



Corruption v democracy part two

Democratic institutions fight back

- By David Lewis

In part two, DAVID LEWIS returns to the question of the relationship between democracy and corruption and argues that for political corruption on the scale he describes in part one to thrive with impunity, democracy would have to be hollowed out.



I use 'hollowed out' in reference to the South African democracy advisedly. This is not a military coup in which power is taken by force, where elections are no longer held and all the other features of democracy – parliament, an independent judiciary and media, civil society organisations (CSOs), independent unions, political parties – are viciously repressed. Nor is it a dictatorship of the contemporary Russian variety which relies on the support of the military and the intelligence apparatus to be sure, but where blatantly rigged elections are held, where a sham parliament, with only the most obeisant opposition parties granted access, functions after a fashion, where the courts are subjugated to the dictator and where there is no mechanism for effecting a transition in power.

In South Africa the capture of the state was, as already mentioned, effected by a democratically elected leader. He moved quickly to subjugate key oversight institutions – the law enforcement agencies and other key economic institutions such as the South African Revenue Services (SARS); and he prised open the state institutions and ministries that his more commercially oriented syndicate partners targeted.

But Zuma's power was constrained, as we shall see, by those institutions of democracy which Zuma couldn't, or didn't deem necessary to, contain, and which ultimately brought him down.

Alternative narratives

This account of the capture of the South African state is firmly located within a corruption narrative. Its captors are identified as a criminal syndicate *tout court*. This is not unique to South Africa. The Latin American narco states are also captured by criminal syndicates as are several of the central Asian states. In each instance the criminal syndicates are headed by powerful politicians, senior law enforcement officials and moneyed interests. In these cases the moneyed interests are mainly drug cartels, whereas in South Africa they presented themselves as legitimate business people. Nevertheless the scheme, in the South African case, is no less criminal and the modus operandi is similar.

The Zuma/Gupta syndicate corrupted the law enforcement authorities in order to evade detection and prosecution for a range of criminal offences including, but not limited to, bribery, extortion, money laundering and the falsification of business records. That few of these crimes have been successfully prosecuted speaks to the success achieved by the syndicates in neutering the law enforcement authorities.

On the face of it, the South African case appears to approximate the Brazilian 'car wash' scandal in which the moneyed interests were also represented by legitimate business interests who sought to advance those interests by criminal means which, too, entailed an attack on the state.

Former president Thabo Mbeki has recently presented an alternative analysis of state capture. He attributes the state capture project to former intelligence operatives of the apartheid state who remained fearful of the prospect of the ANC or the South African Communist Party (SACP) moving away from the state of national democratic revolution towards socialism. With this in mind, they activated their agents who had already infiltrated the ANC to remove Mbeki as ANC president at the 2007 Polokwane conference and to replace him with Zuma, who, in a thinly disguised reference, Mbeki describes as a 'wolf in sheep's skin', in other words, as an infiltrated agent of the former apartheid regime.¹

In order to further weaken the country and demonstrate the inability of the ANC to manage the economy, these agents chose two targets, the first being SARS, the second being Eskom. Mbeki reminds us that the gutting of SARS, a particularly effective public institution, was one of the state capture projects in which Zuma was directly involved. Mbeki asks how it is possible to explain why a head of state would participate in the destruction of an institution upon which the ability of the state to discharge its responsibilities depended. He posits that the only logical answer to this question is that the head of state must have been an agent of counter-revolution. There are of course, other logical explanations for why ambitious thieves might wish to control a country's revenue service.

The second target, argues Mbeki, of the counter-revolution's agents was Eskom, responsible for the reliable delivery of a vital economic input and public service. The electricity blackouts – 'loadshedding' – were engineered in order to demonstrate the ANC's inability to guarantee sufficient energy to firms and to households.



Congress of South African Trade Unions (Cosatu) protest against state capture Source: Wikimedia Common

It is in the nature of Mbeki's explanation that the best evidence which he is able or willing to present is purely circumstantial and so we are left with the assurance that 'time will tell' whether his 'logical deductions' are correct.

