

WISDOM FROM THE AGES

"The only difference between the saint and the sinner is that every saint has a past, and every sinner has a future."

OSCAR WILDE (1854-1900), Irish poet and playwright

The wuss in the Union Buildings conned us into the false hope he'd deliver us from ANC perfidy

The compilers of the Oxford English Dictionary, that gold standard in the correct usage of the queen's language, might want to include a new word in their next edition: a "cyril" would be defined as a man utterly devoid of backbone. Alternatively, "cyrilness" would be offered as an antonym of courage. I think such a definition is long overdue. President Cyril Ramaphosa has quietly made a compelling case for it.

If there was any doubt about our president's lack of cojones, the extraordinary kerfuffle over his meeting with Lindiwe Sisulu this week should put such concerns to bed. The meeting took place two weeks after the publication of Sisulu's offending article. Why only then?

In the intervening period he sent out two junior ministers to throw potshots at her. It was only after that attempt hadn't produce the desired effect that he plucked up the courage to meet and mollycoddle her.

Sisulu is the villain of the piece, but one is inclined to believe her version of what happened at that meeting. If she had indeed apologised, why should such a mea culpa be issued by the president or his sidekicks? Wasn't it in his interest to see her grovelling in public?

Ramaphosa's meeting this week should have been simple and to the point: retract and apologise, or else. That way, there wouldn't have been this embarrassing "he said, she said" episode. But the president seems to like sitting on the fence. Now, one of his ministers has dared him, calling him a liar in public. How does he retain the respect of his cabinet?

If he's reduced to a figure of fun, how does he hope to govern the country? But this is no laughing matter. A country with a feckless leader is as good as leaderless.

Some argue against Ramaphosa firing Sisulu because doing so would be playing into her hands; that she'd do to him what Jacob Zuma did to Thabo Mbeki. But the erosion of Ramaphosa's reputation – which is what inaction will result in – is the outcome she wants. A Ramaphosa limping to the conference in December will be a less formidable adversary.



BARNEY MTHOMBATHI

Ultimately Ramaphosa needs to do what's in the best interest of the country, not what's politically convenient. There can be nothing more humiliating than being publicly called a liar by a minion. Anyway, an irreconcilable relationship is sufficient grounds for her dismissal.

Sisulu insulted judges and the constitution, but the issue is no longer about her. The ball is now in Ramaphosa's court. And his inaction always has a way of coming back to bite him. Tourism was supposed to be Sisulu's purgatory. He chose to demote her, instead of firing her, after her perfunctory performance in previous portfolios. Now she's caused a massive headache.

He followed the same script with Nosiviwe Mapisa-Nqakula, moving her sideways to speaker of parliament after she publicly contradicted him on the causes of the unrest in July. The first thing she did as speaker was to give live commentary as parliament was being reduced to ashes.

Arthur Fraser, removed as chief spook after revelations of impropriety at the Zondo commission, was parcellled off to correctional services where, amid an outcry, he summarily released a famous convict from jail on medical parole. That movie is yet to play itself out.

While the president was mud-wrestling with his tourism minister, another consequence of his timidity was on full display in all its ugliness. Julius Malema

assembled his storm troopers to roam the streets menacing businesses for employing foreign workers.

Malema is playing with fire, but that's his modus operandi and so far it's paid dividends. No fallout or consequences for him, only gains. The threats brought to mind the words of German theologian Martin Niemöller after the Holocaust: "First they came for the socialists, and I did not speak out – because I was not a socialist ..."

It is foreigners today; who knows who it will be tomorrow? With angry mobs roaming around harassing innocent civilians, the country felt adrift and on autopilot, a jungle where no law seems to apply. It is the complete silence from anybody in authority – as if they too are afraid – that's been so unnerving.

Malema is a politician and he'll do whatever gives him easy results. His mobilisation of his goons and even Sisulu's open defiance are part of a pattern of events propelled and encouraged by Ramaphosa's passivity and indecisiveness.

The looting in July shocked all and sundry and changed the mood in the country. But six months later, nobody has been held to account. A bedraggled bunch of gangsters in army fatigues held ministers hostage a few months ago and the incident was almost laughed off. Thandi Modise, one of the hostages, seemed to suggest she enjoyed the experience.

