



2011 In Review

1. Introduction

2011 might in the end be remembered as a year shaped under challenging spectres. Across the globe, storms, floods, earthquakes and tsunamis such as in Japan, and, recently, the severe tropical storms in the Philippines leaving over 1 000 dead, and the earthquake in New Zealand, to name a few, wreaked untold havoc and added to the concerns of environmentalists. But there were all kinds of metaphorical storms and upheavals as well, locally and globally, especially in the worlds of politics and economics.

2. International Issues

The Arab Spring sprung somewhat unexpectedly and winds of change blew across the Maghreb region toppling long-standing dictators and offering fresh hope for more democratic polities. In some ways the jury is still out on the real benefits of the long struggles, but for many it signified the first breath of a new order. The violent conflict in Syria triggered by the Spring continues, with over 6000 people having been killed to date, while robust protests continue in Egypt.

The financial woes of the Eurozone, which witnessed the virtual collapse of Greece, the exit of Silvio Berlusconi from Italy's political leadership, and the Chancellor of the Exchequer confirming in the UK that billions more will have to be borrowed to balance the country's budget (and that a further 710 000 jobs will be lost in the public sector), dominated world news for many months. The consequences of these crises will be felt not only in Europe and the north generally, but across the world. The political scientist JP Landman wrote recently, "It is sobering to

remember that the SA economy has tripped only twice since 1993 – in 1998 and in 2009. In both instances it was because of global developments (the South East Asia crisis in 1998 and the global financial crisis and resulting recession in 2009). Can it happen for a third time as a result of the debt crisis in the developed world and the resultant low growth/possible recession? This must certainly be the biggest risk for SA as we enter 2012."¹

66 journalists and news reporters lost their lives in the pursuit of keeping the harsh realities of the world before our eyes. Included in this number was South African photographer Anton Hammerl who was summarily shot while covering the uprising in Libya.

3. Local Developments

Nearer home, much of our popular politics and the political imagination centred on Julius Malema's travails, from the hate speech trial to the disciplinary action against him by the ANC, to an expression of support for him at the ANC's Limpopo provincial conference. Two points seem to be clear. Firstly, that in terms of influence he was in a weaker position at year's end than at any time since his entry into national politics; and that despite his showing in the Limpopo provincial executive election, without the backing of the ANC and the ANCYL his political fortunes are likely to decline. Secondly, that until a more charismatic, credible figure takes up some of the issues that Mr Malema has championed – poverty, unemployment, corruption – it is equally sure that his voice will find an echo with many of the poorest of the poor. The most effective way for the ANC to silence this 'inconvenient youth' is to do much, much more about the social

pathologies that plague our country, and to be seen to be more robust in its fight against corruption, especially against those miscreants who escape the net simply because they are party loyalists. These are the issues that gave Mr Malema such an easy platform from which to promote himself.

The local-government elections in May caused much comment, as did the gains made by the DA (from 17% in the 2009 general election to 24% in May) and the dents it caused in the ANC's tally (from 66% in 2009 to 63% in May, losing ground in 8 of the 9 provinces, the shift being mostly in the urban areas). While this hardly forms a great threat to the governing party now, it is certainly true that if the DA is able to build on the shifts in its support base (it is said that the support base is now only 50% white) and is able to work the political space abandoned by COPE, then it might make the kind of showing in 2014 that could begin to rattle the ANC and, perhaps even more important, push the ANC towards making the kinds of changes in both attitudes and policies that the electorate is demanding, and to which the ANC seems impervious at times.

But the DA is not by any means 'home and dry' yet. Take the following scenario: In September, the TNS marketing group surveys showed a slight increase in the approval ratings of President Zuma. This year 45% of adults in metro areas approved of Mr Zuma, compared to 42% in September 2010 and 53% in September 2009. If it is true that most of the DA's gains have been in urban areas, and if it is true that Mr Zuma is making something of a comeback in those areas (possibly as a result of the sacking of underperforming and/or corrupt ministers and the inquiry into the arms deal), then it might well indicate that the gains are not secure and might be more of a protest vote, a means to get the ANC to do what is right rather than a Damascus-type experience of conversion to DA policies. All the indications are that party loyalties remain slow to change in our country.

The election of Lindiwe Mazibuko as parliamentary leader of the DA is seen as a move in shedding further its white, middle-class image. In the year ahead, a further indication of the DA's drive to bring more popular faces into the forefront will be tested in its Western Cape Conference, when it is likely that Ivan Meyer and Patricia de Lille will do battle for leadership of the only province where the DA is in control.

4. Parliament

The 2011 legislative program will be remembered for the contestation around the 'Secrecy Bill' (the Protection of State Information Bill), a contest which showed both the strength of, and the need for, a vibrant civil society. It also became a symbol of the contest for the durability of our democracy which we all knew would come under strain at some point in the future.

Regarding the first point, it is interesting that Ms Dene Smuts of the DA said recently that her party was 75% happy with the Bill. This would simply not have been the case had there not been many crucial changes to the Bill first tabled in 2008. (The 2010 Bill, despite several unsatisfactory elements, differs significantly from the 2008 version). The positive changes have been brought about largely by the persistent and passionate work of members of the ad-hoc committee, and strenuous lobbying by a wide range of civil society groups. There was a real unity of purpose from various groups in civil society with good participation in the parliamentary process, not merely in criticising but also in offering alternative formulations for some of the vexed areas. This in itself was a good example of the working of a participatory democracy, especially with regard to the legislative process. It showed the leverage that civil society can exert in policy issues and the importance of this sector in keeping government accountable, thus underlining once more the need to nurture this aspect of civil society's role.