If political leaders are inclined to explain the conduct of their adversaries by reference to elaborate conspiracies mounted by hostile intelligence operatives, then scholars will be inclined to seek their explanation in the grand march of history, motored by class struggle and class formation. And so, Ivor Chipkin and Mark Swilling (2018), in their book *'Shadow State: the politics of state capture'* assert, in the first definition of their 'key terms', that:

The aim of state capture is not to bypass rules to get away with corrupt behaviour; the term 'corruption' obscures the politics that frequently informs these processes, treating it as a moral or cultural pathology. Yet corruption, as is often the case in South Africa, is frequently the result of a political conviction that the 'rules of the game' are rigged against specific constituencies and it is therefore legitimate to break them. The aim of state capture is to change the formal and informal rules of the game, legitimise them and select the players who are allowed to participate.

The constituency whose interest state capture seeks to advance are, according to Chipkin and Swilling, "a new black business class in the making". This is not a persuasive argument. Zuma was a political leader, the head of state and of the governing party. He abused his power to enable his business cronies, principally the Gupta family, to gain access to the resources of the state. The Guptas benefitted from their relationship with Zuma to the tune of billions of Rands. So too did Zuma and his family benefit handsomely – certainly it is well documented that his son, Duduzane, and other members of his family acquired considerable wealth as a result of the 'business' activities of the Guptas, as did other important ANC leaders and their families, for example the family of Ace Magashule, then premier of the Free State province. However, in order to keep the taps open, or, given the two-term limit on the presidency, a hand-picked successor had to occupy Luthuli House, the headquarters of the ANC. In order to ensure this, Zuma had to turn the ANC into a patronage machine, of which he was the leading patron. I have already outlined the process of capturing the ANC.

Zuma was also head of state. I have outlined how he abused his powers as head of state in order to gain access for his business cronies, the Guptas, to public resources. But the conspicuous and rapidly acquired wealth of the Guptas and members of his own family, and the brazenness with which the Guptas displayed their close proximity to political power, drew the attention of the media and CSOs and, through them, the South African public.



Zuma had to shore up his legitimacy as head of state. He sought to achieve this by casting his patronage networks beyond the ranks of ANC leaders and activists. And so state contracts were directed towards aspirant and emerging black businesses and their owners and away from established white businesses, frequently, but by no means always, through corrupted procurement processes. Is this class formation or patronage pure and simple?

Granting small business people preferential access to state contracts is, to be sure, a class formation intervention, even if a subset of those contracts are awarded corruptly. Granting access to a powerful politician's network of carefully selected beneficiaries is patronage. But it takes a politician far less canny than Zuma to present a patronage programme as a legitimate class formation intervention. Patronage is perpetrated by reserving part of that programme for those personal networks that would pay for that favour by shoring up public and party support for a corrupt president. How convenient to be able to present a patronage project under the guise of a larger and legitimate state class formation project. And how doubly convenient to present it as a project in which the previous beneficiaries are presented as 'white monopoly capital' who had lost out to black-owned small business. This is then a state capture project perpetrated by criminals and not a legitimate class formation project led and managed by a state agency.

The political fall-out was, and to a significant extent, remains, undeniably dramatic. Major state-owned entities (SOEs) were crippled, the public procurement system was trashed, the law enforcement agencies were hopelessly politicised, the ANC was shattered, corruption dominated the political discourse in the country to the exclusion of all else. This was because criminals had captured the state, not because an intense class struggle was being played out with the president (and the Guptas?!) leading one of the contending classes. To believe the latter is to accord more credit to the Zuma administration than it deserves and is, frankly, risible.

My argument, of course, bears out the wisdom of Occam's Razor: if you have two competing ideas to explain the same phenomenon, then prefer the simpler one!

