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GOVERNMENT APPOINTMENTS, PATRONAGE AND SOCIAL JUSTICE IN SOUTH AFRICA

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Abstract

In this research, I'm interested in exploring the question as to whether government appointments on the basis of patronage undermine the delivery of social goods and service and the obligations of and social justice in South Africa. One of the norms of social justice relates to the distribution of goods and services in ways that are just. As Rawls shows in *A Theory of Justice,* justice is not only the first virtue of society, it is one that should be thought of in terms of *fairness* — where fairness has to do with skewing society or the principles that govern society in ways that are responsive to the interest and good of all (rather than that of an individual or a select few or particular group). One conclusion that can be drawn from this is that to meet this requirement it is imperative that social institutions are calibrated to be sensitive to justice and with regard to appointments to government positions such appointments are done on the basis of ability to meet such obligation. As part of investigating the above question, I will discuss a number of examples that highlight that certain government appointments in South Africa are done on the basis of party affiliation and not based on skills and qualifications. As such, the most qualified people do not often hold those positions. One consequence of this is the inadequacies and inefficiencies in the distribution of social goods and services that has gradually become the norm in South Africa.

Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts, Applied Ethics for Professionals, in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

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Khalid Safodien

____ Day of _____, 20__

Dedication

I dedicate this research report to the thirty-four human beings (miners) who has lost their lives in protest for an improved minimum wage during the Marikana massacre by the South African police in August 2012.

"*The deaths at Marikana have been called the end of innocence for post-apartheid South Africa. Perhaps the spate of unexpected downgrades of the country's sovereign debt and state-owned enterprises"*

J BROOKS PECTTOR, OCTOBER 2012

Preface / Acknowledgement

I have written this research report from outside of the boarder of South Africa. The outsider perspective has enhanced my understanding of the crisis as felt within the country. The international perception of a democratic South Africa is that the country is yet to become another African country within Africa where poverty and corruption is lurking on its doorsteps.

Leveraging off digital and social media has been a great experience in completing this research report. It has enabled me to understand the latest events and political disputes from South Africa

I want to thank Raees Ahmed Parker, a young graduate in International Communications who intellectually engaged me on the topic of patronage politics. His political flair and intuitive views on South African politics as a “born free” South African has been invaluable as it stimulated my thinking of how I viewed politics over the years. Sometimes it is best to take a few steps back and see the bigger picture.

Special thank you to Dr Brian Penrose for giving me an opportunity to do the AEP program and his excellent coordination of this highly recommended program.

The ultimate success of this research report was only possible with the dedicated support and guidance by Prof Edwin Etieyibo. His insight and competence on John Rawls is worth celebrating particularly in terms of a culture of fairness especially in times where South Africa is grappling with issues of corruption and poverty. We need to seek for the truths that can rectify situations through moral reasoning and apply worthy principles of justice where it is required. Thank you.

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List of acronyms and abbreviations

ANC	African National Congress
NA	National Assembly
BBBEE	Broad Base Black Economic Empowerment
BEE	Black Economic Empowerment
EE	Employment Equity
DA	Democratic Alliance
EFF	Economic Freedom Fighters
NPA	National Prosecuting Authority
NA	National Assembly
NGO	Non Governmental Organisation
MP	Member of Parliament
NA	National Assemby
SAA	South African Airways
SOE	State-Owned Enterprises
SA	South Africa
COO	Chief Operations Officer
GDP	Gross Domestic Product
WISER	Wits Institute for Social and Economic Research

1. OUTLINE OF THE RESEARCH REPORT

The outline of my research report will consist of a central argument that will form the basis of my discussion on patronage and the problem I have with government appointments. Appointments made in government offices through patronage, I feel violate the obligation of social justice and the effects it has on service delivery. Poor service delivery violates and obstructs the delivery of basic services. The delivery of basic services is the reason why South Africans vote certain political parties into power.

Central Argument

Appointments made through patronage violate or compromise the obligation of social justice. If we understand the core principles of social justice in terms of John Rawls equality of opportunity principle, such appointments violate it insofar as they only consider a few people (cronies, friends, ANC comrades, etc.) and excludes the other qualified South Africans. The others that were excluded may not have been given a fair or equal opportunity to seek such appointments or jobs.

Secondary Argument

One could also argue that appointments made through patronage may partly be responsible for the poor service delivery of social goods and services. Insofar as such appointments considered on a subset of “qualified” people, it is very unlikely that these ones appointed are not qualified for the job, and therefore, the poor delivery of social goods and services is common across South Africa.