Now parliament has been razed to the ground, and I'll be amazed if anybody pays a price for this wicked and demoralising act. Such events, which are like a stake through the heart of the nation, never happened under Ramaphosa's predecessors, not even Zuma. But lawlessness with a political purpose has been normalised under Ramaphosa because his enemies know they will get away with it.

Now Sisulu has invited him to fire her. Let's see whether he has the cojones to take her up on her challenge.

Zuma was a crook; and he's rightly reviled for it. Ramaphosa is a conman. He's conned a swathe of the populace into believing he'd deliver them from the perfidies of his party. And yet he's no different from the lot that went before – and he's a wimp, to boot.

How to reform SA's malfunctioning public procurement system

Zondo highlights the key issues hobbling this basic state function, but his fix doesn't go far enough

By IVOR CHIPKIN and RAFAEL LEITE

● The first report of the Zondo commission does more than identify culprits for criminal prosecution. It goes a long way in confirming, and providing further detail about what was argued in the 2017 "Betrayal of the Promise" report published by the State Capacity Research Group. It also lays out an ambitious project of government reform.

Part 1 of the Zondo report shows how corruption in SA is the result of incestuous relationships between political, administrative and economic powers in the management of the state apparatus. While the report resembles the verdict in a criminal case in the way it marshals evidence of crimes and names those responsible, the recommendations also offer an anti-corruption agenda with comprehensive and ambitious proposals.

Notwithstanding the evidence of the crimes, the policy recommendations must be subject to public scrutiny and debate.

They can be organised into three groups: the trial and conviction of individuals responsible for wrongdoing; improvements in the political system, such as changes in the financing of political parties; and addressing weaknesses of the public procurement system, correctly identified as being at the heart of so much corruption and government failure.

Here we would like to consider the commission's proposals regarding public procurement. We understand that what has been published so far may be supplemented in the final report with further detail. There is, nonetheless, a substantive proposal from Zondo in part 1 of the report.

While SA's political culture is such that questions of administration are usually treated with a yawn, buying goods and services constitutes a large part of what the government does. In fact 14% of the national budget was spent on goods and services in 2021 – more than the cost of public debt. Even a modest improvement in this area could have transformational effects in our lives. There are many examples, but two will suffice.

Farmers, workers and residents in the Tzaneen area have recently been harassed by hippos that have moved into farm dams. Why? The infamous Edwin Sodi, hired to upgrade the municipal dam where the hippos were in residence, made a mess of things and the water level dropped. The hippos moved out.

As the pandemic spread and hospitalisations and deaths spiralled, the government relaxed regulations for the procurement of protective gear. An emergency necessitated emergency procurement. Yet the result, as the auditor-general reported, was a grotesque frenzy of price gouging, fraud and general manipulation of process. In this case, supply chain management was a matter of life and death.

Public procurement is about the everyday functioning of government. This is why it is so important that the system is reformed.



Members of the Hawks make an arrest in the Eastern Cape in connection with tender fraud allegations. The first part of the Zondo report has recommended ways of strengthening government procurement to combat corruption, but the authors say the proposals do not go far enough. Picture: Randell Roskrug

How should this be done?

The state capture commission has recommended that a new anti-corruption agency be created to deal specifically with public procurement. It would increase transparency in public tenders, see to the formation of a body of professionals specialised in public procurement, and introduce new codes of conduct to strengthen integrity management among public servants. These proposals, however, are insufficient and would still fall short in closing the loopholes that allow manipulation and looting.

In public enterprises, especially those implicated in state capture but across the government, procurement has come to a standstill, and with it the work of the government. In this environment even decent people are often too scared to make decisions at all. Procurement reform must not just reduce the risk of corruption from happening; it must also make procurement possible, easy and effective.

SA needs a professional and effective public service whose operational excellence is the main source of corruption prevention. This will not be achieved by reforming the public procurement system alone, much less by creating a new anti-corruption agency.

The public procurement system is already overly fragmented and regulated by legal regimes. The introduction of a new agency with the exclusive mission of combating corruption will be yet another arrangement to further complicate the procurement system and anti-corruption system. Both are handicapped by the lack of strategic co-ordination, of human and financial resources, of capacity to conduct sophisticated analysis and of institutional support.