Democracy strikes back

Just as it has been established that democracy must be severely compromised in order for political corruption or state capture to thrive, so does South Africa's experience also provide evidence for the argument that democracy is an effective counter to, or, at least, constraint upon, political corruption. This evidence is provided by a number of state and non-state actors who not only survived state capture but who played a vital role in opposing it. Each of these mutually supportive institutions owes their existence and their strength to the democracy that continued, against considerable odds, to undergird the South African political system.

The judiciary stands out amongst the state actors who provided a robust counter to corruption. The South African judiciary and the judges that populate it have remained remarkably free of the taint of corruption. There are a variety of reasons for this - a long history of 'lawfare', of utilising the law and litigation in defending and promoting human rights and social justice, and the concomitant presence of a strong human rights bar and innovative public interest law firms are important parts of the explanation.

Clearly, though, a strong factor that has protected the judiciary from state capture and one that throws into sharp relief the capture of other elements of the justice system, is the process that governs the appointment of high court judges, including judges of the Supreme Court of Appeal and the Constitutional Court. In brief, candidates for judicial office are publicly interviewed by a body, the Judicial Services Commission (JSC), chaired by the Chief Justice and comprising senior members of the judiciary, the legal profession, political parties and the executive. In the case of appointments to the Constitutional Court and Supreme Court of Appeal the JSC recommends a shortlist to the president who is required to appoint from those shortlisted candidates. The JSC

... the ANC was shattered, corruption dominated the political discourse in the country to the exclusion of all else.



makes appointments to lower courts. The executive possesses nothing approximating the power that it enjoys over appointments to the rest of the leadership of the criminal justice system.

The range of judicial intervention that has struck at the heart of the state capture project is extraordinary and has raised some predictable concern about judicial overreach. Suffice to say – and bear in mind the key features of the state capture process outlined above – that the Constitutional Court has, despite apparent presidential and executive prerogative, set aside, on grounds of legality and rationality, appointments to the leadership of key criminal justice institutions, including, on two occasions, the National Director of Public Prosecutions. It has ordered parliament to exercise its oversight functions and it has provided strong judicial guidance on the voting process in parliament that ensured secret balloting in a motion of no-confidence. The High Court has reviewed and set aside the findings of a judicial commission of enquiry that effectively whitewashed the investigation of the arms deal. It has strengthened the powers of the Public Protector, an ombuds office that distinguished itself by its willingness to stand up to executive power. It has intervened decisively in irregularly awarded public procurement contracts. An independent judiciary is a hallmark of a functioning democracy and has played a vital role in combatting state capture.

Three other democratic pillars of the state have resisted state capture and have been instrumental in opposing it. These are the Public Protector, an ombud responsible for receiving allegations of, and further investigating, malfeasance on the part of state institutions, public officials and politicians; the Auditor General (AG); and the Independent Electoral Commission (IEC). These belong to a small group of institutions provided for in Chapter 9 of the Constitution which describes them collectively as ‘state institutions supporting democracy’. The IEC may well have escaped capture because, given the ANC’s prior overwhelming electoral dominance, there was no apparent need to rig elections. The AG, although vital in exposing corruption and malfeasance in the management of public resources was not, until a recent amendment to its statute, empowered to enforce its findings which were, for the most part, simply ignored.

Similarly, while the Public Protector enjoyed considerable powers of investigation its findings were not considered binding until, upon application by the Economic Freedom Fighters (EFF) and a number of CSOs, the Constitutional Court decided otherwise. The significance of this decision was underlined by the fact that the Constitutional Court’s ruling was based on the outcome of the investigation into the multi-million Rand upgrade, at taxpayer expense, to the private home of the president. The Public Protector ordered Zuma to repay this money to the state.

The other state actor that played a vital role in resisting state capture was the Treasury and the cluster of institutions over which the Minister of Finance exercised executive oversight. The necessity to capture these institutions was the rock upon which the state capture project ultimately foundered and is examined below.

... the ANC may well turn out to be the institution most severely damaged by state capture.

