limitations coupled with slow decision-making (due to the multinational nature of such operations) and the commitment of some countries to more than one mission complicates the RDC.

The 5th Tana High Level Forum on Security in Africa 2016, a gathering of high powered role players from different parts of Africa, noted that 'Paradoxically, the AU as the primary agency for peace and security on the continent has not made peace building a priority'. However, it did adopt a policy on Post-Conflict Reconstruction and Development (PCRD) in 2006, which saw it play a role in war-torn and post-conflict countries including Central African Republic (CAR), Sierra Leone, Burundi, Cote d'Ivoire and in South Sudan.

Dr Alhaji Sarjoh Bah, Head of the AU's PCRD Division, speaking on the occasion of the tenth anniversary of the adoption of the PCRD policy in May 2016, remarked that 'the test of whether we can silence the guns by 2020 and ensure that they remain silent forever, is to some degree contingent on the successful implementation of the AU PCRD Policy. The recent relapses of several post-conflict Member States is a stark reminder of the imperative for robust, coordinated and more crucially, comprehensive PCRD interventions by the AU, RECs and other relevant stakeholders'. It should be noted that the standing commission on PCRD envisaged as an AU inter-departmental platform involving Civil Society Organisations has not been established ten years after it was proposed.

Tana 2016 also took note of the lack of a common interest or agenda in relation to peace operations. 'For instance, Member States serving on the AU Peace and Security Council (AU PSC) are increasingly utilising the Council to advance their own national interests, as witnessed by the

decreasing levels of rotation of Council membership and increasing levels of disunity within the Council, making its proceedings resemble those of the UNSC'. It did throw a fundamental challenge to African leaders when it asked: are African actors willing to truly own and make the required investments to make this capability sustainable, and how should this available capability be used in future?

On the positive side, whereas in 2002 no personnel were deployed in AU-mandated peace operations, an average of 30,000–40,000 uniformed personnel were deployed in African peace operations between 2013–2015. This strong deployment demonstrates, to a large extent, that Africa has indeed developed a capability to undertake peace operations, despite the countless challenges and shortcomings that may have dogged these experiences.

Also, on the positive side has been the experience of the creation of a hybrid UN/AU operation which was first attempted in Darfur, which led to the establishment of UNAMID. For another, transitions from AU operations to UN operations in Mali and the CAR have signaled a model of cooperation between intergovernmental organisations in relation to peace operations.

The Force Intervention Brigade (FIB) which was deployed to the UN Mission in the Democratic Republic of the Congo (DRC) and became a game changer for the UN is a good example of where robust peacekeeping had to be resorted to.

Further, African peace operations have been conducted outside of the traditional UN peacekeeping principles of impartiality, the non-use of force, and the consent of the parties to the conflict. Although these principles have increasingly also been called into question in relation to UN peace operations, they continue to provide an alternative framework through which to understand the conduct of peace operations.

### Conclusion

In conclusion, under the new Chair of the AU Commission, and in a world which could see the rise of all forms of extremism – be it right wing Christian

fundamentalists, be it Islamist militants, or Hindu chauvinism – Africa has to continue crafting a durable, sustainable and robust approach to achieving peace on the continent. The following features should make up the approach:

- An emphasis on the political and economic sources of conflict.
- A more clearly integrated relationship between the United Nations, the African Union and the Regional Economic Communities (RECs).
- Long term commitment by partners such as the EU to funding peace operations in Africa.

While answering these complex issues we should keep in mind what Bruce A Dixon of *Black Agenda Report* asks: 'why are more men and guns the only aid African nations seem willing to offer one another? Why not doctors and medical schools, why not farming cooperatives, teachers and schools?'

The theme chosen for the 6th Tana High Level Forum on Security in Africa, set to take place in April 2017, 'Natural Resource Governance in Africa' reflects the kind of challenges the continent is facing. Explaining the theme its organisers have stated: 'the exploitation of the continent's rich and diverse natural resources, both on land and sea, have created several paradoxes; in particular, those leading to inequality and poverty, corruption, unemployment, environmental degradation, violent conflicts, and the elusive quest to realise Africa's full developmental potential. While natural resources can serve as a critical national asset to lift citizens out of dire economic situations into sustainable development as the experience of many countries have clearly demonstrated, the flipside is that "[Over] the last 60 years, in any particular year, between 40 and 60 per cent of ongoing internal armed conflicts have been linked to natural resources" (AfDB, 2016). Clearly, then, one of the most important and contentious issues Africa currently faces in the natural resource sector is how to reverse the misfortunes of exploitation and 'bring governance back' in ensuring that benefits accruing from the continent's providential endowments create new opportunities and positive multiplier effects for citizens and the state'. ■





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**TRANSFORMATION OF THE JUDICIARY**

# Beyond Race and Gender



If transformation does not touch the aspect of jurisprudence, judicial transformation will be incomplete because “apartheid jurisprudence was the poorer for elevating law and order and sectarian class and race interest above inclusivity and justice.”

By Thando Ntlemeza

Under the system of apartheid colonialism, appointment to the judiciary was restricted and highly regulated, invariably resulting in a disproportionately high number of white males.<sup>1</sup> As a result of exclusion of other racial groups and women, the judiciary did not reflect the racial and gender demographics of the country, hence some people described the judiciary as “insane racial oligarchy of the apartheid order...”<sup>2</sup> The exclusion of other races and women from the judiciary and use of the courts to advance ideals of the apartheid regime caused many people in black communities to lose confidence in

the judiciary. Precisely for this reason, transformation became desirable to redeem the judiciary. Expressing its commitment to legitimise the judiciary, the ANC stated that:

*The bench will be transformed in such a way as to consist of men and women drawn from all sectors of South African society... with a view to ensuring that justice is manifestly seen to be done in a non-racial and non-sexist way and that the wisdom, experience and competent judicial skills of all South Africans are represented.*<sup>3</sup>

Commitment to address these issues was expressed by those involved in the

negotiations for a democratic South Africa because they acknowledged the impact of racial and gender discrimination on the composition and values of the judiciary. Hence, they agreed on a constitutional provision that “the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed.”<sup>4</sup> This constitutional injunction challenges those tasked with making judicial appointments to create a racially and gender representative judiciary and “a judicial system that reflects norms and values of its broad society...”<sup>5</sup>



While changing racial and gender composition is a necessary constitutional imperative to transform the face of the judiciary in our country, fundamental transformation of the judiciary requires far more than that. Changing the outlook of the judiciary must be a starting point in the process of transforming the judiciary because fundamental transformation goes beyond racial and gender transformation and includes other aspects necessary for complete transformation.

**The Constitution and the integrity of the Judiciary**

Dr Kamal Hossain in defining the constitution says that it reflects the history of the country, responds to historical experiences of country's people and provides a guide to a future that is free from the negative features of the past.<sup>6</sup> It "acknowledges and is premised upon the need for anti-apartheid transformation and for a democratisation of society". When drafting the Constitution, framers sought to advance the interests of the majority of South Africans, which must inform the value system of the judiciary.<sup>7</sup> In emphasising the importance of this value system when judicial appointments are made, the Constitutional Court stated that:

"It would be surprising if respect and support for the core values of the Constitution by candidates for appointment to all our courts, and particularly the Constitutional Court, were not taken into account by the Judicial Service Commission when preparing a list of nominees for submission to the President. It would be equally surprising if the President and Cabinet failed to do so."<sup>8</sup>

Once they are appointed and occupy the judicial office, members of the judiciary are supposed to create an environment conducive for judicial transformation. They must defend, protect and promote constitutional rights of all the people and jealously protect the integrity, credibility and legitimacy of the judiciary as an institution for all the people, not just a particular section of society. Within the context of doing this, "judges [and magistrates] should stick to the role of merely interpreting the law and

applying it to the facts and should not concern themselves with political, moral and policy issues."<sup>9</sup> This view is not merely reductionist because "if judges [and magistrates] get involved in ... political battles, they will lose respect of the population and will be seen as partial and therefore ... not objective"; while legitimacy of the judiciary depends on public confidence.

**Beyond the Transformation of Race and Gender**

Before and after 1994, discourse on the transformation of the judiciary has always centred around addressing race and gender aspects of this judicial institution. In light of the dominance of the race and gender contradictions in the apartheid-colonial society and the focus of our democratic state on resolving these contradictions in all spheres of society, including the judiciary, this should not surprise

“Law expresses a particular view of society, and is a dynamic phenomenon that responds to ever changing social realities.”

us. On the other hand, some people attribute the focus on race and gender aspects to an ideological view which emphasises the form of the institution without due regard to the class and ideological orientation.

While the constitution of our republic demands that the racial and gender composition of the judiciary be transformed so as to reflect demographics of the South African society, emphasis on this to the exclusion of other aspects may limit judicial transformation. In particular, transformation would be limited to changing the form and outlook of the institution. Failure of the transformation project to address various aspects related to content may leave the judiciary less transformed. If transformation does not touch the aspect of jurisprudence, judicial transformation will be incomplete

because "apartheid jurisprudence was the poorer for elevating law and order and sectarian class and race interest above inclusivity and justice."

As a result of the social setup and historical evolution of the law in our country, law and judicial institutions are perceived as detached from class relations in society. Theory on class relations suggests that people within and outside the judiciary refrain from viewing the law as transcending the class nature of society, as failure to do so can be tantamount to accepting an idealistic construct belonging to the regressive philosophy of the law that cannot be embraced in a democratic society underpinned by progressive values. This requires all the esteemed members of the judiciary to internalise the revolutionary tasks the constitution of our republic bestows on the judiciary in the current conjuncture. The tasks involve:

- ensuring the healing of divisions of the past and building a society based on democratic values, social justice and human rights;
- laying the foundation for a society in which the government is based on the will of the people;
- improving the quality of life of all the people; and
- helping South Africa become sovereign.<sup>10</sup>

The judiciary is expected to play an important role in our democracy as it "... cannot be neutral in the matter of the creation of the kind of South Africa visualised in our constitution..." This necessitates and demands the greatest judicial sensitivity to the national societal setting within which the law must be applied and allowed to evolve.<sup>11</sup> Writing about their role in the transformation of society, Morne Olivier states that "judicial officers should ... be seen as championing the constitution and its underlying values [as] this is the only way for them to gain the respect and acceptance of the citizenry..."<sup>12</sup> For the judiciary to fully discharge its role and responsibility in our constitutional democracy without fear, favour or prejudice, the constitution provides for judicial independence.

In a constitutional democracy, judicial independence will be tested



in many ways and debate on this form of independence should be viewed in this light and allowed to unfold within the context of democratic deliberations that are aimed at strengthening our democracy. It is critically important to ensure that debate on judicial independence is not construed as a debate between supporters and opponents of judicial independence, but as a debate on the content and orientation of that independence.<sup>13</sup> While this independence must be defended, adjudication must have due regard to the people who are still trapped in disparaging poverty. Emphasising this point, the late Chief Justice Mahomed said:

*...probably even more fundamental, proper judicial insights in many areas would involve training sensitive to the perspectives and the complaints of special groups, unfairly marginalised in the past, such as women, blacks,...and even illiterate and disabled persons...*<sup>14</sup>

The late Chief Justice provides us with a philosophical perspective of the law that must guide training of the members of the judiciary as well as interpretation and application of legal concepts. Underpinning this perspective is a persuasive view that legal concepts are not hollow concepts devoid of social content,<sup>15</sup> or that the law cannot be viewed as an empty form that is unconnected with concrete social reality.<sup>16</sup> This shows that he was aligning himself with those rejecting a view which projects the law as an empty abstraction turned into legal concepts that are devoid of historical content. If our system were to embrace the view he rejects, it would be embracing an ideological view which defines the law as neutral and static whereas law expresses a particular view of society,<sup>17</sup> and is a dynamic phenomenon that responds to ever changing social realities.<sup>18</sup>

Even classical writers rejected a notion of the law as hollow legal concepts devoid of historical and ideological content. Within the context of the philosophical debates on what is referred to as “revolt against formalism”, Oliver Wendell Holmes<sup>19</sup> was dismissive of the ‘ideas just described’ and embraced the application of historical perspective to the law. In

particular, he argued that “the law cannot possibly be seen as consisting of absolute rights and fixed doctrinaires out of which it grows by a process of logical development...”.<sup>20</sup> Taking the argument further, Thomas Halper rejects logic as “too rigid and inflexible to deal with the complex and dynamic problems that constitute the law’s chief concern,” and states that “... if the court does not temper its doctrine with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact.”<sup>21</sup> In essence, rejection of the logical mechanism is justified on grounds that it masks illogical conclusions as it “speaks to formal validity of deductions or inferences... and not to the truth of the premises...” and “compels [members of the judiciary] to apply ‘clock-work’ reasoning without any consideration of the moral or social considerations involved”.<sup>22</sup>

“Members of the judiciary are supposed to use the law to resolve conflicts with a view to stabilising society.”

**The Judiciary, social standing and adjudication of conflicts**

The Judiciary plays an important part in adjudicating conflicts among people in our society. Before venturing into the conduct of the members of the judiciary and rejection of the absolute objectivity of the judiciary in adjudicating matters, it should be emphasised that the constitution of our republic demands that members of the judiciary embrace the constitutional values, advance transformation and resolve class and other conflicts with a view to bringing about societal stability. On the stabilising role of the law, Balogun Oladele Abiodun writes of the law as a reconciliatory instrument for advancing social equilibrium and restoring social co-existence.<sup>23</sup> Viewed from this perspective, members of the judiciary are supposed to use the law to resolve conflicts with a view to stabilising society.

Can the judiciary be an objective

arbiter in class conflicts in society? Or, can the judiciary be an arbiter in societal struggles without engaging in such struggles? Or, can members of the judiciary adjudicate on societal matters without being influenced by their standing in society? These are the questions raised to problematise objectivity of the members of the judiciary in adjudicating cases. As stated above, some people reject the notion of hollow and neutral concepts of the law and presentation of the judiciary as a “neutral arbiter” that is above societal conflicts. To support this, they state that the law and institutions interpreting and applying the law are affected by social factors such as class, race, sex and ideology. Or put differently, these sceptics believe that judiciary does not deal with societal conflicts as a class neutral institution as its members have social standing and class interests, which reflect their direct relationship to the means of production. But, brushing off the whole judiciary with the same brush exposes the view to attack.

Writing about transformative constitutionalism, the late Former Chief Justice Pius Langa stated that judges and magistrates enter the courts with their own baggage, on both technical legal issues and broader social issues that mostly reflect their class and social standing.<sup>24</sup> With this, the former Chief Justice concedes that experiences, beliefs and ideas of the members of the judiciary may influence their decision-making. Given this, Sizani argues that they are “human beings who, like all of us, have their hopes, fears and prejudices... [and their role] ...must not be exaggerated and mystified by suggestions of infallibility”.<sup>25</sup> Like other human beings, members of the judiciary are not infallible.

While members of the judiciary are no different from other human beings, South Africans cannot accept anything less than judicial reasoning that takes into account social realities. They do not expect these learned members of society to be passive when it comes to resolving conflicts in society, including those that may have class ramifications, in an objective, impartial and fair manner. Neither do they expect them to undermine fundamental principles underpinning our constitutional

democracy. Despite this, some are accused of defying the principle of separation of powers, which directs that “the substantive decisions regarding the policy ... and the needs of society must be made by ... popularly elected representatives”.<sup>26</sup> In doing so, they transform ours into what Peretti describes as political courts, which are more vulnerable to political attacks and likely to lose legitimacy – the source of their power. Loss of power means the loss of ability to carry out responsibility to protect constitutional rights and the vulnerable in society.<sup>27</sup>

While the constitution and other laws empower members of the judiciary to decide on legality and constitutionality, this does not necessarily mean that they must overlook the will of the people; even though people’s will may be overridden if giving effect to it undermines the constitution and other laws. Once upon a time, Justice Ogilvie Thompson said:

In the very nature of things, a measure of aloofness attaches to judicial office... [B]y virtue of his office, a judge is not only required to be wholly divorced from politics, but also that he must, in civil cases, adjudicate between conflicting contentions of contestant litigants and, in criminal cases, determine the guilt or otherwise of his fellow man.<sup>28</sup>

With these words, Justice Thompson warns members of the judiciary against dirtying their hands in the political battles which take place in the political arena or creating an impression that they are committed to a particular political party or politics. In similar vein, Peretti states that the court must avoid being political and retreat from its political stance.<sup>29</sup> Qualifying this point, Marius Pieterse states that “It is often argued that judges should stray onto political terrain only if they proceed on a moral premise shared by society... In South Africa today, such a shared moral... premise is embodied in the 1996 Constitution.”<sup>30</sup>

As a country, we must frown upon the dragging of the courts into fighting the battles people lose in a political arena, as determinations by the courts on these issues will, inevitably, attract political scrutiny. For reasons such as these, it would be difficult to argue with

confidence that the judiciary is an elite institution that is beyond democratic scrutiny in a society underpinned by the principles of accountability, openness and transparency. Even Lord Devlin once said “It is a great temptation to cast the judiciary as an elite which will bypass the traffic-laden ways of the democratic process.” Hence, Justice Edwin Cameron vehemently laid the matter to rest when he stated that “If judges ... wish to avoid the taint of autocracy they have to be subject to public scrutiny of their functions.”<sup>31</sup>

Discussion and criticism of judicial approach and decisions should be viewed within the context of democratic

**“The constitution entrusts the judiciary with a responsibility to protect the constitution and other laws. However, this does not mean that other state organs do not have a role, as they must also defend the constitution, and create a conducive environment for the judiciary to function without fear, favour or prejudice.”**

deliberations about issues which affect the country and its people. The judiciary cannot be beyond scrutiny in a democracy underpinned by the values and principles of accountability and transparency. Like other people, members of the judiciary must account for their decisions which affect the lives of people. They must not use judicial independence to shield themselves from legitimate criticism aimed at ensuring that they properly discharge their constitutional responsibilities.<sup>32</sup> However, legitimate criticism must not be confused with anti-judiciary sentiments of those people whose

degenerate conduct cannot pass a legal test when issues involving them are brought to the courts; hence they launch anticipatory attacks.