Better than a new agency, it would be useful to strengthen the regulatory function exercised by the office of the chief procurement officer, making it an autonomous agency responsible for giving directives and implementing guidelines for public procurement throughout the country.

A supply chain manager should be a prized position,

attracting highly skilled and senior candidates who are appropriately rewarded. After all, these officials must be able to tell the difference between a scam and an innovation, write specifications and evaluate the technical standards of bids. In banks these are highly paid roles. In the government these tasks are left to junior officials for whom the job is a career dead-end.

It is the extreme shortage of people with technical knowledge of products and services that means certain actions must be centralised, or at least regionalised. As a thought experiment, imagine that you are an official in the department of transport who has to write the specifications for hiring security guards. How many guards do you need, what qualifications should they have, how should they be resourced? None are simple questions in fact. Get the answers wrong and you end up without train stations.

A centralising approach also presents risks, of course – institutions with generic mandates are more attractive prey to abuse of power and traditional cases of dismantling the public service. This is why it is crucial to reform the process by which heads of institutions are selected and managed. For the civil service to live, cadre deployment must die. This is why we suggested in a report last year the introduction of a senior civil service system such as that adopted by the US, UK, Australia, Chile and Portugal.

The Zondo commission has correctly put its finger on public procurement as urgently needing reform. The system is the lifeblood of the government. It is the lifeblood of SA's shadow state, too – the nexus where business and politics feed off each other. The commission's proposal has put public procurement firmly on the agenda but needs further consideration for stronger safeguards. We must seize the moment – not least for the sake of the hippos.

* Chipkin and Leite work at the think-tank Government and Public Policy. GAPP has launched a civilian commission to develop detailed plans on procurement reform

Q&A



The SA Human Rights Commission says it will take five provinces to court to force them to get rid of the pit latrines at their schools. Chris Barron asked commissioner ANDRÉ GAUM ...

They've been taken to court before and the pit latrines remain. What are you hoping to achieve?

A structural interdict in respect of these five provinces. And we want them to provide the court and the commission with costed work plans with targets.

We've been here before, haven't we?

Yes, Section 27 took the Limpopo department of education to court, and that court order was not effective. The department indicated that their time frame for eradicating pit latrines is 2030. But the court did step in and made it clear that this is unacceptable and that they should come up with realistic and proper time frames. It's an ongoing struggle. The advantage of going to court is that they have to report back on their progress. So it's a very strong mechanism of monitoring implementation.

So why have you waited so long?

The eradication of pit latrines is governed by regulations on minimum norms and standards for school infrastructure published by the minister in 2013 ...

Requiring the eradication of pit latrines?

That's right. We gave the department till 2016 to do it, but it hasn't been done yet.

What did you do about it when your deadline was ignored?

The commission has taken various steps over the years. Remember, we are constitutionally obliged to work with the government, which we've really tried to do in getting them to eradicate pit latrines. We've had meetings and sent letters requesting their plans, but we've now come to a point where the adversarial route is the only route to follow.

Didn't you produce a report in 2014 stating that pit latrines were a violation of human rights?

That is absolutely the case, yes.

Eight years ago?

We've had continuous engagements with the department, but we have now drawn a line in the sand.

How would you describe their response to these engagements?

In general it is, even for the SAHRC, a struggle to get the necessary information from the provinces. When we put them on terms pertaining to the provision of plans and time frames, the responses were totally inadequate.

Do you have any teeth at all?

Yes, absolutely we do have teeth. We could, for example, subpoena MECs and so on.

Have you subpoenaed the minister, Angie Motshekga, yet?

We are working on a letter to the minister to also put the minister on terms.

Michael Komape drowned in a pit latrine in 2014, and since then there have been others. Shouldn't you have held the minister accountable years ago?

Through this litigation, we'll now be holding the minister accountable.

Has the SAHRC been weakened by cadre deployment?

No. My impression is that the commissioners we have act independently without fear or favour as the constitution requires, and are definitely not afraid to take the government on.

Thanks to the Zondo commission, we now know that ANC cadres were deployed to the SAHRC, don't we?

That is open for interpretation. It appears that the deployment committee merely makes recommendations. In the final analysis, it is parliament that appoints commissioners.



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