The non-state actors that have taken the lead in opposing state capture are CSOs and parts of the media. South African CSOs have a proud history of mobilising popular opposition to oppressive government. Born in South Africa’s particular history of racial and class oppression, civil society opposition has taken the form of non-governmental organisations (NGOs) and popular movements each dealing with a vast array of diverse, oppressive social conditions and grievances. Honed in the opposition to apartheid in the 1980s, CSOs came together to constitute the ANC-aligned United Democratic Front. However, these organisations largely disarmed themselves at the advent of the democracy for which they had fought so valiantly.

In the democratic era, CSOs revived themselves in response to the HIV/AIDS pandemic, and they did so again on a broader canvas in response to state capture in the Zuma administration. CSOs have played a pivotal role in opposing state capture on a number of fronts. They have been largely responsible for initiating litigation that has led to some of the most far-reaching judgments of the courts. They have exposed and mobilised popular opposition to state capture. They have encouraged and enabled whistleblowing, an essential



ingredient in tackling grand corruption. And relatively spontaneous civic action has remained a hallmark of the South African political landscape.

The media – in particular a number of small teams of investigative journalists – were, and remain, at the centre of exposing state capture. Again South Africa has a strong history of significant pockets of robust, independent media. In the state capture exposés investigative journalists have been enormously abetted by a trove of emails – the ‘Gupta emails’ – handed to them by whistle blowers.

Each of these state and non-state actors owe their existence and their impact to the democracy in which they play their respective, but mutually supportive, roles. Hence the CSOs are closely identified with their stated respect for the Constitution and the rule of law, naturally including their support for an independent judiciary. CSOs and the media actively scrutinise judicial appointments. By the same token, although Zuma and his cronies muttered darkly about ‘foreign funded’ CSOs and politically motivated media, the South African courts, drawing on constitutionally enshrined principles, would not have countenanced the sort of constraints imposed on CSOs and media freedom in illiberal democracies as diverse as India, Hungary and Turkey.

And so, while South Africa’s experience of state capture is testament to the corrosive effect of corruption on democracy and its key institutional manifestations, it also provides evidence of the constraint imposed on corruption by institutions that characterise a still-functioning democracy such as the courts, CSOs and the media.

But these pillars of democracy are vulnerable. For example, threats to the media are clearly present in South Africa. A particularly notorious attempt by the Gupta/Zuma syndicate to cast its opponents as the elite representatives of a racially-based counter-revolution – ‘white monopoly capital’ – was conceived and driven, largely on social media, by the British public relations firm, Bell Pottinger, and paid for by the Guptas. The fall-out from this attempt to fan the flames of racial discord in South Africa led to the global demise of Bell Pottinger, although its efforts to racialise the state capture narrative were by no means entirely unsuccessful.

The Guptas themselves established a daily newspaper and a television channel which enjoyed considerable financial support from government, courtesy of the syndicate’s man in the presidency. The Gupta’s media empire did not resonate with the South African public and ultimately collapsed under the weight of its own crudity and incompetence. Highly influential journalists working for some of South Africa’s leading media platforms have been exposed as being in the pay of the state capture syndicate. One of South Africa’s largest newspaper groups has been bought by notoriously corrupt business interests.

Moreover, each of these actors – state and non-state – are vulnerable to being cast as unelected elites whose views and actions run counter to the elected representatives of the people. This is a common refrain in the various national attacks on democracy – the protagonists of Brexit decry the need for ‘experts’; Orbán and Erdoğan target universities; Donald Trump rails against the likes of the *New York Times* and the *Washington Post*, the media of the elite; Jacob Zuma refers to his middle-class black detractors as ‘clever blacks’. This is the stuff of demagoguery, rendered all the more powerful by the crude half-truth at its heart. Above all it suggests that while each of these actors are vital buttresses of democracy, they cannot substitute for effective representative institutions.