### **Defending the Constitution and other laws of the country**

Professor Denise Meyerson reminds us of Dicey’s three features of the rule of law, namely “the need to curb the conferral of discretionary power on government officials in the interest of certainty and predictability; the ability to seek a remedy in independent courts should the government act illegally; and the importance of equality before the law.”<sup>33</sup> Whereas these features are not disputed, Dicey’s formulation is not without any limitations. For instance, emphasising the conferral of power on government officials and illegal acts of the government implies that rule of law is mainly intended for the government whereas the rule of law principle subjects all persons to the Constitution and the law.

The judiciary must ensure observance of and adherence to the constitution and other laws. This power is vested in the judiciary on the assumption that it will protect the constitution and other laws. It appears that Dicey made a similar assumption. Overlooking possibility of abuse of judicial power, “Dicey simply assumed that the judge... could be trusted to protect the nation’s interests...” While some may justifiably have problems with Dicey’s assumption, the constitution entrusts the judiciary with a responsibility to protect the constitution and other laws. However, this does not mean that other state organs do not have a role, as they must also defend the constitution, and create a conducive environment for the judiciary to function without fear, favour or prejudice.

### **Conclusion**

Transforming ours into a non-racial, non-sexist, democratic, united and prosperous society remains the main objective of our democracy. This depends on the extent to which we succeed in resolving race and gender contradictions created by the system of apartheid colonialism. However, we cannot claim that judiciary is fully

transformed if other aspects (such as the underlying value system and approach) are left untouched. In fact, restricting transformation to changing composition limits transformation to the outlook. Wesson and du Plessis state that judicial transformation means changing the way in which judicial appointments are made, changing racial and gender demographics of the judiciary and changing underlying attitudes of the judiciary; as well as ensuring that the judiciary is accountable and embraces concerns about efficiency and access to justice.<sup>34</sup> Without addressing all these aspects, transformation would be incomplete.

However, Wesson and du Plessis warn that "...any attempts at transformation of the judiciary must be done carefully, sensitively, and with constant respect for and appreciation of the judiciary's separation and independence from the other branches of government." Notwithstanding this caution, our emphasis is that "independence goes hand-in-hand with the goal of transforming the underlying attitudes and values of the judiciary."<sup>35</sup> In the current juncture, we require what some renowned jurists and legal commentators in our country and even beyond have regarded as the "transformative jurisprudence" which is anchored on fundamental values and principles, which underpin our democratic society. These constitutional values and principles are not abstract concepts unrelated to social realities, but are informed by historical and social realities.

Although changing form and content is necessary for fundamental transformation of the judiciary, we cannot afford to overlook the imperative of populating the judiciary with women and men of impeccable integrity and high social standing. Once this aspect of judicial transformation is overlooked, public confidence on the bench will be compromised. South Africans deserve a judiciary with unquestionable integrity, progressive outlook and the will to develop jurisprudence which has "the anti-poverty and anti-apartheid texture, which a sense of judicial accountability to the masses would bring".<sup>36</sup>

While South Africans require a

judiciary that is progressive in outlook, a balancing exercise will however be required when its members carry out their judicial function. To do this balancing act, they may rely on John Rawls' method of reflective equilibrium in terms of which "neither the abstract legal values or principles nor the concrete facts of the case at hand are made absolute in judicial decisions...".<sup>37</sup> With an adjudication method which does not only take into account the values underpinning our Constitution and public interest, the majority of the people will view the judiciary as an elite institution in society.

Let me emphasise that commitment to the Constitution and to addressing all aspects of judicial transformation should be the main consideration in determining appropriateness of a person for the bench. Geoff Budlender

**“The judiciary cannot be beyond scrutiny in a democracy underpinned by the values and principles of accountability and transparency. Like other people, members of the judiciary must account for their decisions which affect the lives of people.”**

is correct in stating that "[i]n appointing judges we therefore need to make a fundamental issue the assessment of whether they are committed to the profound social transformation which is required by the Constitution."<sup>38</sup> Taking Budlender's point a little further, former Minister of Justice and Constitutional Development, Brigitte Mabandla, stressed that we need members of the judiciary who are truly sensitive to the environment, determined to move away from their orientation of the past and understand what we seek to do in the current constitutional dispensation. ■

*Ntlemenza writes in his personal capacity.*

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**THERE WAS ONCE A PROUD NATION**

# A reflection on the 1904 – 1908 Ovaherero Genocide and the current Namibia-Germany reparations debate



Fallen soldier with gun on the rock of the Marine monument, remembering the German soldiers killed during the Herero rebellion 1904-1905, Swakopmund, Namibia, Africa

One Hundred Years of History, Black History, could that be wiped out so easily?

By Gerson Uaripi Tjihenua

*Note: Arguing from a Pan Africanist epistemological position, this author has serious polemical issues with the usage of the word tribe, which is a derogatory colonial construct, in reference to ethnic groups in Africa and hence the usage of the word nation or ethnic group in this article.*

The Namibian and German Governments are currently engaged in intense diplomatic negotiations on the possible apology and reparations for the atrocities committed by German colonial troops against the Ovaherero and Nama communities of Namibia between 1904 and 1908.

These diplomatic negotiations were triggered off by a motion introduced in the Namibian Parliament by the late Ovaherero Paramount Chief and National Unity Democratic Organisation (NUDO) President, Kuaima Riruako, in 2006. Currently there is a lot of polarisation amongst the different Ovaherero traditional leaders and their respective followers as to who should be included in these talks and the type of settlement that should be acceptable. Therefore this author, by deliberate design, has chosen not to enter that debate. Secondly, this author is a direct descendent of the Ovaherero people and he can, relatively speaking, claim to speak with some authority on this particular group, but not on the Nama people. Therefore, although the latter group suffered the same fate like their Ovaherero brothers and sisters, this article will confine itself to the Ovaherero people only.

It is imperative to sketch a brief background to the current reparations debate by putting the issues into proper historical and cultural perspectives. First and foremost, it is necessary that one should have an understanding or appreciation of the culture of the Ovaherero people, because the resilience of this once proud people in the face of the brutal German colonial troops can be traced to their rich culture and proud history.

The Ovaherero ethnic group is part of the Bantu people and they entered Namibia through the northern border from Angola around 1550. Some scholars describe Ovaherero people as the cattle-complex community because their wealth, pride, history, song, dance, and poetry are all centred on cattle.

Furthermore, the Ovaherero people maintain a strong bond of kinship through the extended family system and clans – both through maternal and paternal relationships;

and male circumcision is regarded as an important initiation into manhood. Young men who are circumcised the same year would normally constitute themselves into a *quasi-formal* peer group or brotherhood – called *Otjiwondo* in the Otjiherero language – and would maintain that strong bond of solidarity until their dying day. The peer group is named after an important event that took place that particular year; and bravery in the face of danger is a cardinal value that is held very high by members within the group.

The Ovaherero mourning ceremony is another important event in the cultural life of Ovaherero people; and a mourning ceremony of an elderly man, for example, is an event of epic proportions. Usually women would gather in the main hut where the family tree as well as the heroic exploits of the deceased would be narrated in a low key lament. This is conducted,

“ About 80 000 or 80% of Ovaherero men, women and children perished after the issuing of that order. ”

sorrowfully, in the most expressive and rich tones of the Otjiherero language, which tones cannot be rendered effectively in any Western language. During the mourning ceremony, the genealogy of the deceased is usually traced – in a *narrative lament* – even up to twenty generations back; and there would be a proud reference to the colours and names of some of the “prominent” cows which the clan is known to have owned.

This rich cultural life of a once proud Nation was interrupted when the Germans colonised Namibia which later came to be known as German South West Africa – a fate which was sealed after the 1884 Berlin Conference which divided Africa amongst different colonial powers. Against all odds, the Ovaherero people put up a heroic resistance against German colonial rule. German colonial rule had resulted in the illegal confiscation and occupation

of the Ovaherero communal farm land, forced cultural assimilation, forceful recruitment of Ovaherero men and women as cheap labour (who by then had almost been totally deprived of all their means of livelihood) and, more often than not, the raping of their women. About ten percent of Ovaherero descendants are of mixed origin because of that unequal, if not forceful, relationship between German men and Ovaherero women which can only be described as rape.

The conflict between Ovaherero people and the German colonial forces reached boiling point on 11<sup>th</sup> August 1904 during the battle of the Waterberg Mountain (called *Kaondeka* in the Otjiherero language) – a sacred mountain in the Ovaherero folklore to which many traditional songs are dedicated and where members of the Kambazembi Royal House are buried. During that battle – the mother of all battles in German colonial history – Ovaherero warriors were dealt a heavy blow by the better-armed German troops. The Ovaherero people decided to flee eastwards towards Botswana across the Kalahari Desert. History has it that during that battle, the few Ovaherero warriors who had guns would line up in front, while those who did not have guns would group themselves into formations behind their comrades. The moment someone with a gun was shot, the next person behind him would pick up the gun and start firing.

European historians refer to that battle as the battle of the Waterberg Mountain, but the Ovaherero people refer to it as the battle of Ohamakari – a farm which is about 30 kilometres east of the mountain where the actual fighting took place. In one of their most poetic of songs, the Ovaherero female traditional singers were to sing: “... *Ohamakari ritjo tjekwao...*” Loosely translated into English that would mean: “...*Even on the day of Ohamakari the sun rose and set just like on any other day as if nothing had happened.*” On 13<sup>th</sup> August 2016 – 112 years later – the Ohamakari commemoration was held in style in a big tent where Ovaherero female mourners, for the first time, held a real vigil to mourn for those who could not have been mourned in



accordance with Ovaherero mourning rituals or given a befitting burial because of the war situation that prevailed in the country at that time.

As the Ovaherero people were trying to flee across the Kalahari Desert, General Lothar von Trotha, the Commander of the German troops in the territory, issued the notorious extermination order against them on 2<sup>nd</sup> October 1904. The extermination order, inter alia, reads as follows: "... every Herero, with or without a gun, with or without cattle, will be shot..." As a result of that extermination order, the once proud Nation which at that time numbered around 100 000, was reduced to about 20 000. This means that about 80 000 or 80% of Ovaherero men, women and children perished after the issuing of that order. Some of the survivors were taken to concentration camps at Shark Island, Swakopmund and other places in the country. Other survivors fled to Botswana and South Africa and a small number was also taken to Cameroon and Togo in West Africa, which were both German colonial territories at that time. Amongst those who fled to Botswana, some perished in the Kalahari Desert from dehydration and poisoning – the Germans had poisoned some of the known water points on that route. A substantial number of the Ovaherero survivors now residing in Southern Namibia, Botswana and even South Africa have completely lost their language and culture; not to mention those who were taken to West Africa.

One Hundred and Twelve Years later, the Germans are still to close that dark chapter in the history of the three peoples (Germans on the one hand, and Ovahereros and Namas on the other). The late great reggae singer, Bob Marley, in a song about the Transatlantic Slave Trade titled *Zion Train*, would sing: "...Two Thousand Years of History, Black History, could that be wiped out so easily?" To borrow from Bob Marley's lyrics, by way of paraphrasing, the question that is still hanging like a dark cloud over the heads of our people is: *One Hundred Years of History, Black History, could that be wiped out so easily?*

The once proud Ovaherero Nation who had their own king

(Maharero); their own philosophers (e.g. Tjipakandjara wa Kahendjira); their own folklore singers (e.g. Kanane Puriza and Kamberinyeke ko Mbindi ya Tjiponda); and great warriors (e.g. Kapiringi wa Mukwao and Kambauruma), have now been reduced to a "tribe" through colonial conquest. Their king is now referred to as a Chief and their once renowned singers and dancers are viewed with disdain as backward by some of their current descendants who are brainwashed by Western cultural influences. Their once loud and vibrant male battle cry (called *ombimbi* in the Otjherero language) and female *ululation* have been dimmed to a whisper – but the embers are refusing to die out!

In his seminal book, *Orientalism*, Edward Said argues that the Western

“ Why should it be regarded as strange if the victims of one of the first documented instances of a policy of genocide in the Twentieth Century, the Ovaherero people, are claiming reparations? ”

countries did not only conquer the rest of the peoples through the barrel of the gun, but they have also gone on to conquer us through the "soft power" of language and culture. And that is even more damaging because it is done subtly and covertly; and the sad part of it is that the victim is, for the most part, not aware that he/she is a victim. A cultural "line" has been drawn between the West as "us" and the rest of the people as the "other". This "other" is defined by the West in a Western language, according to standards of civilisation set by the West. These standards of civilisation are informed by the notion of the so-called Western *exceptionalism* or *Eurocentrism*. The "other" is, according to the West, to all intents and purposes, outside the "orbit" of human culture and history.

The "us" and "other" package is then re-sold back to people in developing countries – through consumerism and all manner of cultural socialisation. For the most part, we accept this "us" and "other" package lock, stock and barrel as gospel; because even the very knowledge system through which we define social reality and which governs our thought processes is westernised.

In Africa we are trapped in this web of a Western knowledge system and it requires deep soul searching and philosophical "self-re-positioning" into a new paradigm to transcend that. The Western cultural narrative has, over hundreds of years, not only become the dominant paradigm but also an almost exclusive frame of reference driving a certain truth claim with a clear "us" and the "other" divide. The genocide committed against Ovaherero people by the Germans was, to a large extent, premised on this "us" and the "other" divide because the skulls of the Ovaherero victims, for example, were taken to Germany for experimental research to prove the inferiority of the black race. To crown it all, female survivors were forced to skin the skulls of their relatives for this project.

The claim of Ovaherero people to receive an official apology and reparations is not only about monetary or other material rewards, but it is, and most importantly so, about the restoration of the dignity of a once proud people; which dignity was once steeped in the rich culture and proud history of this heroic people.

Finally, it bears reference to note that the cruel methods of torture visited upon the Jewish people by Nazi Germany during the Second World War, including the concentration camps, had first been experimented in Namibia against the Ovaherero and Nama communities. After the Second World War, the German Government of the day paid war reparations to the Jewish people because of atrocities committed against them by Nazi Germany. Why should it be regarded as strange if the victims of one of the first documented instances of a policy of genocide in the Twentieth Century, the Ovaherero people, are claiming reparations? ■

## CHINA-AFRICA RELATIONS

# Past, present and future win-win



Africa must know the value of the resources it is exchanging for infrastructure and ensure a fair exchange.

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By Manyika Kangai

## The 1949-1999 Era

The Long March from October 1934 to October 1935 was an historic journey of 6000 miles (9656 km) where the Communist army forces, led by Chairman Mao, marched to Yan'an to establish a new Communist base. They started out with 80 000 soldiers and ended up with about 9000. Those 9000 soldiers then reorganised themselves and won the war that led to the founding of the People's Republic of China in 1949.

This revolutionary armed struggle became one of the inspirations for African liberation movements and thus began some of China's influence on the African continent. Chairman Mao's maxim that "political power grows out of the barrel of a gun" drew the attention of African freedom fighters and his theory of the people's army and the people's war and his other military writings were studied. Beginning in the late '50s, China reached out to liberation war movements and offered support which led to the beginning of a China-Africa relationship that has been constantly growing ever since.