2. INTRODUCTION

The question that I seek to answer in this research report is “do government appointments on the basis of patronage undermine the obligation of social justice in South Africa?” My research question focuses on patronage and I am going to argue that this is problematic. Patronage in my

view undermines both the equality of opportunity and the provisioning of social goods and services to South Africans. I base my argument on John Rawls theory of justice and explain the inappropriate manner in which the ruling African National Congress (ANC) is governing South Africa. Attaining our liberation and seeing it slither away because of bad and corrupt leadership is an injustice not only to us but also to future generations. The meaning of patronage does not only portray negativity and unethical behaviour. Patronage also demonstrates loyalty and trust, such demonstrated by previous ANC leaderships who has acted and contributed selflessly to the liberation movement. Without patronage, I believe the ANC would not have survived and attained the respect of its members over the apartheid years. The ANC was united and focused on liberation and bringing about a better life for all South Africans.

By patronage, I will follow the *Oxford Dictionary* definition which takes patronage to be the power to control appointments to office or the right to privileges. I loosely describe political patronage as when one is entangled in a series of activities where one on the basis of a sense of obligation supports a particular politician by campaigning or voting for them. In most instances, that sense of obligation seems to become an exchange for favours. Such favours may grant one an opportunity to certain strategic positions where one may or may not necessary have the relevant skills or qualifications for the position. Merely selecting someone in a position based on obligation is an injustice and takes away the equal of opportunity for all.

I will start by giving a global perspective of the perception of political patronage before I present my impression on how patronage is destroying the biggest liberation movement in South Africa. Appointments made through a system of patronage and not merit does not only disrupt the quality of service delivery but also takes away the opportunity of those who are better qualified. As we all know, the democracy we are enjoying in South Africa today came at a huge cost. People’s lives were lost; people were tortured and detained for many years. The sacrifices endured by those ANC comrades during tough times, was to suppress all possibilities that may lead to a fair and equal South Africa. Those fallen heroes / heroines of the ANC have not only sacrificed their lives for the

freedom for all, they have also given us the courage to build a democracy based on the freedom charter that will stand time immemorial. It is not fair that we as a young democracy give up the legacy that we all built as a unified oppressed society.

The injustice of the past, I feel should not be relived with a new minority faction similar to that of the apartheid South Africa. It is important that I voice this concern, as we could be on a verge of yet another civil unrest where more and more lives can be lost. We have experienced the Marikana massacre that ended in bloodshed in September of 2012. Many protestors lost their lives in an effort to have an increase in the minimum wage for mineworkers. Living in a democratic country where we have a democratically elected political party to take our best interest to heart have failed to deliver the very basic of goods and services to its people. Yet the struggle to attain a realistic minimum wage continues. How many battles like that of Marikana needs to happen to have government commit to standard basic salary for all in South Africa. There is an obligation for Government to provide for those considered the worse off in society. It clearly shows that this is not the priority of the government that we have democratically elected. We can either blame non-delivery of social goods and services on the unskilled officials employed by the ANC faction who is enjoying their huge salaries or we blame ourselves. The Marikana miners that were killed by police in protesting for basic needs such as a decent wage, which is incomparable to the lavish governmental spending. Many of the governmental spending is the abuse of taxpayer money for personal luxuries and the indulgence of fruitless expenditure[1]. The controversial South African National Road Agency (SANRAL) spent almost 2 billion rand and not following procurement processes. In a book published by the daily maverick, “Some of the miners killed in the 16 August 2012 massacre at Marikana appear to have been shot at close range or crushed by police vehicles. They were not caught in a fusillade of gunfire from police defending themselves, as the official account would have it” (Greg Marinovich, Brain Porn, September 2012). We need to start

[1] http://mg.co.za/article/2015-11-25-auditor-general-flags-r257bn-in-irregular-govt-spending

taking the blame and stop pushing the blame on the white minority 22 years into our democracy. We need to start taking ownership to rectify our wrongs and use the ballet to vote for change.

