



FW de Klerk
FOUNDATION

BEYOND STATE CAPTURE AND CORRUPTION

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On February 2, 1990, to the surprise of both friend and foe - and only four months into his term as president - FW de Klerk announced that he would unconditionally release Nelson Mandela and other political prisoners, and unban the ANC and other organisations. The goal was to create the circumstances within which negotiations on the future of South Africa could take place. As a result, he opened the door for a new future and the Nobel Peace Prize was awarded to him (and Nelson Mandela).

The FW de Klerk Foundation was established in 1999 to promote and protect FW de Klerk's most important legacy: the Constitution of the Republic of South Africa. The Foundation has since commemorated 2 February 1990 each year by holding a national conference. The themes of these conferences are usually devoted to the most burning issues in the country.

This year's theme was "*Beyond state capture and corruption*". The intention was to move beyond the analysis of the origin and implementation of state capture and to give the audience (and the country and its people) hope for a better future. The words and actions of newly-elected ANC President Cyril Ramaphosa were cautiously welcomed. One could only wonder how it would be possible to broach such a topic if Nkosazana Dlamini-Zuma had been elected as ANC president.

Prof Haroon Bohrat of the University of Cape Town kindly stood in for Mr Pravin Gordhan, who was put on bedrest by his doctor. Prof Bohrat was one of the authors of the report on state capture by a group of academics: *Betrayal of the Promise: how SA is being stolen*. In an excellent presentation he explained the anatomy of state capture to the 250-plus conference delegates. The five levers used to entrench state capture were: to alter the goals of state-owned enterprises (SOEs) like Eskom, to create parallel and weak governance systems, to create a shadow state, to legitimise "rent-seeking" behaviour and to gain control of the National Treasury. Then five steps to systemic corruption follow: change the purpose of corporate governance of the SOEs, get a "broker" for corruption, create the mechanism for corruption on board level, structure that corruption and launder the money. This was the terrifying face of calculated and cold-blooded greed.

Thuli Madonsela, now a professor at Stellenbosch University, provided her "recipe" for a society without state capture and corruption in her usual calm and decisive way. Her theme was "*The re-anchoring of democracy through people's power*". Her speech commenced with a prophetic quote from Nelson Mandela: *Even the most benevolent of governments are made up of people with propensities for human failings*. It takes more than a Constitution, strong institutions and even leaders, to oppose the destruction of democracy. Ultimately, ordinary people alone can be their own liberators. Her call was, therefore, that ordinary people should rise up against state capture and corruption and show leadership. It was a sober reminder that democracy really is the power of the (ordinary) people.



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Dr Frans Cronje of the Institute of Race Relations delivered a well-researched speech highlighting the good socioeconomic news until about 2009, when the Zuma tsunami began to make waves. He linked his perspective on a SA beyond state capture and corruption mainly to specific political, economic and social actions of the new ANC government. The main issues knocking at the door of a Ramaphosa government are the restoration of the rule of law and a reformed economic policy. The main obstacles are the budget deficit, the lack of job creation and the failed education system. In addition, the new government inherits the fact that the ANC is out of touch with ordinary people, the paralysing effect of ideological dogma and competency levels in the public service. To move South Africa beyond state capture, empowerment needs to be approached differently, property rights must be guaranteed, labour policy needs to be changed to provide people with jobs and the education system needs to be fixed. It's a mouthful, but a realistic list of priorities.

As a result of these inputs, the systematic and systemic nature of state capture and corruption were revealed to the delegates, who realised that they would need to be fought and eradicated with the same diligence as had created them. This requires good political leadership with good policies, good institutions and determined South Africans.

As keynote speaker, former president FW de Klerk pointed out that we could only move beyond state capture and corruption if those in power were truly committed to realising the vision and the fundamental values upon which the Constitution rests. It is about more than the "letter of the law", but also the spirit of the 1994/6 national accord. This means that:

- We need voters who refuse to elect "known villains " to public office.
- We need a President who strictly abides by his oath of office.
- We need a Parliament that meticulously exercises its oversight function.
- We need professional safety and security officials who perform their duty to protect and defend effectively and impartially.
- We need courts that continue to ensure that legislation and executive action are in line with the Constitution - and act with rigorous impartiality.
- Our chapter 9 institutions and national prosecuting authority need to perform their duties without fear, favour or prejudice.

In this regard, Mr De Klerk pointed out that although the new president of the ANC had made some progress, many challenges still lay ahead.

His last metaphor was memorable: without integrity among the chefs, it did not matter how well the constitutional recipe was written. The starter of good governance would be destroyed; the second course of national unity would be burnt to ashes; and the pudding of economic progress would land in the rubbish bin.

My final conclusion was that four distinguished speakers told South Africa: we *can* move beyond state capture and corruption. However - it will take dedication and hard work. This



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can only be done if all of us, but especially our leaders, respect and uphold the values on which the Constitution was built, and the Constitution itself.

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