The Chinese were allowed by Tanzania, Ghana and Congo-Brazzaville to train freedom fighters from other liberation movements on their territory. Some African freedom fighters went to China for military training at the Nanjing Military Academy. Some of the training was based on lessons from China's revolutionary armed struggle and students were sometimes taken on the Long March route to have an appreciation of what the Chinese went through. The Organisation of African Unity Liberation Committee also received a large part of its military aid from China during 1971 and 1972. Liberation movements in countries such as Algeria, Guinea-Bissau, Sudan, Sierra Leone, Cameroon, Mali, Togo, Somalia, Zambia, Mozambique, Zimbabwe and South Africa received some form of military assistance from China.

Apart from assisting African liberation movements China gave economic and technical assistance to newly independent African states such as Tanzania and Zambia. In 1964 Premier Zhou Enlai toured 10 African states and, while in Somalia, he

announced China's "Eight principles on Economic and Technical Assistance". The principles were:

- China always bases itself on the principle of equality and mutual benefit in providing aid to other nations.
- China never attaches any conditions or asks for any privileges.
- China helps lighten the burden of recipient countries as much as possible by providing economic assistance through interest free or low interest loans and extending the repayment period.
- China aims at helping recipient countries to gradually achieve self-reliance and independent development.
- China strives to develop aid projects that require less investment but yield quicker results.
- China provides the best-quality equipment and materials of its own manufacture at international market prices.
- In providing technical assistance, China shall see to it that the personnel of the recipient country fully master such techniques.
- The Chinese experts are not allowed to make any special demands or enjoy any special amenities.

Soon after Premier Zhou Enlai's Africa tour China gave Tanzania and Zambia interest-free loans and embarked on the Tazara railway, which is a railroad in East Africa linking the port of Dar es Salaam in Tanzania with the town of Kapiri Mposhi in Zambia's Central Province, which was built from 1970 to 1975.

The 1982-1983 11 Nation African tour by the then Premier Zhao Ziyang saw the Chinese announce four new guiding principles for Chinese cooperation with Africa. These were: China attaches no conditions to its aid, development projects should yield practical results, projects should promote self-reliance and cooperation contracts must be observed by both sides. New economic aid to some African countries also followed that trip.

When President Jiang Zemin toured Africa in 1996 he reiterated that the guiding principle that China follows in developing relations with African

countries is "to treat each other as equals, develop sincere friendship, strengthen solidarity and cooperation, and seek common development."

The period from 1949-1999 marked The People's Republic of China's first 50 years. During this period we can see that China-Africa relations were primarily based on political solidarity. Africa benefited in that she received assistance in attaining political independence for some of her nations and also economic aid for some of her newly independent nations. China benefited from the support and goodwill it built up from African countries which helped legitimise its "One China" policy and attain its seat at the United Nations.

China was also able to use this period to differentiate itself from the West and show itself as understanding Africa better and being willing to treat Africa as an equal. China being the largest developing country and Africa being the continent with the largest number of developing countries, there was a mutual understanding which fostered a friendship. China-Africa trade was not substantial during this period, reaching US\$6.5 billion in 1999 compared to US\$210 billion in 2013. Africa was still primarily doing business with the West. China and Africa became comrades who were united in fighting imperialism. China-Africa relations focused more on South-South solidarity while setting the stage for the next phase.

## From 2000 to the present day

The year 2000 marked an important shift in China Africa relations. In October 2000, President Jiang Zemin spoke at the opening ceremony of the Forum for China and Africa Cooperation (FOCAC) Ministerial Conference in Beijing. He said that China and Africa should make concerted efforts to establish "a new international political and economic order".

Following the formation of FOCAC the Chinese and African countries began to do some serious business. China Africa trade has jumped from US\$6.5 billion in 1999 to US\$210 billion in 2013. Chinese businesses have been encouraged to invest in



Africa as part of the “Go Abroad” policy. The major destinations of Chinese investments in Africa are South Africa, Zambia, Angola, Nigeria, Kenya and Sudan. This has seen the birth of a ‘Resources-for-Infrastructure’ model as seen in Angola and many other African countries.

Africa has benefited from the increase in Foreign Direct Investment (FDI) and new Infrastructure and China has benefited by securing a steady supply of raw materials for its industry and establishing a new market for its products. The China-Africa relationship has shifted from primarily political to economic.

In his speech at the Julius Nyerere International Convention Centre in Dar es Salaam in 2013, China President Xi said “China will continue strengthening and advancing its relationship with Africa”. In December 2015 he backed his words up at the FOCAC conference which was held in South Africa, who is China’s biggest African trading partner. This marked the first time that this conference was held on the African continent. President Xi announced a \$60 billion package for Africa to fund the industrialisation and development of Africa. China has clearly identified Africa as a strategic partner.

### The Future

What does the future hold for China Africa relations? We may not know what tomorrow holds but we can have an indication of what is to come based on current developments. China is known as a long term planner; therefore one can safely assume that the moves that China has made in Africa are all part of a long term plan. What is that plan? The answer lies in what China needs.

It is no secret that China has a large appetite for resources and therefore will continue securing a long term supply of these resources especially energy resources. China’s population will keep growing (0.5%) and the economy will keep growing (estimated to overtake the US economy at some point) so China will continue to further its interests by investing in and trading with Africa for the foreseeable future.

Labour costs in China are increasing. The minimum wage which was about

\$115 a month in 2006 is about \$337 a month in 2015. This has led to a rise in manufacturing costs therefore it is a reality that China plans to locate some of its low end manufacturing processes offshore. Africa is a great option for China largely because of its available resources and also because it provides access to markets in and out of Africa for finished goods.

A Chinese owned factory in Africa can take advantage of The African Growth and Opportunity Act (AGOA) – a United States Trade Act which enhances market access to the US – and get its products into the US market duty free. The proximity to Europe of a country such as Ethiopia is also appealing to the Chinese manufacturing on the continent. It is reasonable to say that China manufacturing in Africa will be a reality in the future.

“China and Africa became comrades who were united in fighting imperialism. China-Africa relations focused more on South-South solidarity while setting the stage for the next phase.”

China will continue to build infrastructure in Africa not out of the goodness of its heart but as a necessity. Poor infrastructure will make it difficult for China to extract resources and to set up factories in Africa. The focus by China on infrastructure development in Africa seems to be the implementation of part of the long term plan. Once the electricity, roads, rail, telecoms etc. are in place, then it will make sense to locate some manufacturing in Africa with access to reasonably priced resources.

What’s in it for Africa? The first thing for Africa is to realise that just as much as Africa needs China for trade and investment, China also needs Africa. The relationship has become predominantly economic and there is interdependence. This means Africa

should not see itself as negotiating deals with China from a point of weakness but of strength. Africa is an equal at the negotiating table.

Africa will get infrastructure which will lead to an industrial revolution if Africa takes advantage of this moment. African governments need to set up teams of their best negotiators when deals with China are being done to ensure that there is a genuine win-win. A long term approach is needed when applying the resources for infrastructure model. Africa must know the value of the resources it is exchanging for infrastructure and ensure a fair exchange.

Africa should use the Chinese to build infrastructure in some of the most underdeveloped areas in the same way that China opened up ‘bushes’ in China to FDI and transformed them into manufacturing hubs. This infrastructure will lead to the stimulating of economic growth.

The youth of Africa need to be skilled and prepared for this eventuality. Africa must analyse which skills will be needed and start preparing young people now. The biggest beneficiaries of this China-Africa relationship should be the young people of Africa as the resources that have brought the Chinese to Africa are their inheritance. This relationship must therefore give them jobs, access to opportunity and a better life.

The West will continue to criticise and attack Africa-China relations as it has the potential to create “a new international political and economic order”, which is not in their interest. Africa must not be deterred but must capitalise on this relationship with China to achieve economic independence and improve the lives of her people just as she did in the past to attain political independence.

The Chinese typically take time to build a relationship before getting down to business. They took time to build a relationship with Africa as she fought for political independence and now China is getting down to business and it will ensure that it gets a win. Africa must therefore also get down to business and ensure a win too so that this relationship can be a win-win in the future as it has been in the past. ■

**SCIENCE FORUM SOUTH AFRICA 2016**

# Africa's premier open science forum



Minister of Science and Technology Naledi Pandor at the second installment of Science Forum South Africa held in December at CSIR ICC.

By Naledi Pandor

On 8 and 9 December 2016 the Department of Science and Technology hosted the second Science Forum South Africa (SFSA) in Pretoria. After the successful first forum held in 2015, this year's Forum brought together more than 1 800 participants from more than 70 countries, including eminent South African and international scientists and thought leaders. The Forum is not a typical "scientific" conference, nor is it an intergovernmental meeting. Its focus is on open debate with the objective of igniting conversations about the role of science in society, enabling a dynamic engagement between the scientific community and broader civil society. The 2016 programme comprised more than 60 short seminars and lectures, dealing with topics as diverse as the global Square Kilometre Array radio telescope project, the affordability of renewable energy, and the social science of achieving peace and reconciliation in South Africa after apartheid.

Consistent with our goal to provide for an open, inclusive event, the SFSA programme was compiled through an open call for session and speaker proposals. The call saw an impressive response from across the world, with three times more proposals received than could be accommodated in the programme. The 2016 event had a special focus on interrogating the contribution of the social sciences and humanities to addressing our pressing societal challenges. The role of the social sciences in informing the determination of a living and minimum national wage, or in improving our understanding the high dropout rate at South African universities, for example, was on the agenda. It was also important for me to have a distinct focus on science and technology in Africa. The Forum included presentations by several of the African Union's Kwame Nkrumah Scientific Award laureates as part of our celebration of African excellence in science.

The SFSA was held at the CSIR's International Convention Centre, in Tshwane, close to the heartbeat of science and technology in South Africa and the headquarters of our department. The event included an exhibition with more than 70 South



Citizens enjoy engaging with live science demonstrations during the Science in the Streets Exhibitions held at Church Square, Pretoria.

African and international science and technology organisations exhibiting. Improving communication about science is one of the Forum's strategic goals. We were delighted that the programme also included the 2016 South African launch of FameLab, one of the world's biggest science communication competitions, often referred to as the "Pop Idols" of science.

Beyond the Convention Centre, an exciting public outreach programme was organised. This included our "Science in the Streets" campaign, aimed at encouraging an interest in and enthusiasm for science among the youth. We attracted thousands of learners to Tshwane's Church Square and Birchacres Mall on the East Rand. For those who were unable to travel to Tshwane, and with specifically an international audience in mind, all the Forum's sessions were broadcast live over the Internet. National and community television and radio also broadcasted from the Forum.

The organisation of the Forum is, however, not an objective in its own right. The Department of Science and Technology is entrusted by our government with the role of harnessing the immense potential of science, technology and innovation and putting it to the service of our society, especially in the context of fighting the triple challenge of poverty, inequality and unemployment. To successfully execute this mission,

we needed the support of all South Africans. The organisation of the SFSA and the broad public debate it enables is part of our endeavour to build this national consensus. The Forum will be considered successful if it has enhanced our efforts to invest in and leverage research and innovation to increase the quality of living of all South Africans.

There is, however, a second, equally important, objective. Science and technology know no borders and international partnerships are essential for South Africa to progress in this strategic domain. It was thus critically important for our scientific community to be able to share in global experience and expertise and to have our national investments complemented by international resources. Science Forum South Africa profiled and showcased South African science and technology to the world. We have a rich and diverse portfolio of international collaboration but, in our fast-changing world, we need to work even harder to profile our country as a reliable partner of choice for global scientific cooperation.

Science Forum South Africa is already regarded as one of Africa's premier platforms for public debate on science. Science is an integral part of Africa's growth and development agenda and our government is committed to ensuring that South Africa plays its part in developing Africa's capacities for science and technology. ■



**GRAND ETHIOPIAN RENAISSANCE DAM**

# Why involve colonial country based law firms?



If the news is true, it suggests that Egypt and Ethiopia are in dispute and are looking for outside arbitration, mediation and conciliation.

By Minga Negash, Seid Hassan, Mammo Muchie and Abu Girma Moges

This commentary is our fourth installment on the Grand Ethiopian Renaissance Dam (GERD). It is sparked by the news item which was posted on the pro Tigrean People's Liberation Front (TPLF) website [aigaforum.com](http://aigaforum.com), on July 9, 2016. Citing the *Sudan Tribune* as its source, [aigaforum.com](http://aigaforum.com) reported what the Egyptian Minister of Water Resources and Irrigation, Mohamed Abdel Ati, had said. The news item,

related to the arrangement about the legal affairs of GERD, states that "...a U.K. based law firm, Corbett & Co., was selected to manage the legal affairs of the tripartite committee."

Chambers and Partners, a website that lists law firms in the United Kingdom states that, Corbett & Co. is an entity whose area of practice is predominantly "International Construction Projects/Disputes". The company's own website [\[corbett.co.uk/\]\(http://corbett.co.uk/\) echoes the same information and states that it deals with international arbitration and FIDIC forms of contract. If the news is true, it suggests that Egypt and Ethiopia are in dispute and are looking for outside arbitration, mediation and conciliation. It also suggests that the much publicised \*Declaration of Principles\* which was signed in Khartoum in March, 2015, has not been able to resolve the dispute. Unfortunately, this](http://</a></p>
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news is bound to introduce another risk for Ethiopia. The emerging risk is the reason why we decided to write this short commentary. We are concerned that the spirit of this news is similar to the spirit of the now defunct Ethio-Eritrean Algiers Agreement. The difference is that, in the case of the Algiers Agreement, the arbitration was performed by the Boundary Commission and the pertinent rules were “international laws”, whereas in the case of the GERD, the two parties are going into the arbitration and dispute resolution as mediated by a British law firm, and the implicit pertinent rules are the March, 2015 faulty “declaration of principles” which undermine Ethiopia’s sovereignty.

According to the same cited article, the tripartite countries have agreed to conduct two impact studies: For one, “... the effect of the dam on the water quota of Sudan and Egypt and the second one to examine the dam’s ecological, economic and social impacts of the dam on Sudan and Egypt.” Clearly, neither of the two planned studies would be concerned about the impact of the dam on the upstream country – Ethiopia. Secondly, the purported impact studies seem to be geared towards the negative impacts on the downstream countries, ignoring the benefits of the dam. Thirdly, Egypt (and to a lesser extent, Sudan) continue to cling on the colonial era Nile water sharing agreement which was drawn up by the British in 1929 and amended in 1959. That “agreement” divided the Nile water between Egypt and Sudan, neglecting all the upstream states that were the source of those waters. As we argued in our previous commentaries, Egypt’s position to allot two-thirds of the water is untenable as it ignores the interests and sovereign rights of upstream countries. This “agreement” is so one-sided that it refuses to recognise the right and need of upstream countries to equitably use their own waters to generate power and feed their growing populations. In fact, the Egyptian demand to keep the colonial era water sharing “agreement” is so geared towards faulting upstream countries that it fails to recognise the main causes of current and future water shortages. These

include, as articulated in one of our previous commentaries, Egyptian policymakers’ unwillingness to rectify water mispricing which includes the Egyptian government’s monopoly controls of the distribution and management of water, waste, and increasing production of the water devouring crops of rice and sugar cane.

In our May 7, 2014 commentary entitled as “Misplaced opposition to the Grand Ethiopian Renaissance Dam,” we demonstrated that colonial agreements cannot be the basis for resolving the trans-boundary water sharing disputes, particularly in Africa, and argued that solutions must be sought within the Nile Basin Cooperative Framework Agreement. We also demonstrated that most conflicts need to be resolved through negotiation involving upstream

**“This “agreement” is so one-sided that it refuses to recognise the right and need of upstream countries to equitably use their own waters to generate power and feed their growing populations.”**

and downstream countries rather than through external arbitration. Citing historical evidence, we argued that it is within the realm of Ethiopia’s sovereign right to choose and decide the type of dam it wants to build.

In our March 15, 2015 commentary entitled as “Perspectives on the Declaration of Principles regarding the Grand Ethiopian Renaissance Dam” (*The Thinker*, 2015 volume 65), we outlined our reasons why the Khartoum declaration compromised Ethiopian sovereignty and imposed onerous demands thereby creating obstacles for Ethiopia to complete the dam. We urged the Ethiopian Parliament not to ratify the agreement in the form it was presented then. However, the press statements provided by Prime Minister Haile Mariam Dessalegn

and Minister of Foreign Affairs, Dr. Tewodros Adhanom were dismissive, and indicated to us that Ethiopian authorities have failed to address the issues we raised in the commentary – the fundamental question of sovereignty over the sources of Blue Nile, in particular, and defining what constitutes “a significant harm” to downstream countries, in general.