The majority of South Africans have obtained political freedom by the ANC, which was one of the biggest liberation movements in South Africa. Today, all South Africans are seeking economic freedom, which is now held captured by the very liberation movement that has given the South African people its political freedom. I believe there is an exaggerated perception of white privilege in post-apartheid SA. Most of this I assume is the race for power by competing political parties making a claim either for corruption or to serve the people of South Africa. Post-apartheid SA has brought about the setting up of structures that will level the playing field; instead, there is the indulgent in corruption and fraudulent activities such as Nkandla, Eskom, SABC, Finance Ministry and many more. The Nkandla Scandal was widely publicised on social media and various news channels globally after the Public Protector released her findings of the South African President's lavish splurge on his homestead in KwaZulu Natal. There were also various South African Parastatals such as SAA, ESKOM and SABC that have been named for abusing tax payers money or public fund and had to bailed out financially. A Parastatal is regarded as a fully government owned entity managed separately and independently. Some of these Parastatal have been deemed to be non-sustainable given their inept leadership and selective appointments due to their political connections and affiliations.[2]

Outrage on university campuses such as Rhodes Must Fall, Fees Must Fall and Colonized Education Must Fall seems to be symptoms of the general public's dissatisfaction with the government corrupt ridden activities On the issue of past monuments as expressed in the Rhodes Must Fall campaign, and as much as I believe that the Rhodes Memorial is part of South African

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[2] Social media is a most commonly used platform to keep up to date with trends that affect all of us, especially politics. Compiling my impressions of the political turmoil in South Africa is proof of the effectiveness of this new generation communication technology. Please see http://www.southafrica.info/news/social-media-020315.htm#.WDFehGdPr3h

history, it should not be destroyed. We should not live in the denial of where we came from. We should celebrate the fruits of what we have achieved today as a free nation and teach future generations of what the Imperialism of the Cecil John Rhodes's statue reminds us of. We all are the product of a colonised society that can be debated as either good or evil. Colonised education remains a sensitive topic as many students feel that education has a bias tone and sentiment. The inept government is not making it any easier for students to receive quality education. Inflation and unemployment is continuously on the rise and it seems that only some privileged members of society can afford a tertiary education.

The political expediency of South African politics is crippling the South African youth into a consciousness of blame where there are no inclination of ownership. Ferial Haffajee (2015), the author of "what if there were no whites in South Africa", has a problem of how the youth of post-apartheid South Africa define themselves. The South African born free generation makes up almost half the South African population. What type of leadership generation would they become?[3] We need a leadership that will take responsibility and accountability for their actions and not pass on the blame to a political generation that was unjust so that we can justify our current actions. According Ferial Haffajee, "what is now clear, just 20 odd years later and beyond any reasonable doubt, is that 'liberation' has failed..." (page 177)

The ANC is considered to be a collective, where there are no one person making a decision. The action of one corrupt official ripples to the very top taking accountability. The wrong done by the president is a wrong condoned by the party, making the party equally responsible for the looting of public resources. The National Execute Committee (NEC) of the ANC has become redundant and ineffective to hold its president to account. The ANC as a liberation movement has seized its moral obligation to society and has lost its way in being relevant to its members.

[3] http://www.bbc.com/news/world-africa-27146976

3. SECTION I: CORRUPTION, PATRONAGE AND APPOINTMENTS IN GOVERNMENT

Patronage has different aspects and may manifest differently in various communities. As loosely introduced at the outset, I focus on corporate and retail business communities as examples of patronage. Being employed within the corporate space for over fifteen years, I have learnt that there is an acceptable practice for newly appointed Chief Executives Officers (CEO) that have a tendency to employ their own executive team such as the Chief Financial Officer (CFO), Chief Operations Officer (COO), Chief Data Officer (CDO) and various other roles. Team dynamics and trust within the corporate world is important as people tend to work best with people whom that they have built these types of relationships and trust with. The ANC is known for working together as a collective especially in the time of political unrest in South Africa. In my opinion, the common view in a community of patronage is that patrons all hold a common view, which may be egged on by loyalty. Loyalty based on trust so that we all work together seamlessly within a corporate organisation. In the retain business sector there is brand loyalty and customer patronage. Similarly there is political patronage that has common values as elaborated above.