The end of the beginning

The Treasury was the critical department of state that held out against state capture. The larger the rents accumulated by the Gupta/Zuma syndicate and the more audacious its ambitions, the greater the imperative to capture the Treasury. The Treasury was the custodian of the procurement laws and regulations; it had to sign off on sovereign borrowings and guarantees; it comprised a family of institutions, most notably SARS, the Public Investment Corporation (PIC), the Financial Intelligence Centre (FIC) and the South African Reserve Bank (SARB), charged with gathering potentially sensitive information and who enjoyed significant powers of investigation and detection. As the scale of procurement capture increased and became more difficult to hide, as income that was not, and could not be declared, flowed into the coffers of Gupta-linked companies, as suspicious banking transactions designed to launder illicitly acquired wealth and income proliferated and as the necessity to off-shore their ill-gotten gains intensified, so did capturing the Treasury and its associated institutions become a blinding imperative.



The Gupta's excessive Sun City nuptials in 2103 was an early sign of the family's extraordinarily extravagant lifestyle
Source: Flickr



The syndicate had already made important inroads into the capture of these institutions with the appointment in 2014 of Tom Moyane as SARS commissioner. The appointment of the SARS commissioner is one of those critical posts over which the president enjoys unfettered discretion. Zuma exercised his discretion by appointing the former commissioner of prisons to the post of SARS commissioner. Moyane had no previous tax or economic policy experience and his conduct in previous government positions had already aroused strong suspicions of corruption. However, since his days in exile he had been a particularly close crony of Zuma, his singular 'qualification' for this vital post.

SARS had, under a former commissioner, Pravin Gordhan, acquired a global reputation for probity and competence. Gordhan's tenure at SARS ended when, in 2009, Zuma appointed him Minister of Finance in his first cabinet. At the beginning of Zuma's second term Gordhan was reassigned to head the ministry responsible for poorly functioning local government. He was replaced by Nhlanhla Nene who was summarily dismissed from cabinet in December 2015.

A brief detour is necessary to recount the extraordinary events surrounding the removal of Nene, arguably the defining moment in the denouement of the Zuma/Gupta syndicate. Essentially Nene was dismissed because he refused to sign off on the financing of a nuclear energy deal which was destined to be the high point of state capture. The extraordinary sweep of the Gupta ambitions that were revealed by the planned nuclear deal is briefly described above. Apart from the massive procurement spend required by a nuclear power station, the Gupta's were in pole position to profit from nuclear power stations which would have provided the market for the output of the Gupta's recently acquired uranium mine.

The overwhelming advice of energy, environmental and financial experts, all of whom vehemently opposed nuclear power, was simply ignored. But the Minister of Finance's support was formally required for the onerous financing arrangements and Nene refused to give his consent. Nene's deputy, Mncebisi Jonas, has testified that the Gupta's offered him a R600 million bribe if he agreed to replace Nene and, naturally, do their bidding from thereon. Jonas refused. Nene was dismissed by Zuma on 9 December 2015 and replaced by a relatively unknown parliamentarian and former small town mayor, Des van Rooyen. Van Rooyen immediately pitched up at the ministry offices in the Treasury with several Gupta associates in tow who were to serve as his advisers. The market reaction was swift and brutal and business leaders were finally galvanised into action. Van Rooyen's tenure as Minister of Finance lasted precisely five days whereupon Zuma recalled Pravin Gordhan to the finance ministry.

Gordhan immediately confronted Moyane's efforts to neuter SARS. I will not attempt to detail the destruction of SARS. Suffice to say it was effected with the high-priced assistance of global management consultancy, Bain, auditing firm, KPMG, and law firm, Hogan Lovells, each of whom engaged in the most extraordinary level of corruption and professional misconduct. Purges of the most dedicated, competent SARS staff members were the order of the day. Highly successful operating units were summarily closed down. The intelligence agencies, the Hawks and the NPA, were weaponised, and sections of the media were compromised in order to discredit Gordhan and key SARS officials who resisted the capture of the tax collector.