Unfortunately, TPLF’s mishandling of Ethiopia’s sovereignty seems to have no end. Its scandalous policy on Eritrea resulted in one of the most densely populated countries in Africa being completely landlocked. Nor did the TPLF establish good neighborly relations with Eritrea. That mistake is at the door step of the TPLF’s politburo and its Ministers of Foreign Affairs. The TPLF politburo members individually and collectively have failed to defend the country’s sovereignty. In both cases the failure is a result of a lack of leadership and disastrously wrong draftsmanship of the agreements.

We urge the Ethiopian authorities to urgently review the matter in that a law firm that is based in a former colonial country can never be expected to be independent of the interests of the country in which its primary interest lies. It is a fact that the so-called 1929 Nile River water sharing, which was amended by the 1959 Egyptian-Sudanese “Agreement” – were done without the participation of Ethiopia or other upstream nations. We urge the current rulers of Ethiopia to learn from their past mistakes. We urge them to refrain from using commercial arbitration, in general, and refrain from purchasing services from a colonial country which was the root cause of the problem, in particular. As it stands, we are concerned that the indicated “agreement” would lead to future conflicts. We urge the leaders of the Ethiopian ruling party to use the more equitable Nile water sharing Entebbe Agreement of 2010, which replaced the colonial era and which was signed by the six upstream nations, Ethiopia, Kenya, Uganda, Tanzania, Rwanda and Burundi.

We also alert pressure groups and the Ethiopian people to demand accountability from their rulers. ■

# How financially literate are our accountants?



One could question if the real world grounding of accounting is limited only to business financial practices without impacting on personal financial practices.

By Madikizela Boniswa

The process of qualifying as a Chartered Accountant, involving three years of an academic programme, three years of a CA training programme and two professional examinations could reasonably result in the expectation that one has become a master of managing finances. In addition, the view held by society that Chartered Accountants are “pretty good with numbers... as they explain where money has come from and gone to” (SAICA, 2016) supports this expectation. Chartered Accountants are viewed as having a “relatively higher social status” (Hung, 2014) and an associated high earning potential. In line with most professional qualifications in “accounting, actuarial science, engineering, health sciences or law” (SBSA, 2016) the high earning potential provides easy access to credit from the major banks in South Africa (SBSA, 2016; Investec, 2016;

Nedbank, 2016). The Chartered Accountant is afforded an expensive lifestyle of “aspirational purchases” (Philip, 2013) through Private Banking or Professional Banking solutions and is promised banking that will “keep pace with their career, support their lifestyle and help with their financial wellbeing” (Investec, 2016).

Entering the market as a “high-flyer eager for status and success” (SAICA, 2016) it could happen that a young Chartered Accountant is not prepared for the reality that could unfold a few months later. The “inadequate comprehension of personal finance, such as budgeting and tracking expenses, had led to increased conspicuous consumption behaviours of lavish spending on goods and services” (Sabri, 2011). The discipline needed in relation to money management could seem to become impossible as the demands

of maintaining an expensive lifestyle increase.

SAICA is responsible for the awarding of the qualification and designation of Chartered Accountant in South Africa. Upon registration with SAICA, members can add the CA(SA) designation after their name. The CA(SA) designation is highly regarded locally and internationally and this is reflected by its recognition by various important bodies. In South Africa, the South African Revenue Services (SARS) lists SAICA as a Recognised Controlling Body allowing its members to register with SARS as tax practitioners (SARS, 2015). The Independent Regulatory Board for Auditors (IRBA) also recognises SAICA members as eligible for registration as Registered Auditors upon completion of the appropriate auditing training (IRBA, 2015). The affiliation of SAICA with international accountancy bodies such as the



Global Accounting Alliance (GAA), the Chartered Accountants Group of Eight (CAGE) and the International Federation of Accountants (IFAC) confirms the global pre-eminence of this professional qualification (Strauss-Keevy, 2012). The excellent reputation of the CA(SA) designation was internationally recognised by the World Economic Forum (WEF) in its Global Competitiveness Index for 2015-2016. The 2015-2016 report again rated South Africa as the number one country in the world in terms of the strength of its auditing and reporting standards, “a position held previously for 5 consecutive years” (IRBA, 2014).

SAICA recognises that the nature of accounting knowledge is essentially context bound with every aspect of the discipline of accounting grounded in the real world of current business practice (SAICA, 2014). However, one could question if the real world grounding of accounting is limited only to business financial practices without impacting on personal financial practices.

The successful application of personal financial practices should suggest that an individual is financially literate. Schagen & Lines (1996: 91) suggests that financially literate people have a range of abilities and attributes consisting of: “an understanding of the key concepts central to money management; a working knowledge of financial institutions, systems and services; a range of skills, both general and specific; attitudes which would allow effective and responsible management of financial affairs”.

The process of qualifying as a Chartered Accountant could be seen as rigorous in attaining financial literacy in the business context. However, does it imply that these individuals possess the abilities and attributes for being personally financially literate as identified by Schagen & Lines?

### Financial literacy and the global agenda

The concept of financial literacy is not new but dates as far back as August 1787. In a letter to Thomas Jefferson, John Adams, the second president of the United State of America recognised the need for financial literacy stating that “the perplexities, confusion and

distress that arise in America was not as a result of defects in the constitution, but as a result of total ignorance of the nature of the coin, credit, and circulation” (<https://financialcorps.com/history-of-financial-literacy-the-first-200-years/>). The words by John Adams suggest that the lack of knowledge and understanding (or illiteracy) of how money works results in confusion and distress in an economy.

The sub-prime debt crises that began the global financial and economic crisis in 2008 (Anglo American, 2015), is a typical example of over-indebtedness, presumably due to below-average

“This therefore indicates that the Competency Framework, through the BAcc degree, does develop the financial literacy of students studying to become Chartered Accountants. However, this development is mainly from an organisational perspective rather than from a personal perspective.”

financial literacy, that had an impact on the economy as well as individuals. Additional economic implications associated with financial illiteracy include:

- the inability to spend financial resources efficiently (Mandell, 2008) resulting in individuals and families not being able to save for long-term goals such as buying a home or seeking higher education (Braunstein & Welch, 2002);
- financial hardships resulting in an insecure old age (Lusardi & Mitchell, 2011); and
- rising household debt and low levels

of retirement savings (ACCA, 2014).

As a result, financial education issues and financial literacy gained international recognition from the Organisation for Economic Co-operation and Development (OECD), the World Bank Group, Department for International Development (DFID) and Consultative Group to Assist the Poorest (CGAP) as a “critical life skill for individuals” (Pinto, January 2013). Various international interest groups responded by commissioning extensive research on financial literacy e.g. *The Case for Financial Literacy in Developing Countries* (Miller, et al., 2009); *The Status of Financial Education in Africa* (Messy & Monticone, 2012) and *The Global Findex Database 2014: Measuring Financial Inclusion around the World* (Demirguc-Kunt, et al., 2015).

The complex and technologically advanced financial services industry increased the pressure and responsibility on the consumer to better understand financial products and their financial implications (Mason & Wilson, 2000). Messy & Monticone (2012) recommended that financial education could empower consumers to better manage their personal and household resources, both on a day-to-day basis and over a long-term horizon. Ben Bernanke (2008), the Chairman of the US Federal Reserve System Board of Governors, in support of the importance of financial education, stated that the problems that resulted from the subprime mortgage market were a reminder of how critically important it is for individuals to become financially literate at an early age, so that they are better prepared to make decisions and navigate an increasingly complex financial marketplace (Pinto, January 2013).

The financial literacy concern increased worldwide. Financial education initiatives, as a response, were considered urgent, necessary and a requirement to empower individuals into taking action in improving their financial well-being. Initiatives included, among others, financial literacy tools, programmes and public policies (Miller, et al., 2009) which if

effective could result in behaviour that could make consumers less vulnerable to severe financial crises (Braunstein & Welch, 2002).

Atkinson & Messy (2012) noted that before financial literacy education could be provided, the needs and gaps in financial education provision needed to be identified. A study commissioned by the OECD International Network on Financial Education (INFE) was conducted in 14 countries across 4 continents focusing on levels of financial knowledge, the range of financial behaviours exhibited and attitudes towards long term financial plans of population groups (Atkinson & Messy, 2012). A number of other studies grounded in the fields of economics and consumer studies (Tisdell, Taylor, Sprow Forte & Karinhave, 2013) focused on the financial literacy levels and education needs of specific population groups such as young adults (Beal & Delpachitra 2003; Cude, Lawrence, Lyons, Metzger, Lejeune Marks & Machtmes 2006; Mandell 2008; Clereq & Venter 2009; Louw, Fouché & Oberholzer 2013) or women (Eitel & Martin, 2009).

The above financial literacy background could suggest that financial literacy is not only a theoretical concept but could also be viewed as an active/operational/functional/practical process. Mason & Wilson (2000) identified financial literacy as a meaning-making process which is necessary to enable informed decisions to be made in order to achieve a desired outcome.

**Financial literacy defined**

The term financial literacy is

a concept combining two words, “financial” and “literacy”. According to the Collins Dictionary and Thesaurus (2008), ‘financial’ means “of or relating to finance, finances, or people who manage money” and also relates to the words ‘economic’, ‘business’, ‘commercial’, ‘monetary’ and ‘fiscal’, each having their own meaning. Financial could further be assumed to refer to information of a financial nature. According to the same dictionary, ‘literacy’ means the ability to read or write and is synonymous with ‘education’, ‘learning’ and knowledge. These terms individually appear basic. However, when “combined to form the single term, ‘financial literacy’, a whole new dimension emerges, which encompasses more than the individual terms” (Gouws & Shuttleworth, 2009: 145) and more than a general meaning of ‘the ability to read or write information relating to finance’.

To be “financially literate” has been defined as:

- “The ability to use knowledge and skills to manage one’s financial resources effectively for lifetime financial security” (Jump\$tart Coalition, 1997 - 2016).
- “An individual’s ability to obtain, understand and evaluate the relevant information necessary to make decisions with an awareness of the likely financial consequences” (Mason & Wilson, 2000: 31).
- “The ability to read, analyse, manage, and communicate about the personal financial conditions that affect material well-being. It includes the ability to discern financial choices, discuss money and financial issues without (or

despite) discomfort, plan for the future, and respond competently to life events that affect everyday financial decisions, including events in the general economy.” (Vitt definition, 2000, cited in Clereq & Venter, 2009)

- “The ability of consumers to make financial decisions in their own best interests in both the short and long-term”. (Mandell & Klein, 2009: 284)
- “...the ability and confidence to manage personal finances through appropriate, short-term decision-making and sound, long-range financial planning, while mindful of life events and changing economic conditions.” (Remund, 2010: 284)

In all of the above definitions, it is evident that ‘ability’ is important and “speaks to knowledge, skills and life changes” (Remund, 2010: 285). However, the definitions fall short on points that detail the ability, knowledge and skills that one needs to be considered financially literate.

In attempting to provide this detail, Mason & Wilson (2000) in their study refer to financial literacy as a meaning-making process enabling individuals to achieve a desired outcome. The process is depicted in figure 1.1.

Figure 1.1 proposes that individuals use a combination of skills and technologies, resources and contextual knowledge to make sense of information in order to be sufficiently informed to make decisions with an awareness of the financial consequences. In this model, similar to the definitions listed, Mason & Wilson (2000) did not identify exactly which skills and knowledge are required in order to become financially literate.

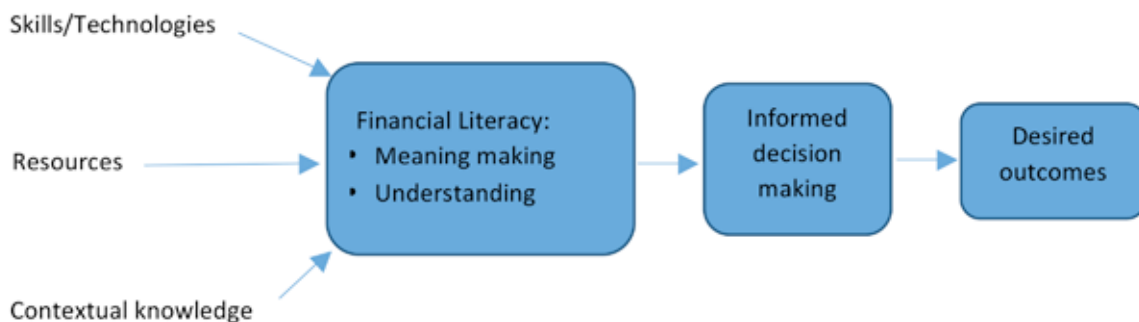


Figure 1.1: Financial Literacy viewed as a meaning-making process  
Source: Mason & Wilson, 2000

Clereq & Venter (2009) identified three categories of skills: financial knowledge and understanding; financial skills and competence; and financial responsibility. Taylor & Wagland (2013), in addition to the three categories identified by Clereq & Venter (2009), identified the following skills and knowledge as a consideration for being financially literate:

- mathematical literacy and standard literacy - the ability to read for knowledge and write coherently and think critically about the written word;
- financial understanding - an understanding of what money is and how it is exchanged, where it comes from and goes;
- financial competence - understanding of basic financial services, financial records (and importance of reading and keeping them), attitudes to spending and saving, and an awareness of the risks associated with some financial products and the relationship between risk and return;
- financial responsibility - the ability

to make appropriate personal life choices about financial issues, understanding consumer rights and responsibilities; and the ability and confidence to access assistance when things go wrong.

Using the skills and knowledge identified as constituting financial literacy, the current researcher has attempted to amend Mason & Wilson's model (Figure 1.1) to view financial literacy as a theoretical and practical/active process. The amendment is based on the financial literacy definitions falling short in detailing the ability, knowledge and skill for one to be considered financially literate. The updated model is depicted in Figure 1.2.

Figure 1.2 aims to propose that an individual, having obtained the financial knowledge space and understanding through various resources/initiatives/programmes/technologies (e.g. university degree), would use the financial skills and competence developed during the process to make sense of information. The sense-making process would

then result in attaining contextual knowledge to make decisions most advantageous to one's economic well-being (desired outcome).