In 1832 a New York Senator, William L. Marcy sarcastically responded in a political debate, "to the victor belongs the spoils" in an effort to support a common vendetta against the newly elected presidency.[4] This phrase somehow brings about a sense of ownership and power to a newly elected party. In many countries, such as the Middle East, Far East and Africa, there are outright dictatorships and corruption. The Sudanese President Omar al-Bashir accused of genocide and war crimes and crimes against humanity has shown patronage toward Saudi Arabia. Omar al-Bashir has broken his long time alliance with Iran due to religious affiliations it has with Saudi Arabia.[5] The dispute between Iran and Saudi Arabia involved a Shiite cleric being execute for

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[4] Defending Jackson's nomination of Martin Van Buren as minister to the United Kingdom in 1832, Marcy used the phrase “to the victor belong the spoils," from which the term spoils system is derived. https://www.geni.com/people/William-L-Marcy-Governor-U-S-Senator-U-S-Secretary-of-State-and-War/6000000013437715564

[5] http://www.agsiw.org/the-yemeni-factor-in-the-saudi-arabia-sudan-realignment/

torching the Saudi embassy in Tehran. Sudan and Saudi are of Sunni religious order and Iran being of Shiite religious order. This portrayal of patronage on grounds of religion, demonstrates how powerful patronage can be. The breaking of ties with Iran, the Sudanese economy was close to collapse because patronage costs the country dearly. As indicated above, the phrase punted by William L. Marcy also relates to when the occupancy of a new political administration taking office and transitionally discharging the old administration. The formal handing over of power concludes this transition

The taking over of power also carries sentiments of the spoils system, i.e. like the spoils of war. That is, a spoils system can also be known as a patronage system (wiki/spoils, 11/11/2016). The patronage system is the practice in which a political party gives governmental jobs to its supporters, friends and relatives as a token of appreciation. This token of appreciation is somewhat condoned in many countries. I would assume that in doing so, it seems plausible of appointing someone that is dedicated and aligned to the vision and expectation of the party mandate, other than those with credentials and qualifications. How justifiable this perception may be, one would need to evaluate to determine if it is morally acceptable to do so or not. In the spoils system, the spoils refer to the goods and benefits taken by the victorious administration.

Similarly, the newly president elect, Donald Trump is having transitional talks with the current Obama administration of the United States of America (USA)[6]. Donald Trump, being a Republican party President elect has the right to appoint whomsoever he wishes in his administration. The team who has been supporting him throughout his campaign would naturally be part of his administration or indirectly gain his favour. I see this as a type of alliance of people with like minds in an effort to benefit a greater good. To realise the implementation of the greater good, one has to disclose what the plan is, to ensure that the greater good for the people will be realised. All politicians make promises and not all promises may be realised all together. Those promises that

[6] http://www.nytimes.com/2016/11/11/us/politics/white-house-transition-obama-trump.html?_r=0

are realised will be to validate and justify the changes the ruling administration has achieved. This in return can be used it in the next campaign to remain in power yet another term. The slogan that Donald Trump used throughout his campaign, “let’s make America great again” has been effective, giving him the majority vote and making him the US president elect. Job creation, tax cuts and security is but some of the promises that Donald Trump has promised the American people that he would address when in office. It is a common practice in most countries where promises are made to people for their support especially during the time of elections. These patrons would in return support him to realise the promises made during the Trump campaign. It is also common in many countries where payment and jobs given to patrons, to secure their votes and dedicated patronage for continuous support. In South Africa, food parcels and free ANC memorabilia during election time are most favourable amongst the ANC masses.[7] The previous public protector of South Africa, Thuli Madonsela spoke out against the practice of handing out food parcels, as it should be for the alleviation poverty and nothing else. This demonstrates that the purpose of food parcels similarly to that of like minds put together for a greater good, as mentioned earlier regarding president elect Donald Trump, should be the intention other than bribery to gain votes. We also observe stadiums with refreshments and transport given to supporters to welcome the votes on the ballot paper. It is questionable as to whether this may be a type of bribery, but most certainly this is a common practice within South Africa. Many countries like Canada do not see that appointments made through a process of patronage as being illegal or wrong in anyway. In Canada, this is common practice and the political system allows it. In a paper written by Steven B. Wolinetz (2006) he mentions that, “Patronage can be a device to recruit, retain and reward active party members or, alternatively, a device used to garner resources – money – which can substitute for formal organization. The forms which patronage takes vary. One form is low level employment. Another includes contracts and preferment for high level employment – e.g., staff positions, positions on the

[7] http://www.news24.com/elections/news/food-parcels-must-not-be-given-out-at-political-rallies-madonsela-20160412

advisory boards, etc". Political patronage has many characteristics and comes in different forms. In a democracy, the citizens of that country have the right to vote for whomsoever they wish to lead and run the country. This happens through a democratic process built on a basis of moral principles agreed upon by all.