It must also be said that the process around this Bill showed a great deal of mature co-operation between the various political parties represented on the ad-hoc committee, and a greater degree of commonality than one might previously have envisaged. At this point, as the Bill is being examined by the NCOP, it is worth noting that the committee Chair in that house has shown a good example of sticking with proper parliamentary process, even under pressure from his party bosses. (This is one of several examples of Parliament flexing its muscles against undue interference from either the executive or the party hierarchies.)

The fact that some worrying issues persist in this Bill must point to the work that civil society still needs to do, and to the need for this sector to strengthen its bargaining positions. Civil society is a key bulwark against a culture of anti-

democratic practices creeping into public life. It is, therefore, particularly worrying that at a time when civil society is most needed, many NGOs are under dire threat as funding dries up, especially from overseas donors.

We need to remember some other pieces of legislation which we worked on and which have been signed into law with the recommendations which we had suggested. One example is the Anti-harassment Act 17 of 2011. It seems that the amendments to the Criminal Procedure Act and the Judges' Remuneration and Conditions of Employment Act, which have yet to be finally adopted, will also contain changes suggested in our submissions.

5. Policy

This year also saw the release of the National Planning Commission's 'Diagnostic Report' and, later in the year, the fully-fledged 'National Development Plan: Vision for 2030'. Both documents have been very well received, in the first instance for their common-sense content, honest analysis, acknowledgement of the country's weaknesses, and the real prospect of guiding South Africa to a more equitable, sustainable and prosperous future; and secondly for the fact that Minister Manuel has not allowed the analysis or the thinking to be beholden to party loyalties or the fissures within the ANC which so often replicate themselves in operational aspects of the state.

The Commission, dubbed by the Mail and Guardian as the 'common-sense department in the presidency',² took a clear view of the core aspects of the nation's life, ranging from education and health, to race relations and issues of governance, and looked to what was needed to put the country on the road to become a more inclusive, democratic nation, holding its place amongst the top 50 countries of the world. One commentator has said that if 50% of the plan was realised, SA would be a much, much better place than it is at present. However, for all the praise that has been heaped upon the work of the Commission, the unknown factor is still the degree of 'buy in' and enthusiasm from other ministers and from the President, all of which is necessary if the plan and the country is to go somewhere. Nevertheless, the success so far of the NPC's work reiterates the fact that the ministers (such as Mr Manuel) who are doing well are those who have a vision of their own, an

inner strength, and a commitment to the common good, in contrast to those who are imbued by a sense of self-interest or who are swayed by the shifting sands of party strife and patronage.

The other stand-out policy issue of 2011 was the COP 17 meeting in Durban. Many NGOs came to Durban with the hope that the gains made previously in dealing with issues of adaptation to climate-change would continue to be highlighted alongside those of mitigation. Some progress was made in this regard, such as setting up an advisory body on adaptation, putting the Green Climate Fund into operation, and initiating a dialogue to address loss and damage as the impact of climate-change unfolds; these will remain Durban's key legacy. However, many of the details still have to be finalised and the results could turn out to be less progressive than many people hoped and campaigned for. Two decisions to cut emissions were taken: the extension of the Kyoto Protocol – the only global deal to cut emissions from 2013 onwards – and the new deal to reduce emissions after the Protocol expires in 2017. Worryingly though, neither decision reflects the urgency needed to make deeper cuts sooner. (And at the end of the COP 17 meeting Canada, one of the world's largest emitters of greenhouse gas, angered environmentalists by announcing its imminent withdrawal from the Kyoto treaty).

6. Preserving Democracy

Another indication of the democratic health of our country over the past twelve months has been the fiercely independent work done by the Public Protector, Adv Thuli Madonsela, and her staff. Their hard-hitting exposure of corruption and fearless investigation into financial and other irregularities, put the misdeeds of many public figures squarely in the public domain, and raised the bar for truth-telling, transparency and accountability in public life. It is especially notable that Adv Madonsela persisted in this public service despite strong pressure to retract some of the reports.

Her work contributed significantly to the dismissal from office of two cabinet ministers and the chief of police by President Zuma. Mr Zuma, who is not noted for taking strong action (some would say, any action) especially against party loyalists, in these cases did the right thing and was accordingly praised for doing something which had not been done (sacking a cabinet

minister for corruption) in this country over the past thirty-odd years. At the very minimum, his actions signalled that no-one in the wrong, no matter their status, was politically 'safe' any longer. It also signalled that the organs of democracy, such as the Public Protector and other Chapter 9 institutions, can play a critical role in safeguarding our democracy, provided their findings are respected and that the political will exists to act upon them.

7. Conclusion

As we look to 2012 it is clear that there is much unfinished business. The actual fate of the Secrecy Bill is of course one such item. Another area to keep an eye on is the consequences of the cabinet discussion on the rights of refugees and migrants to access documentation to remain in SA, and to access social and other benefits. The tone of the cabinet memo suggests moves to limit both severely. We also need to watch the evolution of the National Health Insurance

discussion, which will surely come into greater prominence in the new year. We need to be vigilant with regard to both policies and institutions that safeguard and nurture democracy, as they will possibly come under greater stress and strain from a variety of interests. Towards the end of the year all eyes will obviously be on Mangaung for the ANC's national conference; after Polokwane in 2007, such conferences always carry the potential for unexpected outcomes. Both the Communist Party and COSATU will hold national conferences and it is thus not beyond the bounds of possibility that there could be significant changes on the political landscape by the time we come to review 2012.

I would not normally quote Oprah Winfrey, but I must confess to a shared sentiment when she says "Cheers to a new year and another chance for us to get it right..."

Peter-John Pearson
Director

¹ JP Landman: 'The Year That Was' <http://boeprivate.clients.nedsecure.co.za>

² Mail & Guardian December 23.2011. p8

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