On the basis of the updated model and for the purposes of the research report, financial literacy is defined as:

*An active process that empowers an individual to obtain financial information and an understanding thereof through various resources and using the financial skills and competence developed to evaluate information to make decisions most advantageous to personal economic well-being.*

**The study**

A limited scope dissertation Master's study conducted at a South African university examined whether there existed a significant difference in the average personal financial literacy scores between the academic year groups of students studying to become Chartered Accountants. The final number of respondents was 652 spread across the three consecutive undergraduate year groups. The sample consisted of 297 (47%) first-years, 243

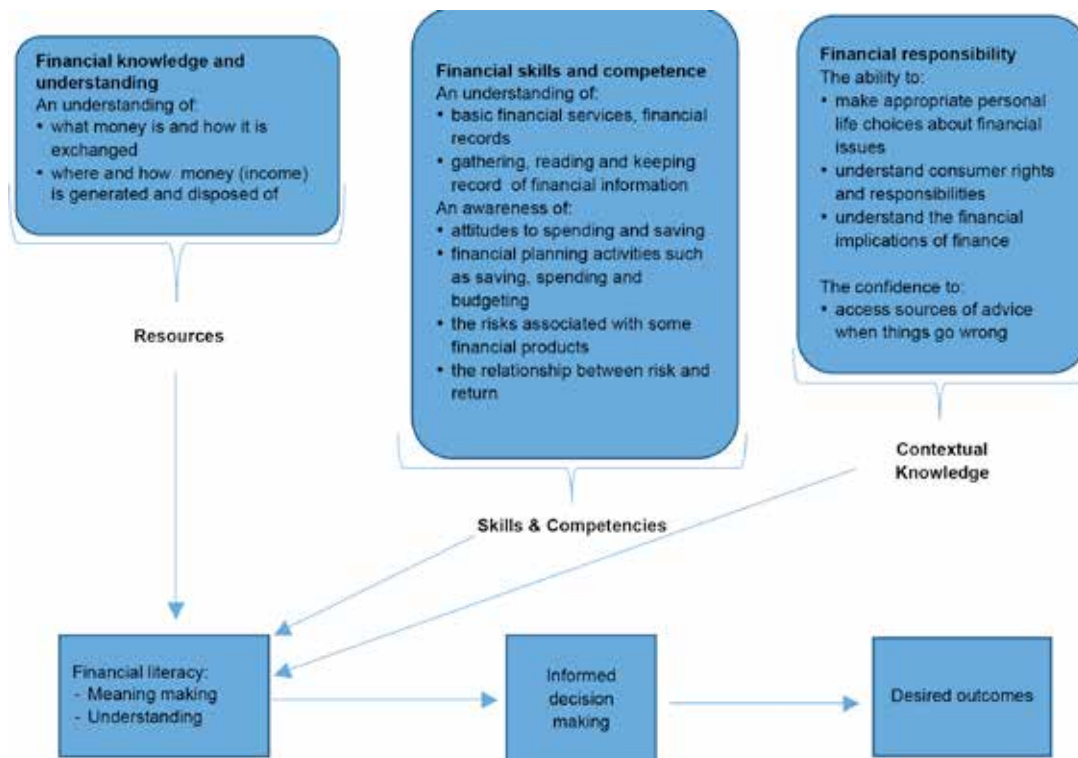


Figure 1.2: Financial Literacy viewed as a theoretical and practical/active process  
Source: Current researcher



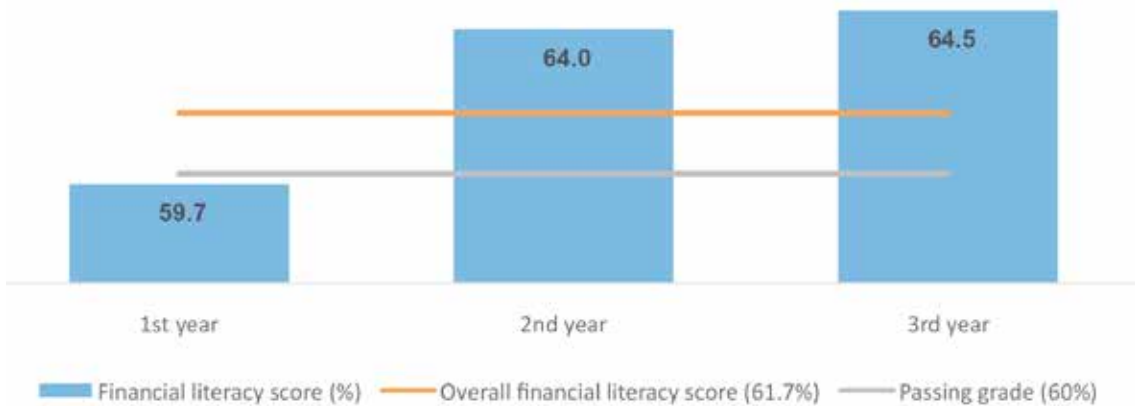


Figure 1.3: Personal financial Literacy mean score of respondents per academic year group  
Source: SPSS output

(38%) second-years, 94 (15%) third-years and 18 respondents preferred not to disclose their academic year.

A US instrument, the 2008 Jump\$tart survey, was used to collect data and measure the mean personal financial literacy score for each academic year group in order to determine if the score increased as the students' education progressed. The questionnaire was adapted for the South African context where applicable. The Statistical Package for the Social Sciences (SPSS) was used to perform the statistical analysis of the primary data obtained via the questionnaire.

The study used a cross-sectional method to collecting data from the students. Conducting the test of financial literacy on a control group at another university, or even at all the universities in South Africa would have been ideal. However, due to the nature of the requirements for a Master's in Accountancy which only requires a limited scope dissertation, and constraints on time, the test had to

be limited to the three undergraduate year groups registered in 2015.

**Findings**

Figure 1.3 provides the mean personal financial literacy score obtained by the respondents per academic year of study with a trend line for the mean score for the total sample. The 2008 Jump\$tart survey used a 60% score as the passing grade in the financial literacy survey on college students (Mandell, 2008). Since the 2008 Jump\$tart survey forms the basis to measure personal financial literacy in the current research report, this score was used as a benchmark for each respondent analysed. Therefore, the respondents who achieved a score less than this benchmark (60%) could be considered to be less financially literate than the average sample and the respondents who achieved a score greater than the benchmark (60%) could be considered to be more financially literate than the average sample.

It is encouraging that the average

score obtained by all the respondents of 61.7%, is more than the 60% passing grade used by Jump\$tart survey to be considered financially literate and not significantly different from the average score of 62.2% obtained by the college students in the same survey. Out of a 652 sample size, a total of 414 or 63.5% of the respondents passed the test of financial literacy with a score of 60.87% and above. Therefore, 414 respondents are considered to be financially literate. It is however a concern that 238 or 36.5% of the respondents are considered to be less financially literate with a score of 56.52% and below.

Observing the mean score for each academic year group (Figure 1.3) one may conclude that the score is increasing per academic year. Descriptive statistics indicated the following mean scores for the test of financial literacy: first-year group 59.7%; second-year group 64.0%; third-year group 64.5%; and total respondents 61.7% (including those who did not indicate academic year). Except for the first-year group, the second-year group and the third-year group obtained scores above the 60% passing grade and therefore considered to be financially literate.

When comparing the mean scores of more than two groups the matter of how significant the difference is has to be considered. To establish whether a statistically significant difference existed in the means of personal financial literacy scores of the different

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	3066.900	2	1533.450	6.531	.002
Within Groups	148149.310	631	234.785		
<b>Total</b>	<b>151216.211</b>	<b>633</b>			

Table 1.1: ANOVA test  
Source: SPSS output

academic year groups, the hypothesis stated was:

H0: There exists no statistically significant difference in the means of personal financial literacy scores between the academic year groups.

H1: There exists a statistically significant difference in the means of personal financial literacy scores between the academic year groups.

The Levene’s test for equality of variances and the One-way Analysis

significantly different from one another.

In order to determine the effect size for this result, information from Table 1.1 ANOVA test and the following formula was used:

$$\begin{aligned} \text{Eta} &= \frac{\text{Sum of squares between groups}}{\text{Total sum of squares}} \\ &= \frac{3066.90151216}{211} \\ &= 0.02 \end{aligned}$$

The resulting Eta squared value is 0.02 which is considered to represent a small effect size. Only two percent

**Conclusion**

In line with the hypotheses tested, the findings indicated that the mean score for first-year group was significantly different from the second-year group and from the third-year group. However, the second-year group did not differ significantly from the third-year group. This suggests that the academic education programme for students studying to become Chartered Accountants does not seem to have had an impact on the financial literacy levels of third year students.

An analysis of literature linked to the CA qualification indicated that the nature of accounting knowledge is context bound with every aspect of the accounting discipline grounded in the world of business (SAICA, 2014). The context that students are exposed to in terms of module content and assessment is that of business. One could conclude that the academic education programme for Chartered Accountants is successful, from a business context, in educating and training students to understand and use financial knowledge and information for decision-making related to planning, control and profit maximisation. This therefore indicates that the Competency Framework, through the BAcc degree, does develop the financial literacy of students studying to become Chartered Accountants. However, this development is mainly from an organisational perspective rather than from a personal perspective. Further the development appears to be reduced the higher the academic years.

Statistically, the findings indicate that only 2% of the variance in the personal financial literacy means of the different academic year groups was explained by academic year. This confirmed that academic year was a factor with a very small impact on the level of personal financial literacy. Further, with only 63.5% of students being considered financially literate and achieving a score of 61.7% compared to the score of 62.2% obtained by all college students in the US 2008 Jump\$tart survey it would appear that studying to become a Chartered Accountant is not a factor that has an influence on the level of personal financial literacy. ■

Multiple Comparisons	Mean Difference (I-J)	Std. Error	Sig.		
Scheffe	1st year	2nd year	-4.25186*	1.32541	.006
		3rd year	-4.76426*	1.81335	.032
	2nd year	1st year	4.25186*	1.32541	.006
		3rd year	-.51240	1.86116	.963
	3rd year	1st year	4.76426*	1.81335	.032
		2nd year	.51240	1.86116	.963

Table 1.2: Scheffe Post-hoc test - Multiple Comparison  
Source: SPSS output

of Variance (ANOVA) test was used to test the hypothesis. The Levene’s test provided a significance value (Sig.) of 0.125 which is greater than 0.05 standard value of significance. This result meant that the assumption of equality has not been violated and the group variances can be treated as equal.

Per Table 1.1, the p-value (Sig.) of 0.002 is less than the 0.05 significance level. The null hypothesis (H0) is rejected and it is concluded that some of the academic year group means are different. However it is unclear which pairs of groups differ. To correct for this multiple comparison, the Scheffe post-hoc test (Table 1.2) is performed to identify which group is different from which other group.

Table 1.2 indicates where the differences among the groups occur by providing the statistical significance (Sig.) between each pair of groups. The results presented with an asterisks point that the first-year group and second-year group are statistically significantly different from one another. As well, the first-year group and third-year group are statistically

(2%) of the variation in the personal financial literacy score is explained by academic year.

**Summary of ANOVA results**

A one-way between-groups ANOVA was conducted to explore the impact of academic year on levels of financial literacy. There was a statistically significant difference at the  $p < .05$  level in personal financial literacy scores for the three consecutive academic year groups:  $F(2, 631) = 6.5$ ,  $p = .002$ . Despite reaching statistical significance, the actual difference in mean personal financial literacy scores between groups was quite small. The effect size, calculated using eta squared, was 0.02. Post-hoc comparison using the Scheffe test indicated that the mean score for first-year group ( $M = 59.71$ ,  $SD = 14.11$ ) was significantly different from the second-year group ( $M = 63.96$ ,  $SD = 16.47$ ) and from the third-year group ( $M = 64.48$ ,  $SD = 15.91$ ). The second-year group did not differ significantly from the third-year group. Two of the financial literacy means are significantly different, thus, the null hypothesis (H0) is rejected.

**ETHICAL DIPLOMACY**

# Is it an oxymoron?



Are diplomacy and ethics divorced from each other? Does realpolitik translate to zero ethics in diplomacy; or is ethics inherently imbedded in it?

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By Amrit Panda



Political pundits have touted this new world order as one based on 'cooperation', replacing the earlier linear, mercantilist and power oriented world order and thinking. However as Morgenthau points out in his seminal work *Diplomacy*, this truth is much more complex. He points out a reason as practical as "game theory" which makes cooperation over coercion difficult to accomplish in reality. Harry Rudin, in a completely different tone, had also pointed out to the heightened difficulties for a diplomat in the new era; the democratic era. In an attempt to make diplomacy simple, the various legal precedents and treaties have actually complicated the process of diplomacy. These complexities have heightened the ethical issues in the contemporary diplomatic arena. So how does one balance ethics, both personal and professional, while maintaining a thick connection to national interest in diplomacy? Are diplomacy and ethics divorced from each other? Does realpolitik translate to zero ethics in diplomacy; or is ethics inherently imbedded in it?

One of the foremost conundrums faced by writers on ethics is the one of its distinctiveness from morality and their common interaction with values. Ethics comes from the Greek *ethos*, meaning character. Morality comes from the Latin *moralis*, meaning customs or manners. To quote Thiroux, ethics, then, seems to pertain to the individual character of a person or persons, whereas morality seems to point to the relationships between human beings. This definition, however, is not inimical to a group-level conceptualisation of ethics. Ethics can and does exist in terms of groups, especially in the tribal, religious and nationalistic domains. Nevertheless, in ordinary language, whether we call a person ethical or moral, or an act unethical or immoral, doesn't really make any significant difference. In philosophy, however, the term ethics is also used to refer to a specific area of study: the area of morality, which concentrates on human conduct and human values. Values, here, can be understood as the qualities that signify

what is important and worthwhile. Values serve as the basis for moral codes and ethical reflection. Each person has their own values based on family, religion, peers, race, culture, gender etc.

Now before we analyse ethics in diplomacy it is important to understand the functions or tasks of a diplomat. To quote Chas Freeman, the major tasks of diplomats are:

- linking their government's decision-makers to foreign counterparts;
- advocacy of their government's policies and views;
- negotiation on their government's behalf;
- commendation to their government of ways to advance or defend its interests;
- promotion of trade and investment;
- protection of compatriots;

“ If we were to put all the tasks of diplomats in the context of state politics into a phrase it would be ‘furthering the interests and ambitions of their state’.”

- management of programs of cooperation between governments;
- reporting and analysis of relevant foreign developments and realities;
- establishment of facilitative relationships with the officials and members of the elites who influence them;
- cultivation of an image of their nation which is favourable to its interests.

If we were to put all the tasks of diplomats in the context of state politics into a phrase it would be 'furthering the interests and ambitions of their state'. As an individual, a diplomat's ethics are directed to protecting and furthering the interests of his/her own country which translates to the group level as well making it acutely straightforward in moral terms. The pertinent question

here isn't about the ethical tones in diplomacy or the lack thereof. The question here is about the difference of ethics (among individuals, groups and nationalities) and their acceptance. In that vein, ethics in diplomacy diverge strongly from the group that accuses them of being devoid of ethics. Values make up the basis for ethical reflection and in this case, the value of the diplomat is to protect and preserve the state.

### **Machiavelli, Ethics and Diplomacy**

Machiavelli, a person historically associated with a lack of ethics and of being amoral, remains an influential figure in philosophy, politics, international relations and diplomacy. A large chunk of ethical discourse in diplomacy can be centred on Machiavelli, due to his lessons in statecraft and practicality in running the state. This is where the triangular connection between Machiavellianism, diplomacy and ethics is made and the question surrounding ethics in diplomacy can be understood largely in the context of Machiavelli. However, it seems like history has made a scapegoat of a philosopher who made a bold decision to write the truth. According to Tuscano, the Florentine thinker is commonly considered as the quintessential proponent of a totally amoral approach to politics, giving legitimacy to both violence and deceit, to the point that he has attained the dubious honour of having an adjective – Machiavellian – created after his name and was, although arbitrarily, awarded the paternity of the infamous saying "the end justifies the means". This, as is later explained, is far from the truth.

Isaiah Berlin stated that, contrary to the vulgar caricature of Machiavelli's amorality, all his political thinking is founded on a strong moral option: that which gives moral priority to the building, the security and the interests of the *res publica*, the state. The same can be said about the diplomats who fiercely work to protect the interests of those whom they are representing (largely their own country, although diplomacy goes much beyond just state affairs). Going back to the definition of ethics, this moral priority to the state

can be classified as the ethic of the diplomat. It is the prime facet of his set of ethics. When such set of ethics is held at a larger level it transpires as the moral fabric of the group because moral thinking is always founded on a specific premise. Now this is not to say that the anti-Machiavellians aren't right. It is just a matter of priorities and a divergence in the set of ethics. Since when did diversity become an evil? However, Machiavelli pointed to the situational and consequentialist aspect of the application of "his ethics". Or, to quote Stuart Hampshire, "Machiavelli argued that it was irresponsible and morally wrong to apply to political action the moral standards that are appropriate to private life and to personal relations: standards of friendship and of justice. If one refused to be ruthless in the pursuit of objectives of public policy, and refused to use deceit and guile as instruments of policy, one betrayed those who had put their trust in the person who represents them.(...) Machiavelli implied that morality in politics must be a consequentialist morality, and the 'must' here marks a moral injunction."

The very fact that Machiavelli is a big part of any discussion on ethics even today underlines his relevance to the post-modern and globalised world. Yes, it is true that Machiavelli was a prisoner of his own times; a time beset with rampant wars, plagues, domination and subjugation by the Church and the Pope. However, Machiavelli's significance to the modern world is still relevant. The very fact that countries are involved in a race for arms to build up a deterrence is a proof of the fact that there is significant distrust among countries. Most of them are held by tender threads of economic interdependence. Although economics has averted a major world war in the modern era it doesn't necessarily discount the tensions nor the wars in Iraq, Syria and Libya. For instance, there are high tensions among India and China even though they share a significant amount of bilateral trade and are also looking to boost business in the future. These arrangements are therefore akin to the Hobbesian social contract that keeps the systems

and the world from transcending to disarray. The mercantilist tendencies and the wish to dominate are still present, although more latent than before. States are more worried than ever before about the consequences of terrorism and other aggressions and to overcome such threats are discarding false pacifism and moving more towards a realist tendency. The leadership and the diplomats of the country have the moral responsibility towards its citizens to ensure their health along all dimensions – physical, economic, political and so on. This is what Machiavelli means when he advises the Prince to be willing to accept the moral burden of the infamy of those vices without which he cannot save the state. Machiavelli was also not

**“Contrary to the vulgar caricature of Machiavelli’s amorality, all his political thinking is founded on a strong moral option: that which gives moral priority to the building, the security and the interests of the state.”**

in favour of militarism and despotism. His only contention, which is also the contention of most realists, was that of giving the security of the state a higher precedence over other moral duties.

