



Briefing Paper 550

June 2022

Giving Up on Governance?

"Either they did not care or they slept on the job or they had no clue what to do."

Justice Raymond Zondo¹

1. Introduction

At the beginning of this year, a large part of Parliament burnt down. Whether or not arson was involved, it has been established that the sprinkler system was not working properly; that fire doors were unable to do their work due to being irregularly held open; and that the security staff who were supposed to be monitoring the closed-circuit television system were not doing so. In addition, the alarm sounded only after the fire brigade had already arrived.² According to some reports, the man who has been charged with starting the fire had been roaming around inside the building for 36 hours beforehand.

Now, six months later, almost no progress has been made in deciding whether to repair or demolish the damaged buildings, let alone in making a start on the work. There has been a lot of finger pointing between different government entities, from the SA Police Service to Department of Public Works to the Office of the Speaker; but no one actually seems to be directing and controlling the process.

'Directing and controlling', according to the dictionary, is what governing means: 'to direct and control the actions, affairs, policies and functions' of a nation. It is very much an active, as opposed to a passive, undertaking. After 28 years in power, the signs are multiplying that suggest that our government is increasingly failing in its task of governance; that it has run out of steam; and that at various levels it simply cannot be bothered to 'direct and control' the nation's destiny.

2. Background

The opening quote, from the first volume of the report of the Commission of Enquiry into State Capture, chaired by Justice Raymond Zondo, refers to the decline of state-owned enterprises such as SAA, Eskom and Denel, but it could be applied equally accurately to a range of other public services and state activities, from passenger rail to policing, and from water-provision to waste removal. As will be seen below, the list of government's failures to carry out its basic tasks is a practically endless one.

It is only to be expected that opposition parties and civil society would lead the criticism of the government for all these failures, so it is an indication of how serious the situation has become that someone as firmly loyal to the governing ANC as Mac Maharaj can be quoted as saying that "democratic South Africa [is] characterised by a lack of maintenance of its infrastructure and assets. That is across the board. We see it all the time and I think that that neglect cannot be allowed to continue any longer, whoever is responsible for whatever the causes. We need to learn that in order to preserve our future, we need to ensure that our infrastructure is properly maintained."³

Beyond merely itemising the failures and criticising those responsible, we need to understand why this is happening, and what the consequences will be – beyond just more and more potholes and fewer and fewer post offices, functioning hospitals and working railway lines. But we must also recognise that, alarmingly

widespread as these governance failures may be, there are some positive signs too; progress, however long overdue, is being made in some spheres. This needs to be acknowledged and replicated; if that can happen, the general decline in governance can surely be arrested and turned around.

3. The Extent of the Problem

Most notable, at a physical level, is the deterioration of infrastructure referred to by Mr Maharaj. The examples are numerous: railway stations are vandalised and the rails themselves, now that the copper cables and electrical equipment have long since gone, are dug up and sold for scrap, with no discernible government intervention. Dams in some areas, such as the Eastern Cape, have not been maintained, contributing to a long-term water crisis. In Gauteng, raw sewage has been flowing into the Vaal Dam for months, if not years.⁴ Last November, the country's only driver's licence printing machine, which was over twenty years old, broke down and had to be sent to Germany for repair; there was no back-up plan or spare machine.⁵ And at the heart of Eskom's woes lies a long-term failure by the government to invest in new generating infrastructure and, in the state capture years, to ensure the proper maintenance of existing power stations.

When it comes to the delivery of services, South Africans have become so used to governance failure in certain sectors that they no longer expect acceptable levels of service. The police's ability to tackle crime, the Post Office's ability to reliably deliver mail or pay out pensions, or the Passenger Rail Agency's ability to transport commuters, all range from poor to almost non-existent. Major state-owned enterprises such as SAA and the SABC have been allowed by the government – their sole shareholder – to decline to the point where they cannot pay their staff, their suppliers or their debts.