Gordhan and Jonas, having survived this daily war of attrition for 15 months, were both fired by Zuma on 31 March 2017 - they were abruptly recalled from London where they were heading an international Treasury roadshow to engage with already nervous international investors.

But although the attack on the Treasury and SARS, in particular, caused enormous damage to these institutions, sealing their capture proved a bridge too far for the Zuma/Gupta syndicate. It exposed Zuma's abuse of the intelligence and criminal justice apparatus, it confirmed the Gupta's influence over key government decisions, it brought thousands of South Africans out onto the streets, it galvanised vocal business opposition to Zuma and it internationalised the opposition to state capture by drawing in international investors who expressed their disquiet in the shape of downgrades by the international ratings agencies and a precipitous fall in the value of the currency. And of paramount importance, it gave voice to rumbling discontent in the ranks of the ANC - venerable ANC veterans demanded the removal of Zuma, a significant number of ANC parliamentarians, including several cabinet ministers, voted for an opposition motion of no confidence in Zuma and parliament began to demonstrate some signs of life by belatedly commencing investigations into corruption allegations at Eskom and other SOEs.



In December 2017, the ANC conference elected Cyril Ramaphosa to the presidency of the party, giving him a razor-thin majority over Nkosazana Dlamini-Zuma, the preferred candidate of Zuma's ANC faction. In February 2018, with the threat of recall imminent, Zuma resigned the presidency of the country. His co-conspirators, the Gupta brothers, were, by then, firmly ensconced in their multi-million dollar estate in Dubai.

A 'new dawn'?

Upon his inauguration as president of South Africa, Cyril Ramaphosa heralded the arrival of a 'new dawn'. His mandate was confirmed by the 2019 general election in which the electorate gave the ANC a reduced, but still substantial majority.

Ramaphosa's first term as president of the party was characterised by a relentless war of attrition led by the still powerful Zuma faction against his leadership of both party and country, coupled with public impatience at what was perceived of as his unwillingness or inability to confront his corrupt opponents in the party and the state.

However, the reformist Ramaphosa administration undoubtedly made progress in strengthening the state's anti-corruption armoury. The Zuma-appointed top leadership of key law enforcement and information-gathering institutions – for example the NPA, the SAPS, Hawks and SARS – were replaced by people of competence and integrity. An Investigating Directorate (ID), staffed with investigators and prosecutors, initially principally tasked with investigating and prosecuting crimes referred by the Zondo Commission, was established by proclamation. It has now been provided with a statutory basis and is charged with investigating and prosecuting serious and complex corruption cases. A Special Tribunal has been established to which the Special Investigating Unit (SIU) has exclusive access for the purpose of speedily instituting civil proceedings to set aside irregular contracts with the state and to secure the preservation and forfeiture of state assets acquired in terms of these contracts.

This institutional strengthening has recently begun to bear fruit in high-profile investigations, prosecutions and asset seizures. However, there remain significant difficulties in the criminal justice institutional environment, not least in the South African Police Services (SAPS) itself, a bloated, incompetent and deeply corrupted institution. Questions have recently been raised regarding the competence and integrity of the courts, particularly directed at the politicisation of the Judicial Services Commission, the body responsible for the appointment of judges.

The boards and executive suites of the major SOEs have also been revamped although evidence of 'cadre deployment' – party loyalty rather than competence and qualification driving appointments – remains strong. However, the depth of corruption and incompetence that characterised these victims of state capture has proved extremely challenging. Clearly, the extent to which these institutions had been damaged had been underappreciated.

The Commission of Enquiry into State Capture – the Zondo Commission – graphically exposed the nature and extent of state capture, including the key role of the political leadership of the state and the ANC.

A comprehensive National Anti-Corruption Strategy has been developed by a task team comprising representatives of leading CSOs, the business establishment and key state actors and endorsed by cabinet. The task team's recommendation that government consider establishing a dedicated anti-corruption agency is endorsed by the president's appointment of the National Anti-Corruption Advisory Council, a body established to advise the president on implementation of the recommendations of the National Anti-Corruption Strategy and the Zondo Commission.