For Machiavelli, violence as a part of politics should aim at stability, the maintenance of a ruler, and the overall benefit of the community. He also accepts the other uses of violence, but states that they are self-destructive for their user. Now he makes a clear practical and moral dichotomy for the usage of violence. For strict empiricists, it is natural to see this as faulty. But, I believe in the fact (like Machiavelli) that any event or action should not be judged unilaterally; rather it should be

judged through the lens of relativism. The old adage "one man's revolutionary is another man's terrorist" brings the issue of relativism to the core. Bhagat Singh, considered to be one of India's finest, owing to his involvement in the armed actions of freedom fighters, was denounced a terrorist by the British colonisers; practically, everything is relative in nature. Countries do grant their citizens freedom of speech and expression. But, imagine someone on a public forum making jokes about sensitive issues like, say autism. Now, does the law put safeguards on that or a punitive reinforcement for it? Yes, it does. Does the society, which is very much in favour of freedom of speech, see it as morally repulsive and reprehensible? Yes, it does. Because, freedom of speech is both good and bad, depending on the context in which it is used. Good, when there is a thought process and justification behind it. Bad, when it has no justification and is probably insensitive as well.

Machiavelli also mentions that every ruler has a natural desire for acquisition (of territories). However, it is his reasons that clarify the ethical standpoint he is taking. To him, acquisitions are justified so long as they are to increase the esteem of a ruler's standing, reform the corrupt for the general benefit of the state and out of a natural tendency and ambition belonging to all men. As Adam Minter has elaborated, Machiavelli condemns ambition which completely ignores civic goals. In Chapter VIII of *The Prince*, Machiavelli considers and judges uniformly unacceptable the ancient Sicilian Agathocles' excessive criminal violence in acquiring Syracuse. Again, Machiavelli explains the consequentialist nature that he attributes to morality, not an amoral one. On the other hand he does justify rulers who have used violence for noble means.

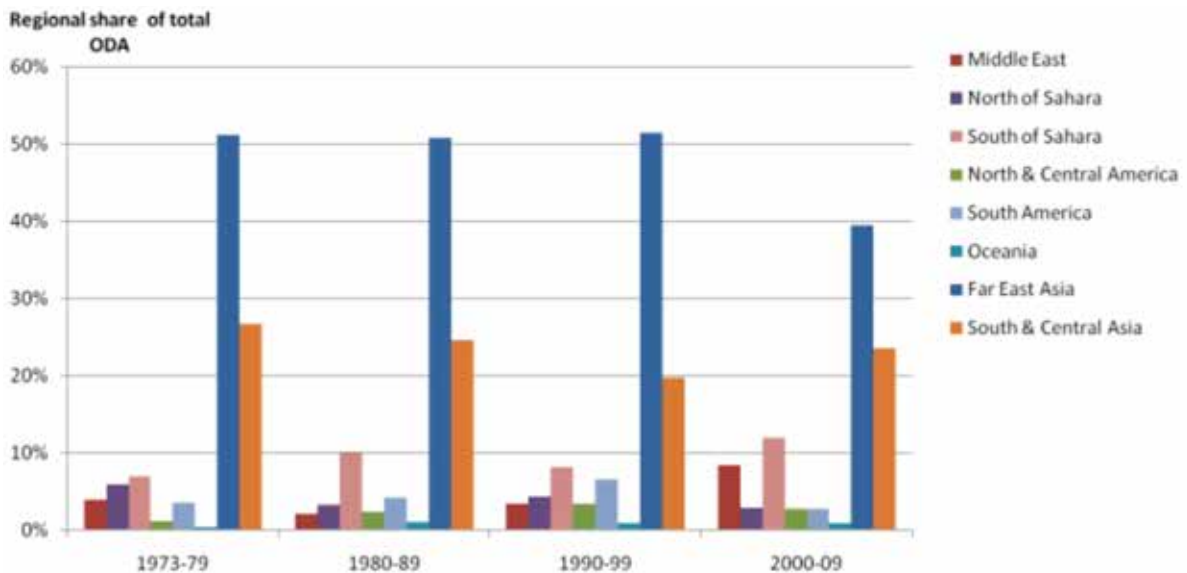
While Machiavelli gives significance to hard power due to its more tangible nature, soft power nevertheless is not far behind in terms of capturing attention. The intangibility of soft power is what makes it stronger; it doesn't erode away as easily as hard power. In this context, we can bring in the concept of principled

diplomacy. Nelson Mandela can be considered the living embodiment of such a version of diplomacy. He embodied a strong moral ecology around him and that aura helped him in negotiating and dealing with even his staunchest of critiques. The same can be said of Abraham Lincoln. Diplomacy involves convincing and negotiating with the person on the other side of the table. Now, what if the person is already enamoured by your persona and is in awe of you?

modern era that supposedly transcend the traditional power politics or even nationalism. Especially in the collaborative world order, issues such as human rights, humanitarian intervention, refugees, international economic justice, and the environment have come to the fore in international politics.

However, do we see a downturn in power politics? No. the fact that we have to create deterrents via weapons is a crude reminder of this fact. Have

countries that might not need it more than other countries is implicit in the theory proposed by Roberto Scalapino, the Natural Economic Territories (NETs). According to Scalapino, economic interdependence created a natural deterrent for aggression. Japan, with its reduced military might and pacifist constitution, still upholds the ethic giving precedence to its country. The morality in it may be questioned, but certainly national interest and its importance



Source: (Menocal, Denney, & Geddes, 2011)

It definitely makes negotiating and dealing easier. Further, Mandela was also a reconciler. According to many scholars, diplomacy fails when there is no dialogue. Mandela believed in settling and solving things by brains, negotiations and reconciliation. This ethic also made him a successful diplomat in many ways, where his process of constantly engaging in dialogues avoided rash physical confrontations. His practice adhered to the dictionary definition of diplomacy which defines it as “the art and practice of conducting negotiations between nations,” and “skill in handling affairs without arousing hostility.”

The question of ethics in diplomacy arises as the result of a power vacuum created by the world order. This is exactly why ethical questions arise even at a time when the world order has shifted to different issues in the

the undertones of national interests in the way nations act diminished over the years? No. National interests are as relevant in this time as they were in the earlier times, albeit with certain modifications.

Let’s take the example of foreign aid and the way it is disbursed historically by Japan. An analysis of Japan’s Overseas Development Assistance (ODA) confirms the fact that East Asia has been central to Japan’s aid disbursement. From the 1970s to the beginning of the new millennium, more than 50% of Tokyo’s aid has flowed to East Asia, albeit decreasing to 40% in the recent past. This in all probability is an indicator of the fact that most of these countries have improved significantly in the recent years. However they still make up the lion’s share of the ODA.

The disbursement of ODA to

hasn’t waned just because economics has become more transnational in nature.

It is probably heresy to even discuss Machiavelli, Lincoln and Mandela on the same side of the ethical parameter. A larger discussion on Machiavelli is required due to the ambiguity surrounding his ethical framework. That ambiguity, on the other hand, does not exist for Lincoln or Mandela. An amalgamation of their perspectives and analysis does take us to the conclusion that ethics and diplomacy aren’t opposites; they are essentially inseparable. Ethical diplomacy isn’t an oxymoron. Rather, diplomacy is composed of ethics all around; guiding diplomats in varying ways and making them use various means but nonetheless ethical at the end due to the nature of their work. ■



# Extracts from the Third Political Report to the Gauteng Provincial Legislature



By the Premier of Gauteng, David Makhura  
6 December 2016

In this year's Political Report I would like to start by making reference to a recent report released by the South African Institute of Race Relations titled, "Life in South Africa: Reasons for Hope." The report begins with the following statement:

"This report is about things that have gone right in South Africa. It features a selection of socio-economic successes we have achieved and the many ways in which life has become better. Some people will think it an odd time to release such a report. The context

is one in which the economy is not performing strongly. Too many people are unemployed. There is a great deal of corruption. Violent protests are commonplace. Questions are being asked about the future of South Africa's democracy. But amidst the turmoil, the SAIRR analysts see a story of a young democracy that has made a vast amount of progress in fields ranging from the economy and employment to living standards, poverty, education, healthcare and crime. This is not captured by screaming newspaper headlines but by the substantive progress we have made as a country since the end of apartheid. It is a story of hope amid change."

The Report indicates that the South African economy was 85% bigger in real terms and real per capita GDP was 33% higher than it was in 1994. The growth rate has averaged 3% was even up to 5% in the mid-2000s. Inflation has fallen from 9% in 1994 to 4.6% in 2015. The disposable income per capita in 2015 was 42% higher than it was in 1994.

Labour market participation for all South Africans increased from 47.7 % in 1994 to 58.8% in 2015 – an overall 21.8% rise. The number of people employed has almost doubled – from 7.9 million in 1994 to 15.6 million people in 2015.

South Africa has made significant progress in improving living conditions. The number of households with access to formal housing has increased by 131.3% since 1996. Our own review confirmed that Gauteng has built 1.23 million RDP houses (31% of the national stock). The number of formal dwellings has increased from 74.4% in 2001 to 81.4% in 2016.

Levels of extreme poverty, especially among Africans, in 2015 stood at 19.8%, representing a real decline of 62% in levels of extreme poverty among Africans. South Africans across the racial divide are more educated, with a 124% increase in the proportion of South Africans aged over 20 who have completed post-school education. The Report notes that the quality of our public health care system has also strengthened considerably, as indicated by the still birth rate which has declined from 27 deaths per 1 000

births to 21 deaths per 1 000 births – a decline of 22.2% between 2001 and 2014. Life expectancy has increased from an average of 56 years to 61 years owing largely to the interventions to treat 3.5 million people who are infected with HIV. With regard to violent crime, the murder rate has fallen from 68 per 100 000 in 1995 to 34 per 100 000 in 2015.

As Gauteng province, we continue to make progress on a number of areas. Gauteng's economy grew from R504 billion in 1995 to R952 billion in 2014, translating to a growth of 89%. Gauteng's contribution to national GDP grew from 33% to 35.1% in 2015.

GDP per capita for Gauteng grew from R74 052 in 1996 to R81 821 in 2015, a growth of 10%. For Africans in Gauteng, per capita income grew from R9 981 in 1996 to R41 416 in 2015, representing a growth of 315%. Over the past ten years, the provincial economy has consistently grown above the national average, at 4.5%.

### **Revitalising and mainstreaming the township economy**

We have been taking decisive steps to revitalize and mainstream the township economy. There is ample evidence to demonstrate that, step by step, we are succeeding in catalysing sustainable and meaningful economic activity in our townships. Already all linen contracts in our hospitals have been awarded to women owned enterprises, a number of whom are based in the townships.

As the Provincial government, we are committed to spend 30% of our goods and services budget on procuring from township suppliers and enterprises. At the end of the second quarter of this year, we had already exceeded the 18% target for 2016/17, and we spent over R6.8 billion procuring goods and services from 1 600 township suppliers. Municipalities have also spent more than R4.2 billion on procuring goods and services from township enterprises just in the 2015/16 financial year.

Over the past two years we have provided financial and non-financial support to a total of 25 526 SMMEs, township enterprises and co-operatives. In addition, we are currently developing over 700

township based suppliers, fitting them into our supply chain and introducing them to the provincial government's large suppliers for absorption into their value chains.

### **Progress on Tshepo 500 000 – giving hope to the youth!**

The trajectory on youth interventions is very positive and promising.

Since the launch of Tshepo 500 000 in December 2014, a total of 354 633 young have benefitted from this programme in the following areas of focus:

- Facilitating the placement of young people into permanent jobs: 91 561 permanent jobs in private and public sector institutions;
- Training and skills development: 145 321 young people trained in areas of high demand in the labour market;
- Entrepreneurship development and business development support for the youth: 15 121 young people are now accredited entrepreneurs who are receiving support from our procurement processes and supplier development programmes of our partner organisations in the private sector and state-owned enterprises.
- Youth participation in the public employment schemes - 102 630 young people have benefitted from Expanded Public Works Programmes.

These are the facts and irrefutable evidence that show there are indeed reasons for hope!

### **Building an activist, accountable, responsive and clean government**

More than anything, we would like to assert boldly and loudly, through conviction and action, that the ANC is capable of governing with integrity and competency. Equating corruption and incompetence with the ANC is the kind of red-baiting that should never go unchallenged.

One of the most powerful instruments in fighting corruption is to ensure transparency of the public procurement system. We have now expanded the Open Tender Process from two departments to all departments.

Currently 72 projects worth R10

billion have been awarded using the Open Tender System. We are very proud of the fact that Gauteng is the leader in promoting open government principles. This approach has received public commendation from civil society, business and government leaders.

As part of strengthening the fight against corruption, the Executive Council has approved a strict regime of anti-corruption and integrity guidelines that will ensure that we have clean governance and administration.

Among the measures we will put in place is the appointment of a civil society-led Integrity Promotion and Anti-Corruption Advisory Committee which will be chaired by a retired judge. The role of the Committee will be to vigorously enforce the guidelines and promote clean governance in our province. This Committee will help sustain the trajectory of clean governance and ethical leadership at every level of the administration.

According to the 2015/16 assessment conducted by the Office of Health Core Standard Compliance, Steve Biko Academic Hospital is the best central hospital in the Republic at 96%, Helen Joseph leads the national tertiary hospitals at 83%, while Leratong and Rahima Moosa leads the regional hospitals nationally with 80% and 86%, respectively.

We shall reward outstanding performance in all sectors, while at the same time taking action against those who use the public service as a parking bay for incompetent managers and lazy workers.

In the 2015/16 financial year, our departments and entities answered the call for excellence in the management of public finances. Accordingly, 60% of the auditees got a clean audit, while the remainder of the 40% got unqualified audits with matters. We have totally eliminated adverse and disclaimers from our province. We are pushing forward with the goal of 100% clean audits. The Department of Health and G-Fleet are the most improved. There is no turning back. Not under my watch!

We are pleased to announce that during the 2015/16 financial year we saved R385 million in fruitless and

wasteful expenditure because we paid our invoices on time and contained litigation expenses. We have also recorded a 25% reduction in irregular expenditure, and saved R400 million over past two years on non-core spending.

During the 2017 State of the Province Address, we will announce exciting plans about the expansion of the Gautrain and further work on the BRTs and Metrorail. All these plans will keep public transport on a positive trajectory.

Accordingly and in order to fast-track transformation and empowerment in the taxi industry, I appointed an Exco Political Steering Committee to deal with all matters pertaining to the taxi industry, including permits, law enforcement, integration into the public transport system and economic empowerment.

In addition, we will be discussing with municipalities the best ways of turning taxi ranks into assets that will benefit the industry, especially with regards to advertising revenue generated at these taxi ranks. We have also decided to fully integrate the taxi industry within our broader Township Economy Revitalisation Strategy. This we are doing as an acknowledgement of the taxi industry's role in the social and economic landscape of our townships.

### Accelerating Social Transformation

Together with the economy, education remains the most important area of focus of our administration. It is an area of tremendous progress and outstanding performance by our province. We run a huge public education system and which is governed and managed quite well. Enrolment in our public schools has grown from just over 1.3 million learners in 1994 to 2.3 million learners in 2016. The gender gap in respect of enrolment is zero in primary schools. More girls complete schooling at Grade 12 than boys. More than 1.7 million girls are attending educational institutions in Gauteng and in 2015, 83.2% of Gauteng female learners passed matric.

Between 2013 and 2015, we invested R450 million in bursaries that put 8 400 students through

higher education. In 2016 alone, the provincial government and municipalities have spent more than R550 million in bursaries for students from poor households, most of whom are women.

We are also aware that there are painful stories of mental health patients who have died under the care of our provincial Department of Health.

As the Premier, I would like to assure the bereaved families that I will take all the necessary action to ensure that justice prevails. My view is that the de-institutionalisation of mental health patients could have been handled better. I await the findings by the investigation of the Office of the Health Ombudsperson so that we can take appropriate action. Should it be found that government officials have acted improperly or negligently, I will act without fear, favour or prejudice. This matter has caused pain and anguish. I am planning to meet with all affected families in the next two weeks.

We wish to restate our commitment to building a safer Gauteng for women and children. Our specific interventions in this regard include:

- The implementation of the Gauteng Safety Strategy which has a specific focus on enhancing social crime prevention.
- Over the past three years we have trained 93 forensic social workers to boost our conviction rates.
- We continue to call for tougher sentences for perpetrators of gender based violence.

To provide further support to victims of gender based violence, we are establishing victim friendly rooms in our police stations. Currently 141 police stations in Gauteng have victim friendly rooms. We have also established 3 regional victim offices; in Duduza, Orange Farm and Tembisa.