In education, we still have over 3 000 schools with pit latrines, despite the President's commitment some years ago that these would be eradicated within 12 months. Some 380 schools have no water supply at all.⁶ When it comes to public school teachers, research indicates that 45% will retire within the next ten years, and that there is no coherent plan to deal with the exodus.⁷

In the health sector, complaints about the state of government hospitals and clinics are legion. Although not all of them are as dire as the situation in KwaMhlanga, Mpumalanga, where patients queuing for medication have to endure the smell of dead bodies from the apparently dysfunctional mortuary,⁸ the general level of service they provide is poor. One doctor, with 21 years' experience as a paediatrician in public hospitals, recently wrote an open letter itemising the problems he and his colleagues face, and the fatal results that flow from inept administration; in his view, "things are falling apart".⁹

South Africa's social security system is rightly held up as a positive example of a caring state, but even it has not escaped unscathed. Due essentially to bad planning or a lack of foresight, the R350 social relief of distress grants, introduced in response to the financial setbacks caused by COVID-19, were simply not paid in April and May.¹⁰

Our country faces no foreseeable military threat, but we should be able to patrol our waters by sea and air, conduct operations against human-traffickers and, if needed, contribute to peace-keeping and anti-insurgency work in our region and on the continent. It seems we can do none of these things as effectively as we should, or in some cases, at all. According to the DA's 'shadow minister' for defence, none of our submarines, fighter jets or maritime helicopters are serviceable, and only a small fraction of our other naval and air force equipment is deployable.¹¹

These examples have all made headlines at one time or another, but governance failure exists in various less visible areas too. Every year, dozens of young men die in initiation schools in the rural provinces, especially the Eastern Cape and Mpumalanga; and every year politicians describe this as tragic and promise to address the issue, only for the numbers to be repeated.¹² Last month, the SA Weather Service warned that its ability to forecast accurately was under threat due to the deterioration of weather stations resulting from a lack of funding.¹³ And, at the country's main airport, ground radar services were suddenly suspended in early May, leaving pilots to rely on their on-board instrumentation alone.¹⁴

And so the list goes, on and on. None of these failures is attributable to COVID-19, or to acts of God or other unforeseeable or external factors. Each of them is, or ought to be, subject to the 'direction and control' of government; if not entirely, then at least to the extent that an aware

and committed government would be able to intervene effectively. So why does this not happen here?

4. The Causes of Governance Failure

There are no doubt many interlinking and overlapping reasons for this state of affairs, but for our purposes five can readily be identified.

4.1. Governing party too long in power

It is unusual, in a genuine multi-party democracy, for one party to remain in power for 28 years. And if it does happen that a party governs for an extended period, it often ends up beset by scandal, dissatisfaction over delivery, and in a directionless state. This is more or less what happened to the Conservative Party in the United Kingdom after it was in power from 1979 to 1997. Something not dissimilar happened with the Labour Party by the end of its 13 years in office in 2010. Germany's longest-serving Chancellor, Helmut Kohl, ended his career embroiled in a financial scandal relating to party fundraising.

Long incumbency breeds complacency and a sense of entitlement; that in turn leads to corruption, individual and institutional. In our case, this has been exacerbated by the ANC's certainty of re-election nationally, in most provinces, and in the majority of municipalities too. At least, that is, until recently. In some parts of the country there are now signs that the governing party is aware that it needs to become more responsive to people's needs, and to try to regain credibility.

4.2. No meaningful oversight

The separation of powers model of governance requires a strong, independent legislature to hold the executive accountable, and to ensure that adequate standards of governance are upheld. Our Parliament has by and large failed in this respect since 1994, though of course there have been some notable exceptions. The main reason for this is the pure proportional representation electoral system, which places huge power in the hands of party leadership – and in the case of the governing party, those leaders are mostly also the leaders of the national executive, the President and the cabinet ministers. Ordinary MPs, if they wish to get ahead in the party, will be slow to exercise critical oversight over their leaders.

But Parliament is also chronically under-resourced, lacking sufficient research and support staff to enable MPs to do their jobs effectively; and the executive clearly has no incentive to allocate more money to the institution if it means that it is going to be subject to closer scrutiny.

4.3. No serious consequences

It has become a standing joke that ANC politicians and senior officials who mess up badly enough will be given a diplomatic posting somewhere until the dust settles. Many ex-ministers, including some of the worst offenders in the state capture era, having been dismissed from the cabinet, have been given plum jobs in Parliament, often chairing important committees. Others pop up as mayors or in provincial governments. The party's newly-imposed 'step aside' policy is certainly a move in the right direction, but the culture that allows its politicians to 'get away with it' if they are sufficiently well-connected, or if they pose enough of a potential threat, is deeply entrenched. As long as that remains so there will be few serious consequences for bad governance, and no incentive for improvement.

