



Response

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The End of Cadre Deployment?

Corruption, incompetence, patronage and misgovernance were never official policies of the governing ANC, but cadre deployment, which was and still is official policy, promoted and facilitated all of these. Once cadre deployment became the norm, the era of State Capture was a virtual inevitability. People appointed primarily on the basis of their party loyalty, rather than qualifications or relevant experience, knew that they had political 'cover' if a tempting opportunity for enrichment presented itself. Some were appointed precisely in order to engineer such opportunities.

The announcement last week that Cabinet has decided to 'ditch' the policy is therefore potentially a major step towards rescuing the civil service, public enterprises, the security forces, and the state as a whole, from its deeply pernicious effects.¹

Cadre deployment violates our Constitution in various ways, most obviously section 197(3), which provides that "No employee of the public service may be favoured or prejudiced only because that person supports a particular political party or cause". But it also violates the equality provisions, since it discriminates unfairly against prospective employees on the basis of their (non-ANC) political affiliations; and it offends against the cardinal principle of the Rule of Law, since it allows a political party to exercise unlawful influence over state policy and employment practices.

The depth of the rot caused by cadre deployment is illustrated by the affidavit submitted by the ANC's national treasurer, Paul Mashatile, in response to a Democratic Alliance High Court application to have the policy declared unconstitutional. In it, Mr Mashatile claims that "Chapter 10 of the Constitution [dealing with the public service] neither binds the African National Congress nor requires the African National Congress to only adopt policies in line with its provisions." This is a ludicrous proposition. The ANC is free to adopt cadre deployment in the ranks of its own paid employees, but the moment it seeks to play a role in the employment of *state employees*, it is indeed bound by Chapter 10.

Mr Mashatile's assertion manifests another of cadre deployment's cancerous consequences: it blurs, indeed erases, the distinction between party and state. It gives the governing party unwarranted power over the public service – it can appoint ('deploy'), promote, shift, and ultimately dismiss ('redeploy') civil servants if it *was* the state. It is no wonder that the Zondo Commission declared cadre deployment to be unlawful and unconstitutional.

During the Commission's hearings, after its report was released, and in opposing the DA's court application, President Ramaphosa and other ANC leaders insisted that there was nothing wrong with cadre deployment, and that it would remain in place. The Cabinet announcement is thus very much at variance with this stance, and it is not at all clear why there has been such a sudden and drastic about turn. One possible reason is that the government wishes to avoid the embarrassment of being instructed by the Court to abandon the policy, in the process handing a significant propaganda victory to the DA.

It is also possible that the scale of the harm caused by this policy to the national interest has finally been acknowledged by ministers who are struggling to manage a weak economy, to fight unemployment, to

address inequalities, to save failing state-owned enterprises, and to arrest the electoral decline of the governing party. If so, it must be asked why this realisation has taken so long.

We must also be wary of imagining that the repudiation of cadre deployment by Cabinet (if indeed this is what its *National Implementation Framework towards the Professionalisation of the Public Service* implies) is the final word on the matter. It is still an ANC policy, and there will no doubt be vigorous arguments in favour of its retention from members of the organisation's NEC. It is noteworthy that neither the Minister in the Presidency, Mondli Gungubele, when briefing journalists on the Cabinet decision, nor President Ramaphosa himself, writing about it in his weekly email on 31 October,² mentioned the term 'cadre deployment', much less committed government to ending it. Moreover, it would be naïve to think that the *practice* of political favouritism in state employment will cease just because the *policy* has been repudiated; there are many subtle and hidden ways in which it could survive, maybe not across the board but certainly in some key positions.

Nevertheless, the Cabinet announcement is very much to be welcomed. If it is carried through sincerely and rigorously, it will go a long way to ridding the state of what has been a disastrous and entirely self-imposed impediment to good governance; and a short-sighted policy that has substituted a better life for all with a lavish life for some.

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¹ <https://www.sanews.gov.za/south-africa/cabinet-approves-framework-professionalise-public-servic>
<https://www.news24.com/news24/politics/government/cabinet-wants-ancs-cadre-deployment-policy-ditched-20221027>

² <https://www.news24.com/news24/opinions/columnists/cyрилramaphosa/cyрил-ramaphosa-to-avoid-state-capture-ethical-and-merit-driven-public-service-needed-20221031>

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