We are determined to reduce the overall level of crime in Gauteng. We know for instance that last year, 9.1% of Gauteng households experienced crime. This figure is well above the national average of 7.5%. Linked to this is the reality that 78.7% of Gauteng households feel safe during the day, while at night only 32.8% feel safe. We are also pleased to report that a comprehensive Gauteng City Region

Policing Plan has been adopted in November and is being implemented. The deployment of police officers all over the province and their high visibility has been agreed as the part of turning the tide against crime. Cooperation of law enforcement officers – SAPS, metro police and traffic officers has been strengthened. Road blocks and random searches will be conducted to ensure that Gauteng residents see law enforcement officers everywhere and feel safe.

We have taken steps to ensure that more than 141 000 children are enrolled in publicly funded Grade R. We are also supporting more than 88 000 children through our Early Childhood Development programme. We are pleased to announce that we have begun expanding our ECD programme. Our goal is to reach universal access to ECD in the next 15 years. In the current financial year, we have expanded the Welfare to Work Programme from 4 444 young women to 6 975 beneficiaries who are now permanently employed so that they are able to support their children instead of depending on government grants. This flagship programme will be up-scaled so that we move more young mothers from welfare into productive and sustainable economic activities. This year, we unveiled the Women's Living Heritage Monument in Tshwane as part of commemorating the 60th Anniversary of the 1956 Women's March to the Union Buildings.

I hereby conclude this Political report by acknowledging the hard work of members of the Executive Council, Special Advisors, the Director General, HODs and other senior officials in our government.

I also convey my gratitude to Members of the Provincial Legislature for holding us accountable and keeping us on our toes for no reason other than to keep us on the path that ensures we remain loyal servants of the people of Gauteng, free from corporate or state capture. ■





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## THE QUEST FOR A NON-RACIAL SOUTH AFRICAN SOCIETY

# The case for remythologising identity construction



When the ANC excludes others from identifying as Africans, what is the yardstick used to come to that conclusion? To put it bluntly, is it different from Apartheid?

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By Clyde N S Ramalaine

It is in the period since 1994 that we have the collective task of giving content to the non-racial social paradigm; therefore perhaps the time has come to re-mythologise the identifiers for the collective SA citizenry.

It is said if we are going to appreciate our collective future we must attempt looking at the past that shaped our present. Yet the looking at the past will quickly unearth a past in pasts and a past understood in a more recent past. That recent past spans the democratic era.

This musing argues for an opportunity for the South African citizenry to articulate a self-defined identity in democracy; such a self-concept for identity is anchored with the intent of living a meaning-filled life.

I shall argue the first step in re-mythologising the current identity markers of the South African societal expression is for human agents who embody its content and structure to claim and demand the opportunity to construct their identity. Equally such self-concept must be freed from the overwhelmingly uncritical acceptance of race as its primary premise.

Equally the markers for identity in democracy have been uncritically appropriated and internalised as permeating all spheres of our societal expression. Thus the identity markers are drawn as constructed from an unequal SA past.

I light my proverbial candle from the flame of Anton Gramsci as we begin this conversation on race immanent in 'black' and 'African' as a nation in transitioning from the toxic combination of colonialism and apartheid.

Gramsci on the subject of societal transitioning reminds us that transitions are the most painful and dangerous periods in the life of a nation because the old is not yet dead and the new has not yet been born. In South Africa the transition from an earlier colonial and more recent apartheid State(s) sees the espoused non-racial reality and race-free identity of a Democratic State as pregnant, yet not born. The old race rhetoric for identity formulation and configuration proves terminal yet refuses to die.

In order to appreciate my wrestling with the efficacy of interpretation of what constitutes political identities evidenced in 'black and African' as articulated in the *Umrabulo* on the National Question, 23, 2005, I am consciously compelled by way of introduction first to relook at the notion of 'black' as used in description of "general". The cultural studies scholar Barker notes, "Identity is best understood not as a fixed entity but as an emotionally charged discursive description of ourselves that is subject to change".

#### A promise to my late father

Let me therefore put my disclaimer upfront, I irrevocably remain to a greater degree eternally indebted to my late father who when I was merely 16 years old chose to introduce me to the subject of self-define. He took the

“Identity is best understood not as a fixed entity but as an emotionally charged discursive description of ourselves that is subject to change.”

liberty to engage me in a conversation which at the time I did not fully understand nor had the appetite for. His words were simple but poignant: "I won't tell you who you are, all I request is when you do find out who you are, afford no one the luxury of ever attempting to define you". These words over time gained intensity and relevance as I continued to journey through life.

True to the educator he was, with his astute mind he had me commit to this when I had no true comprehension of what he was saying. From that moment I have taken exception to anyone who remotely attempted to define me. It became my lifelong pursuit to self-define. If I understood my dad correctly, he had the foresight and understanding to distinguish that whilst I am a product of his loins that did not afford him an inalienable right to deny me the opportunity and right

to self-define.

This first seedling became the premise for my later academic research work on the current challenges of the National Question in this time.

#### I am consciously not black!

My conscious dissonance and incongruence with 'black' for an identity marker for myself has very little to do with a superfluous denial of how mixed my blood protests. It equally has nothing to do with a form of shame as some ANC and even fellow African intellectuals or leaders have pontificated that for example 'Coloureds' must embrace their blackness. (Interesting enough this confirmed demand is never made of Indians, as if Indians have remained pure since they arrived in SA, but that is a topic for another day). It equally is not a denial of the role Black Consciousness and its twin Black Power from across the Atlantic Divide played in the liberation narrative of South Africa in a particular period.

Neville Alexander assists us when he in arguably his last published work in 2013 asserts "...societies and the global village have changed so radically that to continue to analyse and describe things as though we were still in 1848 or 1948 or even 1984 is to be woefully blind and self-defeating". When Alexander remonstrates for a new vocabulary, it is more than prophetic since we appear to be stuck in the quagmire and paradigm of analysing and describing things not cognisant how much has changed. In the same vein we analyse and describe people with markers for their identity configured with the unscientific race-based notion more than seventy years after eugenics was declared defunct.

Nina Jablonski helps us to appreciate the evolution of race as a formal construct when she articulates the following: "the first person to formally define races was the noted philosopher Immanuel Kant who in 1785 classified people into four fixed races, which were arrayed in a hierarchy according to colour and talent. Kant had scant personal knowledge of human diversity but opined freely about the tastes and finer feelings of groups about which he knew nothing".

Jablonski continues to assert that



“for Kant and his many followers, the rank-ordering of races by skin color and character created a self-evident order of nature that implied that light-colored races were superior and destined to be served by the innately inferior, darker-colored ones”.

My research entitled “Black Identity and experience in Black Theology: A critical assessment” is a rational attempt at questioning the usage of the epithet ‘black’ from a socio-historical and theological perspective. In such I have made the case that the marker black for a people’s identity is plausibly not originating from those who are today black. In such research I have postulated that there appears a conflation of identity and experience with the adoption of black for a denotation for a people’s humanity.

I further argue that perhaps people were subjected to a black experience at the hand of those who wanted their false white supreme identity to count, until people became what they were subjected to.

Having attempted to deal with the borrowed identity marker of ‘black’ in comfort of exchange between the USA and South Africa in a particular season and time captured as 1960s to late 1970s, I have concluded that the construct as used in black theology remains one uncritically borrowed from that experience. I have further contended that when Stokeley Carmichael stood up at Berkeley California in 1969 and declared with a clenched fist BLACK POWER he was not defining black, but attempting to define a responsive power. The construct black already existed and those for whom this identity marker became their being, had very little to do with the origin of the construct.

### ...Black in general and African in particular... conundrum

In *Umrabulo* 23 of 2005, a cardinal aspect of the National Question is articulated as “the liberation of black people in general and Africans in particular”. This articulation, later policy and ultimately law, has shaped the ANC in philosophy, governance, resource allocation / distribution, attention to detail for a mandate of governance and attitude.

Perhaps we must also at this stage in an adumbrated sense allude to the linkage between the National Question and what has been termed the “developmental state”. The notion of a developmental state advances a “National Democratic Revolution” which in turn must answer the following identified 5 key aspects as articulated in *Umrabulo* 23: Page 34:

- To firstly liberate black people in general, and Africans in particular.
- The struggle to evidence and bring about a non-racial, non-sexist, democratic and united South Africa.
- To search and work for the unitary South African Nation with a common overarching identity.
- To work for the eradication and resolve of antagonistic contradictions between black and white.

“We analyse and describe people with markers for their identity configured with the unscientific race-based notion more than seventy years after eugenics was declared defunct.”

- To deal with ethnic oriented, race-filled feelings of any form of ethnic chauvinism.

We equally must not shy away from admitting that the diaphragm for that theoretical platform in prevalence is an accepted Marxist dialect in custodianship. One may therefore ask what happened when the famous Berlin wall collapsed in 1989. It appears that more than the constructed wall came down and the residue of that destruction still envelopes the ANC, because of the influence of Marxism-Leninism that has over a long period been the backbone of the ANC’s ideological identity architecture. Hence we now attest in this season an opaqueness of ideological presence

and direction.

It would appear at the heart of what is deemed the National Question must be the search for a coherence of social and political realities and life out of a history of colonial and apartheid rule, in a confined geographic space regardless of persuasion or preference if we understand politics to confirm the organising of a society.

In his definition of an ideology of Black Nationalism Dexter B Gordon asserts, “the ideology of black nationalism emphasizes black self definition and self-determination in contrast to the continuing efforts of white Anglo America to define blacks and determine their role in the debate about race.”

### The Democratic State’s uncritical adoption of the National Question

Perhaps this uncritical adoption of a National Question has us looking at our collective future through the limited review mirror of our past. When one asserts a limited review it is in recognition of the fact that the 1910 Segregation / Colonial State and the 1948 Apartheid State identified their respective clients. Following a series of commissions the obnoxious 1913 Native Land Act entrenched that political identity determined for a people by the 1910 Segregation/ Colonial State. In a similar vein Act 30 of 1950 Section C, defined a people that always existed as ‘Coloured’.

Deborah Posel reminded us, “The architects of apartheid racial classification policies recognised explicitly that racial categories were constructs, rather than descriptions of essences”. It would appear whilst apartheid’s architects of racial classification explicitly recognised racial categories as constructs, the democratic state with its policies appear to be attaching a description of essence though directly eked out of these apartheid constructs. If racial policy categorisation constituted mere constructs then they can be subjected to question and their relevance can be challenged, particularly in a different time and space.

Not only was their choice of ‘Coloured’ to identify a people ambivalent, but equally the very filling

of that content is anchored in otherness. Thus the construct 'Coloured' remains dubious and laced in ulterior motive. It attests an otherness from those who thought themselves 'white' and superior, yet it also was an otherness that separated those they defined as 'Coloured' from those the Colonial State in 1913 defined as 'Natives'.

Thus a systematic and careful analysis of the apartheid mind on what is a 'Coloured' is laid bare whilst a false identity is created, propped up by the claims of otherness. This otherness later will mature in the very group when they too become blinded into acceptance of filling the content of their identity with an otherness.

It is thus troublesome that the Democratic State accepts an identity marker for this group. We must still find out what the aim of the Democratic State is with embracing these notions of 'Coloured', 'black', 'Indian' and 'white' beyond the coagulum of a claim of redress. It cannot be that the Democratic State shares the epicentre and circumference congruent to the apartheid state.

Alexander extrapolates further on the back of what Posel concludes: "that, because of the life-and-death seriousness with which the apartheid strategists and ideologues viewed the issue of race, their attention to detail brought them face to face with the anomalies and idiosyncrasies of racial identities".

Even if one understands the logic of the Democratic State of 1994, to identify its constituents in a moribund and mellifluous sense, we nevertheless did expect the Democratic State to afford an opportunity to self-define. The Democratic State thus could have lit its candle from the same vein of my late father's foresight to recognise my inalienable right as a 16 year old to self-define, and in equally in line with Alexander's call for a new vocabulary.

We thus find the Democratic State in harmony and sanguinity with both the Segregation and Apartheid States for its identity configurations of its citizenry. This is a clear contradiction from where I stand.

As South Africans we must utilise the right to engage in an open and transparent conversation to develop

the much-needed new vocabulary, freed from constricted and lame constructed colonial and apartheid racist ideology premises.

It has to be cause for great concern that the Democratic State, even if it justifies it on the grounds that it is necessary to measure and ascertain the quantitative index for change and transformation, has continued in the same trajectory as its predecessors.

I have elsewhere contended that the Democratic State should stand by the principle and tradition of the 1955 Freedom Charter (our Magna Carta) that articulates unequivocally 'we the people' in the context of hosting conflated groups.

It is therefore perhaps time to begin to ask how plausible, widely canvassed, honest in pensive reflection, practical in

“We thus find the Democratic State in harmony and sanguinity with both the Segregation and Apartheid States for its identity configurations of its citizenry. This is a clear contradiction from where I stand.”

sustainability is the National Question in its articulated form? Also can a leading political party with a mandate to govern continue along this uncritical embrace of a National Question?

#### **Mbeki's speech and the ANC's National Question in dialectic tension**

There is an undeniable dialectic tension between what the ANC articulates as the National Question and the progressive humanitarian values embodied in Mbeki's "I am an African" speech.

The former contradicts the notion of a constitutionality of what makes for an African and equally reduces the

identity of African to a specific group. We thus stand before the reality of either rejecting "I am an African" as at best a mythical poetic expression if we are going to honestly reflect on and critique the national question in the South African revolution. We can no longer continue the attempt to make both stand.

Slabbert comments that in the book *Africa Define Yourself*, a compilation of Mbeki's speeches edited by Essop Pahad and Willie Esterhuyse, Mbeki fails to in a serious sense address the challenges he raises on the African identity.

I concur with Slabbert when he asserts that as soon as one uses the term 'Africa' or 'African' for more than just uncomplicated geographic references, one enters a world of value-loaded and ideological agendas where arguments can become so convoluted that one may choke on one's own assumptions.

Another challenge we are confronted with is the uncertainty as to who defines the identity of 'African'. We are simply not clear if this is directly borrowed from a constricted history in which apartheid minds declared this identity and exacted a suffering measurable to the degree it determined.

Furthermore it appears the challenge with upholding the binary distinction of general and in particular is its ontology of racist practice leading to a form of eschatology of racist practice. Regardless of whether the idea of 'Africans' is used as an exclusive or inclusive term, it fundamentally informs societal interaction at all levels as a trapped identity in a scripted history of colonialism and more so apartheid.

I am not alone in holding this stance. To quote Van Zyl Slabbert, "of die regering die begrip 'Afrikaan' in 'n ekslusiewe of inklusiewe sin gebruik, het egter wel 'n regstreekse impak op beleid and help vorm die interaksie tussen die verskillende gemeenskappe". Loosely translated, Slabbert asserts, irrespective of the State's usage of the construct 'African' in an exclusive or inclusive sense it has direct impact on legislation and assists in defining interaction between communities.

It thus cannot be that the term 'African' in a postmodern democratic state is used as a means to justify opportunity, chance and moment exclusive to those who do not share the determined African claim for an identity marker, when we have not engaged the construct 'African' in calmness and honesty of mind and heart.

If we earlier asked who determined the African identity, we now must ask what informed the content for an African identity in the National Question?

### Fundamental errors in relation to the National Question

It would appear to me that the National Question as articulated by the ANC commits at least five immediate and perhaps fundamental errors.

Firstly it uncritically gives credence and veracity to the false race informed identity markers for people who are South Africans however culturally, socially and politically defined. If read in concert with the struggle for a non-racial society, it uncritically continues with the debunked and unscientific notion of race as the anchor tenant for identity configuration, albeit in using race as a social construct. One would hope the burden is on us as a collective to challenge the veracity of the notion of a 'social construct' usage at this time in our history.

Secondly, it conveniently engages in what is called a form of exceptionalism if not separatism. Exceptionalism, because in the National Question the term 'African' is rendered an apartheid convenient exclusive identity. Separatism, because the black is separated from the African with exacted pain as the premise. One who suffered under that brutality of an apartheid regime can never be accused of making light of the exacted pain, yet to uncritically accept and adopt apartheid's myopic classification of an African identity as the yardstick to define a people in exclusion of others in a democracy regardless of exacted pain for the measurement of progress must militate against the known inclusivity of an Africa in geographic setting.

Thirdly, it continues in the trajectory of the exacted pain in configuring

“It would appear to me that the National Question as articulated by the ANC commits at least five immediate and perhaps fundamental errors.”

people's group and individual identities out of the entitled residue of an Apartheid state.

Fourthly, it is devoid of careful analysis and of objective scrutiny; thus it narrowly promotes the excluding of people in the 'African' identity definition, when the African identity warrants a thorough and not an emotional unpacking.