4.4. Factionalism and internal battles

All political parties endure periods of internal rivalry and disunity, but in the case of the ANC it has been going on for many years and at all levels, from small branches up to the National Executive Committee and the 'top six'. It is self-evident that factional jostling takes up time and energy that ought – where the party's public representatives are concerned – to be spent on what they are paid to do: governing the country.

4.5. Cadre deployment

Again, the problem is self-evident: when party affiliation and loyalty is the *sine qua non* for appointment to positions in the public service, considerations like competence, experience and qualifications take second place, with entirely predictable results for governance and delivery. The ANC claims that its cadre deployment policy does not compromise on competence and other objective factors, but if this were so we would not have so many state-owned enterprises, municipalities, and government agencies in a state of decline, sometimes terminally so.

These five factors have combined over time to produce a kind of perfect storm – a set of conditions that makes effective and productive

governance if not impossible, then extremely difficult. And some of the consequences that flow from governance failure themselves exacerbate and perpetuate the problem.

5. The Consequences of Governance Failure

5.1. Dependence on Civil Society

In June last year the Rahima Moosa Mother and Child hospital in Johannesburg ran out of water. The Helen Joseph hospital suffered the same fate, as did various others in and around our largest city. Leaving aside the question of how this was allowed to happen in the first place, the response of the authorities was simply to supply a water-tanker and to shift some patients to other facilities. Neither the provincial health department, nor the national department, not the City of Johannesburg (at that time still governed by the ANC) could manage a longer-term solution.

Then along came the NGO Gift of the Givers and drilled boreholes, providing a steady and reliable supply of water. The organisation has built up quite a reputation in this field. If it were not for their drilling, a number of towns in the Eastern Cape, including Graaff-Reinet and Makhanda (Grahamstown), would have effectively died for lack of water in recent years. Gift of the Givers' work deserves the highest praise, as do the less well-known efforts of many other organisations and civil society groups, but it comes at the cost of creating a major dependency and of disincentivising the relevant public authorities. The proof of this can be seen now in Gqeberha (Port Elizabeth). A couple of years after the Eastern Cape government sat by and watched Gift of the Givers supply water to Graaff-Reinet, and then to Makhanda, it is once again sitting by as Gift of the Givers drills boreholes to rescue the region's biggest city, and industrial hub, from devastating drought. The fact that Gqeberha was running out of water has been well-publicised and debated in the media for months, but the government (at all three levels) has clearly been content to let things slide, confident that a responsible NGO would step forward. In the long-term that is self-evidently a recipe for disaster, as well as being a wholesale betrayal of government's constitutional mandate.

Every time we see a citizens' group filling in potholes, organising refuse removal, or carrying out some other task that should be seen to by the relevant public authorities, we are witnessing simultaneously the great resilience and

community-spirit of our people and the increasing abdication of responsibility by our governors.

5.2. Loss of faith in democracy

In last year's local government elections only 12 million out of 26 million registered voters actually cast a vote – a percentage poll of 46%. However, there are 42 million South African citizens over the age of 18 and thus eligible to vote, so the real turn-out was a shockingly low 28.5%.

When barely a quarter of a country's citizens participate in a free, open and well-run election (which ours are), it is fair to conclude that the rest see little point in going to the polls. A small number will have been kept away by transport issues or by illness, and maybe the COVID-19 pandemic played a part in last year's election in particular, but the fact is that we have a long-term trend of decreasing rates of voter registration and voter turn-out. If people do not think that democracy is working for them; if they see little improvement in their living conditions; and, above all, if the public services they desperately need are in a state of decline, the natural tendency, mistaken as it may be, is to withhold participation. And if they give up on democratic politics there is no shortage of other forms of politics trying to attract them.

5.3. The rise of populism

By definition, populist politics responds to and feeds on deeply-felt grievances, and it offers seemingly obvious solutions to them. Not enough jobs for local people? Get rid of 'illegal foreigners' and jobs will materialise. A racially-skewed economy with glaring inequalities? Nationalise industries and expropriate land, and economic empowerment is assured. Tertiary education financially inaccessible for poor families? Announce free higher education for all 'working class' students.