But it is the ANC that has proven to be the most resistant to reform. As already noted, Ramaphosa was elected to the leadership of the party by the narrowest of majorities over Nkosazana Dlamini-Zuma. From day one of his administration, Ramaphosa's person and authority was assailed by the powerful and obstructive group of Zuma loyalists who remained in the leadership of the ANC, including none less than the organisation's Secretary General, Ace Magashule, also elected to his office by a slender majority of the 2017 annual conference.

However, the fight against corruption within the ANC, spurred largely by public outrage, and supported by the fragile internal democracy still flickering in the party, has occasionally come to the assistance of the Ramaphosa-led reformists. In particular, it has given rise to the 'step-aside resolution' adopted at the 54th



conference of the ANC. This resolution provides that ANC members indicted for corruption are required to temporarily step-aside from any positions held in the organisation whilst their charges are adjudicated. Failure to do so would lead to suspension.

The step-aside resolution – a significant advance on the oft-repeated mantra of those charged with corruption of presumed innocence – generated deep divisions and conflicting interpretations within the ANC leadership. This is, of course, not surprising given that key ANC leaders stood accused of serious corruption, usually on the basis of the work of investigative journalists, CSOs and the Zondo Commission. Several high profile national and provincial ANC leaders have been compelled to step-aside pursuant to this resolution, most notably the Secretary General, Ace Magashule, who, after having been charged with serious corruption allegedly perpetrated while premier of the Free State province, refused to step-aside and was suspended and subsequently expelled from the organisation.

However, corruption remains rife within all levels of the organisation and, thus, in those levels of the state to which the party's leadership has access. That the step-aside resolution only applies to those *charged* with corruption, means that important leaders persuasively *accused* of corruption remain beyond its reach. The upshot is that while the wheels of justice slowly creak, several palpably compromised ANC leaders remain in position in the party and the state. This is evident within the NEC and, most controversially, within the parliamentary caucus of the ANC, and is reproduced in the provinces. That the reformists within the ANC have been compelled to accept within its leadership ranks those publicly accused but not (yet) charged with serious corruption evidences the limits of the reformists' power. Of course it is possible that the reformists' weakness may be attributable to the presence of compromised individuals within their own ranks. Or, of even greater concern, it is possible that the ANC itself may be a beneficiary of the proceeds of particular acts of corruption.

That having been said, the step-aside resolution has undoubtedly become an important feature of the governance of the ANC. It has recently claimed the scalps of the Speaker of the House of Assembly, charged with corruption during her tenure as a senior cabinet minister and several high-ranking ANC members, whom the Zondo Commission had recommended be further investigated by the law enforcement authorities. All stood down from their positions pursuant to the step-aside policy.

However the electorate is clearly unconvinced by the efforts of the reformists, as evidenced by the mould-shattering outcome of the 2024 elections.

REFERENCE

Chipkin, I. and Swilling, M, with Bhorat, H., Qobo, M., Duma, S., Mondli, L., Peter, C., Buthelezi, M., Friedenstein, H., and Prins, N. 2018. *Shadow State: the politics of state capture*, Johannesburg: Wits University Press.

ENDNOTE

¹ Observations by Thabo Mbeki to mark the 30th Anniversary of South Africa's Democracy: 30 April 2024. See <https://www.politicsweb.co.za/documents/how-our-democracy-went-off-track--thabo-mbeki>

David Lewis, a former trade unionist, academic, policymaker, regulator and state-owned company board member, was a co-founder and the director of Corruption Watch.

Read *Corruption v democracy* part one at <https://ifaaza.org/corruption-vs-democracy-in-south-africa-part-1/>
Read *Corruption v democracy* part three at <https://ifaaza.org/david-lewis-unpacks-issues-of-corruption-and-governance-in-sa-part-three/> See the full issue of *New Agenda 95* at <https://epubs.ac.za/index.php/newagenda>

This article was submitted on 6 November 2024.