And finally, it inadvertently engages in what I have termed identity-doublespeak when it espouses a yet to be filled non-racial reality whilst it denies firstly the opportunity to engage in public facilitated sense the subject identity construction. It is a by-product of the denial of a state facilitated initiative for self-define, a critical aspect of our collective liberation narrative to be buoyant in a democratic atmosphere and space.

### Our questions

We thus raise questions relating in particular to the use of the term 'African' in the ANC's understanding of the National Question. These questions emanate from its origin, and its ethnographic loadedness.

Perhaps we have a right to know from the propagators of the National

Question in whose interest is the assumed and veiled need for a form of intellectual hegemony for a precise understanding on the National Question.

Can we establish who and what determines the African identity as articulated in the National Question? When *Umrabulo* gives us the National Question we are compelled to ask, exactly who determined the description, term and construct?

We must also ask when the ANC excludes others from identifying as Africans, what is the yardstick used to come to that conclusion? To put it bluntly, is it different from Apartheid?

We need to know is the statement of an African identity as used in the National Question, a statement of ideology advanced as a statement of fact? If an ideology from where, if a statement of fact how?

We want to know if blackness is only defined by or in relationship to whiteness, and whether African-ness is only defined by our counter to European-ness?

We also must ask is this African identity espoused in the National Question as articulated assuming a geographic or ethnographic context? If it is geographic how then can others however defined be excluded?

If it is ethnographic how does that make sense of fellow Africans who have made their way from as far as Libya, Tunisia, Morocco and Algeria into South Africa's borders? If these our fellow Africans who clearly have definite links with Italy and France as a form of claimed origin and home are Africans how are the 'blacks' from the Southland in the National Question denied an equal African Identity?

Are we to assume our brothers and sisters from the aforementioned African States and those from Ethiopia, Gambia, Nigeria, Ghana, and Senegal are also Africans in the same myopic sense as apartheid defined a people when it thought it correct to exact a suffering exemplified in the debasing of others because it wanted its false 'white' superior identity to count?

### Our conclusion

In conclusion, if we understand the key tenets for a developmental

“Was Mbeki's cry purely poetic never to be filled with content? Is the non-racial notion also a mirage that remains opaque and bereft of content?”

state and the essence of the National Question as understood within the 5 pillars that make up the National Question; and if we appreciate its historically known Marxist dialect of engaging a past with the hope of eking out a tomorrow; then we cannot but accept its relevance in claim for redress.

Yet whilst we may acknowledge the relevance of such we are compelled to ask in this season how sustainable is the national question with its black in general and African in particular notion when it therefore excludes one from claiming an African identity of being, which one rightfully identifies with from an uncomplicated birth-right geographic reference disposition.

Is it not then fair to ask: Has the National Question in 2016 not divided us in apartheid anthropology, thought life practice and perhaps unwittingly doomed us to a future of a confirmed race-laden and thus by extension racist SA?

I do not purport to have the answers, yet I am compelled to give expression to these my musings in the hope of finding the path that will let the ideals of my full humanity count, devoid of my history in which colonialism and apartheid states took the liberty and latitude to define me. This would be distinct from my current situation in which a democratic state refuses to break with the same racist labels of my common humanity. I dream of making my full humanity count in harmony of my self-defined identity and a future emancipated from the burden of a race label.

If I have overstated anything it is purely due to the fact that I carry an immense burden placed upon me as committed to my late father not to permit anyone to attempt to define me, once I have discovered who I am. I am furthermore persuaded that I too have to let my three growing sons have that right to self define as sacrosanct, thus I am obligated to challenge us all to engage the subject of identity as articulated in an ANC National Question.

It would appear we must rise beyond the proverbial picket fences of romanticising about an uncritical black identity, and less so in a lyrical

soliloquy of an African identity when the latter is seldom engaged honestly and with definite intent to give content to the non-racial identity notion. It is here I dare caution that we run the risk of what McWhorter calls victimology, where we deem it our inalienable right to red flag 'whites' on their hardening racist attitudes when we in doublespeak refuse to honestly engage our own anomalies of identity construction and re-configuration in post-apartheid society.

Whilst I portend to have found my seminal voice on the rejection of 'black' configuration for my identity, I am now in pursuit to test the efficacy of how I am denied my claim to be an African. It appears the road to this end for the latter must needs go through

“For how long can we consciously continue with the malfunctioning out-dated race-based configurations for identity markers and classifications for a common South African citizenry? How much longer can we engage in what I labelled identity doublespeak.”

the proverbial biblical Samaria where I am denied to claim it at least in the National Question because someone unilaterally has declared me 'black' without my permission and equally in exclusion of being African without my consultation, at the hand of apartheid anthropology and identity construction.

I must therefore ask beyond the poetic expression, and license Mbeki took in 1996 to attempt defining the African identity he understood it to be, why I am not an African if the exacted claim of degree of suffering under a brutal system of apartheid is not the yardstick?

The obligation to afford South Africans an opportunity to self-define is upon us less in romantic claim but in

seriousness of the hour to give content to the non-racial identity and reality so easily claimed. Self-define is a right and that right must count particularly in democracy.

Was Mbeki's cry purely poetic never to be filled with content? Is the non-racial notion also a mirage that remains opaque and bereft of content? Furthermore in whose interest is this uphold of racist identity markers for our collective human agency of 'black', 'coloured', 'Indian' and 'white'? For these regardless of viewed from what side intrinsically remain relational terms that carry racist loadedness because in south they mean more than cultural distinctiveness but attests economic value.

We then must hear Alexander when he warns us against analysing and describing things and may I add people as if we are still in 1848, 1948 or 1984.

For how long can we consciously continue with the malfunctioning out-dated race-based configurations for identity markers and classifications for a common South African citizenry? How much longer can we engage in what I labelled identity doublespeak in which we espouse a non-racial reality when we live in all aspects of societal a race-infested South African life in democracy?

Let it be known today, as always I am an African! ■

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# THROUGH A CREATIVE LENS

## The Blowback Kings

By Mandisi Nkomo

Westerners like blow,  
Up their noses then right back down in blood.

Blow,  
Blowing up The Third World, The Global South,  
The brown-skinned and black  
Explosions with Michael Bay, great cinema  
Catch it on CNN tonight while you OD over Twin  
Towers.

What a shame they fell...  
Tragic,  
Tragic more than most  
the most tragic  
America wins the tragedy Olympics.

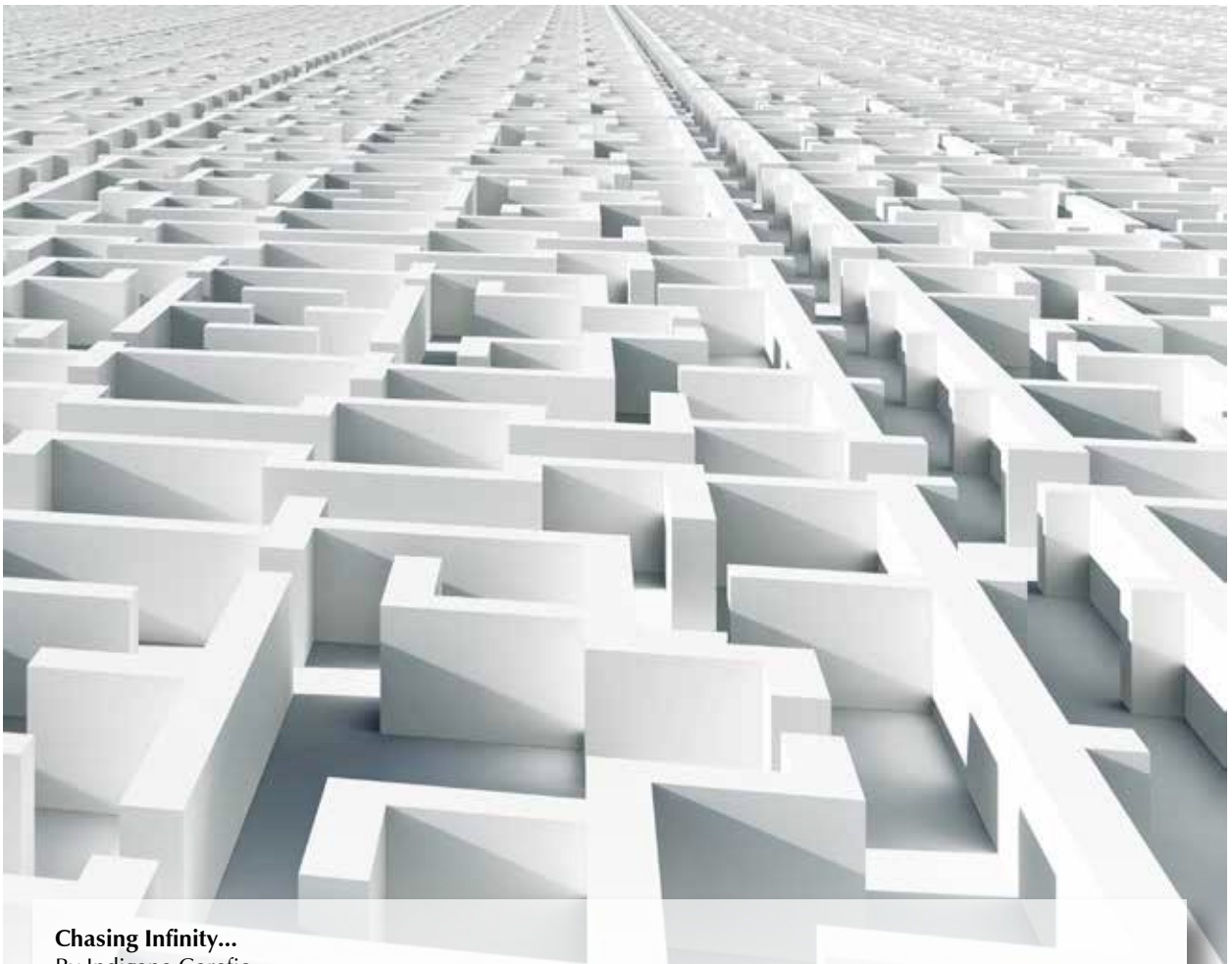
Drugs ruin people's lives.  
Pity The West is so addicted  
Addled,  
Crippled by the need to sell and snort small arms  
Or big arms  
Whichever,

Just don't use it against us,  
Or you're a savage.  
Want more blow?  
Get more blow, blow things up  
The blow back kicks you in the back again  
Then you pretend you lacked the foresight,  
Because the terrorists are *savage*.

Who should I snort with?  
I don't mind  
Have a missile.  
Blow something up  
Let's get more blow  
The citizens OD  
Bleed out in cafes and subways  
Refugee camps and boats...

What a shame!  
Tragic.  
Drugs ruin people's lives  
The Citizens OD  
Do more blow.

**Mandisi** is a writer, drummer, composer and producer. He currently resides in Cape Town, South Africa, and spends most of his time performing with his bands, *Tape Hiss and Sparkle*, and *Oh, Cruel Fate* or, writing and performing his solo material, under his pseudonyms, 'The Dark Cow' and 'The Mad Drummer'. While Mandisi is more focused on his music career of late, he still makes time to write. His fiction has been published in the likes of *Afros: Science Fiction by African Writers*, and *Omenana*. In 2016 he published *A Womb of Time*, a collection of his poetry. He is also a proud charter member of the African Speculative Fiction Society.



### Chasing Infinity...

By Indigene Corefio

I want  
To exist  
On the brink of –  
Extinction  
Ride the edges  
Of my limits  
'Til they themselves become  
Confused

Con-fused with everything-  
Possible  
Breathless  
Pushing farther than  
Where my mind says  
Is enough  
The smell of smoke in the air

Friction aflame  
The grinding  
Of all I am  
Against all  
I am  
Be-coming

Running  
When walking  
Will suffice  
Going at it  
Then twice

To live so much  
That it kills me  
Unquantifiable intensity

A wisp of wind  
Gliding through the leaves  
Of a sunbathed tree  
On its way  
To NowHere

To know wear  
Not simply dilapidation  
Heartbeat a' racing  
Beyond pacing  
Gasps  
Instead of inhalations

Chasing  
Infinity  
To a dream...

**Indigene** has a rich appreciation of poetry, her writing spanning across the universal themes of love, existential angst, divine bliss, esoteric consciousness, social challenges, sexuality, and feminism. She has performed her poetry on various platforms such as Y-fm, MTV Base and 3 Talk, [www.cntrlaltsex.co.za](http://www.cntrlaltsex.co.za), Urban Voice International Poetry Festival and 3Talk with Noeleen. She is currently editing her book *Chasing Infinity* to be published in 2017. She is also the CEO of Trillionaire Ess, a social entrepreneurship company that develops socially conscious ventures in the areas of ICT, Agricultural Development, Art & Culture, Research and Multimedia Content Development.

# Brexit has no relevance to the African Union

By Anton M. Pillay

Since Brexit, several observers have suggested that this is sound evidence that the EU vision has failed along with the notion of supranational governance. Armed with nothing but Afro-pessimism, many are urging the AU to rethink its mission of a united and integrated continent under one single currency. However, Afro-pessimism is too simple a critique; and this short article will show why Brexit is of no relevance to the AU efforts at continental integration.

The most important fallacy put forward by the doomsayers is that the AU is a caricature of the EU. The EU is a culmination of some 50 years of working together to create a stronger economy and prevent Europe from going to war. While the Organisation of African Unity (OAU) was inaugurated in 1963, it was only with the demise of apartheid in 1994 that the OAU completed its mandate of eradicating the continent of colonialism. With the OAU's mandate complete, the AU was formed in 2002 to help facilitate the continent's quest for a Union Government of Africa or United States of Africa, which would have a greater resemblance to the EU. The EU project began under the mist of billions of dollars of Marshall Plan Aid and developed quickly in industrialised economies. The current 15 year old AU integration project hence is not comparable.

In its short span, the AU has overseen many achievements; to name but a few: a decrease in inter-state and intra-state conflict; the creation of its own peace-keeping forces to manage conflict; and some of the fastest

economic development in its nation states.

The AU's policy on Regional Economic Communities (RECs) is paying off with more interstate trade between African states and beneficial economic migration between citizens. Indeed the promotion of a regional agenda offers opportunities to move beyond the artificial colonial boundaries and allows for pooling of resources for development. Because of SADC, for example, one can make a call from Luanda to Maputo without it routing to Portugal first. The archaic customs and immigration regulations which hindered the free flow of goods, services and peoples are slowly dying out with resources moving more freely across borders. This, however, remains a serious challenge.

The 2010 McKinney Global Institute (MGI) report on the performance and prospects of African economies highlights the accelerating growth rates of African economies in the first eight years of the 21st century, the almost seven fold increase in foreign direct investment over the same period, as well as the rapid rate of urbanisation. These are seen as strong indications of a take-off onto a steep growth and development trajectory. Combined with projections of various dimensions of the economic size and performance of the continent as a whole, Africa is placed alongside China and Brazil as a new emerging economic giant. These indicators are certainly a welcome sign of a potential break with the continent's poor performance trajectories in previous decades and offer the hope that a take-off onto a

sustainable development trajectory is now possible.

Mario Scerri puts forward the concept of 'imagining the future' in regard to what African integration can bring. It is well known that the colonial borders have proved disastrous and have created more harm than good. Instead of disbanding institutions, there is need to empower them. The AU's vision of the Union Government of Africa requires a single common currency. A single currency would help facilitate intra-regional trade and investment and eliminate the distortionary effects of exchange rate fluctuations. South Africa is the perfect example of how the Rand to Dollar exchange rate has wreaked havoc on the economy with its citizens bearing the brunt. US financial markets should not be responsible for Africa's economic success. A single currency will create more opportunities for macro-economic convergence in Africa's regions as well help tackle fiscal problems. A single currency would further assist in negotiating favourable trading agreements with the world, help stem the marginalisation of Africa in the globalisation process and enhance its full and beneficial integration into the global economy; from which, in comparison to other parts of the world, it has been largely been left out.

African unity represents the coming together to face the problems of neo-colonialism and Western dependency. The political and economic unity therefore is the precursor of the social and cultural unity which is the complete African experience.

Brexit speaks more on the rise of nationalism than anything else, something which has proved disastrous in Africa on many occasions. While Britain was a part of the EU, it had a loose arrangement with the Union, for example never wanting to give up its own currency for the Euro which after all is the basis of a strong union if not the whole point. The very idea or rationale of the AU attempts at continental unity is to break the mould of post-independence African politics, not strengthen it. Therefore, the AU has very little to learn from Brexit and instead should continue on its path for continental integration. ■



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