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OVER TO YOU, DEPUTY PRESIDENT... OR RESISTANCE AND CAPTURE IN SOUTH AFRICAN POLITICS

A damning report has been compiled by well-respected academics and a seasoned investigative reporter. The word “coup” features prominently. The report titled *The Betrayal of the Promise: How South Africa is being Stolen* provides factual information and draws linkages between a powerful political elite and business individuals. It reveals a toxic cocktail of patronage and corruption, all the while seriously undermining the constitutional state. Its biggest takeaway: State institutions are being repurposed to the detriment of all South Africans.

The Report follows hot on the heels of another released last week by the South African Council of Churches (SACC). The SACC’s report too, references statements from current and former government employees on how individuals closely linked to the highest office in the land have gained control of some state-owned entities.

This follows the 2016 report into allegations of state capture, in which the erstwhile Public Protector, Thuli Madonsela, recommended that the Chief Justice of the Constitutional Court appoint a judge to preside over a commission of inquiry, to further probe the allegations. In response to this, the President - whose name features quite prominently in the report - filed an application to review the *State of Capture Report* before the Gauteng High Court in Pretoria. One of the grounds for review that he raises is the fact that in terms of section 84(f) of the Constitution, *he* is the only person who can appoint commissions of inquiry. This is factually correct. But what happens when the President is so conflicted that his appointing a commission of inquiry into his own conduct would elicit, rightly so, accusations of in-built bias? Should this conundrum suggest then, that it is impossible for there ever to be a commission of inquiry to investigate allegations of wrongdoing by a President?

The South African constitutional state is on its death knell. If not for the involvement of the courts and a relatively free press, it would have keeled over into a failed state - like so many other states, whose examples are all too obvious. Nonetheless, the signs suggesting a rapid slide into the usurpation of the democratic will of ordinary South Africans are on the wall.

This is neither the time to be coy, nor is it the time for platitudes. Bold, decisive action should be taken to arrest the deepening rot. In line with the view advanced by Paul Hoffman writing for the *Daily Maverick*, this calls for the Deputy President, using the powers granted to him in the Constitution, to intervene, and to intervene without a second’s hesitation.

Consider the fact that the Constitution stipulates in section 90, that:

“1. When the President is absent from the Republic or otherwise unable to fulfil the duties of President, or during a vacancy in the office of President, an office-bearer in the order below acts as President:

- a. The Deputy President.*
- b. A Minister designated by the President.*



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- c. A Minister designated by the other members of the Cabinet.*
 - d. The Speaker, until the National Assembly designates one of its other members.*
2. *An Acting President has the responsibilities, powers and functions of the President.”*

It stands to reason that the President’s inability - which he readily admits to in his filed court papers - necessitates that the Deputy President, Cyril Ramaphosa, bear the onus of appointing a commission of inquiry to probe the state capture allegations.

The reports add even greater impetus for intervention into the state capture allegations, which have seen a parallel governance structure established to siphon taxpayer’s money away from the public purse. South Africa is being bled dry with seeming impunity. Make your move, Deputy President. Be guided by our Constitution and your conscience, not ambition, or waiting for the house of cards to collapse. We are in a crisis, and odds are stacking up against the people of South Africa. Play your hand now, to avert an all-out disaster.

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