None of these 'solutions' will work in the long-term, and most will actually worsen the problems they claim to address, but populist politics is about short-term gains and attractive, though empty, promises. And when standards of governance and service-delivery have fallen as low as they have in our country, when supposedly responsible politicians and political parties have so badly let down the people they claim to care about, it is little wonder that those people are inclined to fall for the nostrums and rhetoric of charlatans.

5.4. Violent protest

It has been said over and over again by people taking part in disruptive and violent protests that “it is only when we burn things that they listen to us”.¹⁵ Blockaded roads, the destruction of public buildings, the stoning of traffic, have all become commonplace, not as part of a more or less coherent strategy, as when such actions were undertaken in the anti-apartheid struggle, but as spontaneous eruptions of anger and desperation in the face of continued poverty, unemployment and unresponsive governance. As long as governance continues to fail to attend to people’s needs and to address their complaints, violence and social disruption, rather than orderly politics, will be the logical resort for many disaffected communities.

6. Signs of Hope

There is no doubt that many in the ANC’s leadership understand clearly that the party is failing in its task of governance. They can read opinion polls as well as anyone else, and they know that the 70 per cent of the vote the party received in the 2004 general election is likely to fall to under 45 per cent in 2024. They also know why coalitions led by the Democratic Alliance now run Johannesburg, Tshwane and Ekurhuleni, and that the ANC’s chances of holding onto power in Gauteng in 2024 are virtually zero.

This is forcing the ANC to act more firmly against corruption and malfeasance in its ranks. Admittedly, its anti-corruption efforts are patchy at best, and the disease is still rampant within the organisation, but it cannot be denied that at least some measures have been taken against at least some senior leaders. The ‘step aside’ policy referred to earlier is a genuine attempt to bring the party’s disciplinary system more in line with accepted standards of accountability elsewhere in the democratic world, rather than relying *ad nauseam* on a misapplication of the ‘innocent until proven guilty’ principle.

There is also a growing realisation that the statist approach has run itself into the ground. It is this ideology which has seen tens of billions of Rands poured into South African Airways, which still offers no more than a skeleton service; which is responsible for the collapse of passenger rail in most parts of the country, and for the dire state of much of Transnet’s freight rail capacity; and which has, until very recently, hobbled our ability to

generate electricity by jealously guarding Eskom’s deeply inefficient monopoly.

Again, the moves towards a fresh approach are hesitant and aching slow, but they are there. Private players can now generate up to 100 megawatts of electricity, and the first two such projects were registered last month.¹⁶ Private operators are also being invited to submit proposals for running freight services on Transnet’s network – at this stage what they are being offered is not economically attractive, but at least a door has been opened. In July, the City of Cape Town will begin a feasibility study into the possibility of taking over passenger rail services within the metro. This follows the publication of a White Paper on National Rail Policy which, for the first time, allows in principle for this to happen.

We are also beginning to see prosecutions of people implicated in the state capture project and other instances of corruption. It hardly needs to be said that this, too, is a grindingly slow process, but it is happening. Up to now there have been effectively no consequences for using public office for personal gain, which is why it has become habitual; successful, high-profile prosecutions will surely deter some from following that path, though not all.

But perhaps the most positive sign of all is that the electorate is running out of patience and is slowly dispensing with its old loyalties. The days when the ANC could rely on a clear majority of the vote throughout the country (except for the Western Cape), and when people welcomed or worried about it gaining a two-thirds majority in Parliament, are gone forever. The party will still be the biggest nationally and in six or seven provinces after the 2024 election, but at national level it will in all likelihood have to govern in coalition with some smaller parties, or at least form a minority government and rely on opposition support to get its legislation – including the national budget – passed.

Much will depend on how the ANC responds to a situation in which, for the first time since 1994, it will have only a relative majority in Parliament. It may choose to ally with a handful of very small parties, most of which exist as vehicles for the advancement of their own leaders, and which are unlikely to exert positive ethical or good-governance pressure on the ANC. (This is what happened, for example, in the Nelson Mandela Bay metro after the 2021 local government elections.) On the other hand, it may have to seek the support

of either the EFF or the DA, and that choice in turn could end up effectively splitting the ANC.

