



**FW de Klerk**  
FOUNDATION

## **PRESIDENT RAMAPHOSA'S COMMISSIONS STRATEGY**

*Theuns Eloff: Executive Director, FW de Klerk Foundation*

It's not unusual to hear people say "Cyril is not moving fast enough to fight and end State capture and corruption". He should have sent so and so "to jail long ago..."

But is it that simple? And what is really happening?

One can accept President Ramaphosa's *bona fides* that corruption and State capture must be stopped. He was and is on record that he is serious about it. His own actions and those of his close allies (such as Pravin Gordhan with the lifestyle audits for SOEs), testify to this.

A senior business leader recently shared with me while we were on a plane that the President estimates that there are 700 key posts in the public service occupied by Zuma confidants. So far this year, 150 better people have already been appointed, but the number that remain is still massive.

How do you get rid of the Zuma appointments in the public service? It is not easy, because the majority of them were not directly appointed by the President but by his confidants and "mischief-makers". Because of the Rule of Law (yes, even crooks have basic rights) and labour laws, people cannot be dismissed left and right; you must follow processes. Some of these people (possibly) meet the minimum requirements for their appointments, and for each a good reason and process is necessary for dismissal. You need to uncover "something" as motivation for acting against them as individuals.

Of course, it is somewhat simpler to act against high profile persons, like the Moyanes and Abrahams of the world. But what about the many unknowns, the moles, who occupy key positions and are still loyal to Zuma or his cause? Or maybe are just thinking about lining their own pockets?

There is another factor: even if the President and his inner circle know who these Zuma appointments are, it is difficult to act against them simultaneously in "one clean sweep". This will topple the delicate balance of power within the ANC. What is needed, is to find a way to identify them through "standard procedure" and then remove them from the system through legal processes.

Against this background, one can recognise certain presidential strategies. The first and most basic one is to allow party processes to follow due course - as what happened with Supra Mahumapelo (and is still possible with Ace Magashule). The problem with this is that the National Director of Public Prosecutions (NDPP) has not yet been appointed and that, therefore, there is not (yet) political will at the National Prosecuting Authority to do it on a large scale. But with the appointment of the NDPP expected shortly, this strategy will gain momentum in the new year. And the advantage is that no one can accuse the President of a witch-hunt aimed at Zuma confidants.



**FW de Klerk**  
FOUNDATION

A second strategy to snuff out corruption and State capture and denounce what is already in full swing, is what has already been referred to as the commissions and panel strategy. This involves appointing a commission or advisory panel to investigate a particular matter. And though the Zondo Commission of Inquiry into State capture is ironically a Zuma appointment, it fits perfectly into President Ramaphosa's strategy. The Nugent Commission into the affairs of the South African Revenue Service is also an example of this. Another example is the appointment of the high level review panel for the State Security Agency (SSA), a government department used intensively by Zuma for State capture - especially to spy on his enemies (even within his own party).

A third strategy is not aimed so much against corruption and State capture, but rather serves to be transparent and democratic and to visibly prevent corruption. Here, the best example is the appointment of an independent panel to handle the candidates for the post of the NDPP and to make a recommendation. Then there is also the independent advisory panel to get expert and probably technocratic inputs on the sensitive issues related to land reform.

The commissions and panel strategy of President Ramaphosa is thus a very effective way of making progress to enable the dismantling of the networks of corruption and State capture. But it does not offer quick fixes that will land so and so in jail. It will, however, not be necessary to wait - for example - for the Zondo Commission to deliver a final report. Like what happened to Tom Moyane with the findings of the Nugent Commission, the Zondo Commission can release interim reports, based upon which grounds can be found to initiate criminal proceedings. But for this, the new NDPP must be appointed, and he/she must have the political will to prosecute effectively - and to establish this culture throughout the Prosecuting Authority.

This three-pronged strategy will probably be followed until the 2019 national election - slowly, but surely. If President Ramaphosa as leader of the ANC can lead the party to a victory of say, 55%, he can act more decisively. He is then no longer the ANC president who was elected by a mere 173 votes at Nasrec, but the President of South Africa whose party has been elected by 55% of the electorate.

But even if the commissions strategy bears fruit, the President also has other problems and challenges: his remarks in the US about farm murders still hang like a sword over his head. He must also come out of the Bosasa donation dilemma. And, a satisfactory solution for the expropriation without compensation pickle will be necessary to save the economy and the Constitution from chaos and ruin.

But even with these problems, Cyril Ramaphosa is, rationally speaking, the only hope we have to give the State back to the people of South Africa.

**\*First published in Afrikaans on [www.maroelamedia.co.za](http://www.maroelamedia.co.za)**