



# Can we stop wrongdoing?

By Ben Turok

**N**ew Agenda welcomes the victory of President Ramaphosa and the broad base he motivated to vote in the election. We look forward to a new government which will put integrity ahead of self interest. That there is much to do is clear from Ramaphosa's admission that state capture was the result of the ANC being captured by individuals with criminal intent.

What is most striking about the election result is the huge gap between the ANC and the opposition. In the National Assembly the ANC has 230 seats compared to the DA's 84. In most provinces the gap is even wider. It seems that the African masses have continued to vote for the party of liberation, despite serious misconduct. There is some spillover effect to the EFF, which also articulates fundamental change albeit with serious distortions.

It all suggests that the African masses hunger for an end to remnants of apartheid and its colonial hangovers. The ANC has not set an example of clean and effective governance but it continues to represent the aspirations of the people.

The question we want to address here is: given our excellent Constitution how could all this wrongdoing happen? How could dishonest businesspeople get the assistance from dishonest politicians without the system stopping it? While identifying all the individuals concerned is of the utmost importance, even more important is to ask questions about the nature of our institutions of accountability.

Our Constitution lays down checks and balances and many provisions for oversight. This is to ensure that no individual or institution acts outside



of the law or arbitrarily. Everyone is expected to act rationally and within the democratic spirit of the Constitution.

The judiciary ensures that the Executive and Parliament pass laws that are consistent with the intentions of the Constitution. Parliament exercises oversight over the Executive. The Auditor General scrutinises the financial conduct of the administration. There is an oversight body for the police and another for the intelligence services. Indeed throughout our governance system there are numerous oversight bodies and provision for checks and balances.

Most important of all, all government institutions are in principle accountable to the public.

Yet we have been witness to the most virulent manipulation of power by the Zuma faction and extensive state capture by corrupt businesspeople, both foreign and local.

Yes, we want them to be punished and soon, but we also want to know how come the elaborate system of

checks and balances broke down. This enquiry goes beyond the culpability of individuals. It is about malfunctions in the system as a whole.

Of particular importance is to enquire about the role of our political parties, especially the governing party. Why has the ANC failed to establish an independent head of the public service who would appoint director generals for departments and not the minister? Why has Luthuli House been quite so insistent on deploying its favorites to top positions throughout government, often without consideration of merit? Why is it that where oversight institutions were established, such as the Auditor General and the Public Service Commission, they were given no powers to enforce their adverse findings?

What were all the political parties doing in Parliament and outside it to uphold the integrity of public life? Were the parties not able to better monitor those who were corrupting our public finances and behaving dishonestly in business?

True, the media were always active in exposing wrongdoing where they were able to get a handle on it. But clever politicians who were corrupt seemed to have found a way to get away with it, and the Guptas seemed indifferent to what the media had to say. They appeared to regard themselves as untouchable, which indeed they were for quite a long time.

We are arguing here for a rigorous examination of the checks and balances of our democratic system so that deficiencies can be fixed. What we have experienced over the last decade must never happen again. **NA**