Whatever happens, the key point is that it will no longer be 'business as usual'. Either the ANC will seriously reform itself and start governing the country properly and in accordance with its

7. Conclusion

It is easy to be critical of the ANC and its governance failures. It is equally easy to forget that, like other liberation movements, it came into power without ever having been part of a democratic system of government. By definition, apartheid, and elsewhere in Africa, colonialism, ensured that those who took over after liberation would do so with the huge disadvantages of having had no prior experience of governance, having spent no time in opposition debating and fine-tuning legislation and policy, and at the same time, carrying an unbearable weight of expectation on their shoulders.

constitutional mandate, or else its tolerance for incompetence, widespread corruption, endless factionalism, and the evisceration of the civil service through cadre deployment, will be the seeds of its destruction.

Against that background, the ANC arguably performed well for a long time. Now, though, the signs are inescapable that its ability to 'direct and control' the nation has waned, and its declining popularity means that it will no longer be able to rely on its previously unshakeable electoral majority in order to gloss over its many governance failures.

This is good news. This is how multi-party democracy is supposed to work. This is how good governance is meant to be sustained. There is no need to give up on it.

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¹ See <https://www.news24.com/news24/opinions/fridaybriefing/friday-briefing-train-smash-why-the-ancs-year-couldnt-have-gotten-off-to-a-worse-start-20220107>

² <https://www.news24.com/news24/southafrica/news/just-in-parliament-fire-report-finds-sprinkler-valve-was-not-serviced-for-several-years-and-was-closed-20220107>; <https://www.dailymaverick.co.za/article/2022-01-05-cctv-cameras-not-monitored-as-alleged-arsonist-roamed-parliament-for-hours/>

³ <https://ewn.co.za/2022/01/05/infrastructure-neglect-cannot-be-allowed-to-continue-maharaj-on-parly-fire>

⁴ <https://www.timeslive.co.za/news/south-africa/2022-01-04-no-end-in-sight-to-vaal-river-sewage-problem-environmental-group-says/>

⁵ <https://www.iol.co.za/pretoria-news/news/driving-licence-card-woes-continue-over-broken-printing-machine-7e2fc28e-dec9-4e79-ac9b-b7878c5e0d0d>

⁶ <https://www.dailymaverick.co.za/opinionista/2021-11-03-pit-latrines-and-lack-of-access-to-clean-water-at-schools-is-a-national-outrage/>

⁷ <https://www.news24.com/news24/southafrica/news/45-of-teachers-will-retire-in-next-10-years-research-finds-20220204>

⁸ <https://www.news24.com/news24/SouthAfrica/News/the-smell-is-unbearable-mpumalanga-hospital-outpatients-have-to-queue-next-to-mortuary-20220516>

⁹ <file:///C:/Users/mikec/Documents/My%20Documents%20/CPLO/Briefings/Briefings%202022/Dem%20&%20G ov/Giving%20Up%20on%20Governance/Open%20letter%20to%20health%20department%20Frontline%20workers%20in.htm> Unsurprisingly, the first response of the Gauteng Health Department to this article was to place the doctor on suspension; this was later lifted after intervention by the province's premier.

¹⁰ <https://www.news24.com/fin24/economy/millions-still-waiting-as-r350-grant-stalls-20220608>

¹¹ <file:///C:/Users/mikec/Documents/My%20Documents%20/CPLO/Briefings/Briefings%202022/Dem%20&%20G ov/Giving%20Up%20on%20Governance/Toothless%20tiger%20SANDF%20is%20a%20broken%20entity%20that%20can't%20ful.htm>

¹² <https://www.news24.com/citypress/news/shocking-increase-in-initiation-deaths-20211219>

¹³ <https://www.businesslive.co.za/bd/national/2022-05-16-rapid-loss-of-weather-stations-puts-sas-disaster-forecasting-at-risk/>

¹⁴ <https://www.citizen.co.za/news/south-africa/3101854/pilots-airspace-controls-switched/>

¹⁵ <https://businesstech.co.za/news/trending/137235/south-africas-mantra-they-only-come-when-we-start-to-burn-things/>

¹⁶ <https://www.engineeringnews.co.za/article/nersa-confirms-registration-of-first-two-100-mw-projects-2022-05-23>

The Democracy & Governance Project of the CPLO is supported by the Hanns Seidel Foundation. The opinions and statements contained in CPLO's publications do not necessarily reflect the views of the HSF.



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