In countries where there are monarchs like in Europe and the Middle East there are sultans, princes or rulers where predecessor hand over the power to those next in line to inherit the thrown. No matter which country you find yourself in there is a good chance that there may be some degree of political patronage. Patronage politics is real and it is common in most if not all countries. This does not make South Africa any different to any other country regarding political patronage. The appointment of people into political rolls, especially those that has been part of the campaign since inception and who has the alignment to the vision and mission sentiments of that political party, I feel is honourable and reasonable to appoint such a person.

A person appointed to a position in government who aims to uphold that values and principles of that political organisation, I feel is similar to the dedication portrayed by the late Nelson Mandela, Walter Sisulu and Oliver Tambo. I therefore stand in agreement for such a patronage system where those appointed, uphold similar values and principles of the political party and not those appointed by a patronage system where a partial ideology benefit a faction and whose aim is to achieve personal goals of individuals. An example of such appointments in the ANC government is that of Pravin Gordan and Thuli Madonsela. Justice Malala (2015) mentions in his book, "Madonsela is a heroine in the new South Africa, a beacon of hope as our public representatives falter and fall, as they imbibe the Kool-Aid of corruption and succumb to its fake nectar" (Page 165). He compares that Madonsela amongst the calibre of Neslson Mandela, Walter Sisulu and Oliver Tambo. There are some hope in the appointments made by the ANC. Appointments made to achieve individual goals is unjust and wrong, and it should not be justifiable in any political order.

I feel that individual political goals not aligned to the institutionalised goals of the political party can lead to devastating repercussions such as dictatorship and abuse of power. A quote by the late Nelson Mandela in his authorised book of quotes he says, “the avoidance of civil war had dominated our thinking for many years, but when we decide to adopt violence as part of our policy, we realised that we might one day have to face the prospects of such a war” (Nelson Mandela).

In a live parliamentary broadcast where the Democratic Alliance (DA) for a third time called Zuma to step down as president of South Africa. This came after the court ruled that Jacob Zuma failed the country and the constitution. “The President failed to uphold, defend and respect the Constitution as the supreme law of the land,” said Chief Justice Mogoeng Mogoeng. “He might have been following wrong legal advice and therefore acting in good faith. But that does not detract from the illegality of his conduct[8]” The call for a vote of no confidence have been triggered upon the release of the state of capture report by the Public Protectors office. During the parliamentary session, the EFF’s Floyd Shivambu condemned the ANC for having similar traits to those countries that are dictators. He goes further by expressing the natural trend of dictatorship would lead to the killing of its political members who steps out of line by not speaking in defence of the collective ANC. This remark by Floyd was asked to be withdrawn by the deputy chairperson, of which he bluntly refused. The type of devastation that I am highlighting is prevalent in the current political situation in South Africa today.

The ANC leadership appoints individuals whose actions are not consistent with the rule of law and the constitution nor do these individuals have the necessary skills and qualifications to hold the positions that they are appointed. There are many such appointments and I will list a few in this research report in Section IV to elaborate my point. The question however, is what would be the purpose of the ANC leadership having to appoint such individuals in powerful positions, if those appointed are not on merit? Why has the ANC suddenly dismissed Nhlanhla Nene as finance

minister and replacing him with David (Des) van Rooyen, an MP with no previous experience of national government? Appointments based on patronage where the intension is to loot or violate the constitution of the country can be considered neither honourable nor as working to the benefit of those who have voted for that political party. The patronage of the ANC that once brought everyone together during challenging times of political struggles and unrest in apartheid South Africa is now destroying the very spirit and essence of the party. In the recent local election, there has been a noticeable decrease in the number of voters voting for the ANC. The opposition parties won most of the major metros and this was due to the non-delivery and inefficiency of the ANC. The ANC has become a divided part because it has lost its moral standing as a liberation movement. The immoral and corrupt behaviour of the ANC who's agenda is to protect the interest of a minority where millions of South Africans that have nothing to live for. Nelson Mandela quotes, "let no individual, section, faction or group ever regard itself as greater than the organisation and the common good of all our people" (Nelson Mandela).

In South Africa today, I believe the new leadership of the ANC is destroying the legacy of the real heroes / heroines and leaders we respected and pledged allegiance to. As we now find ourselves in a young democracy, we are probably reaching a crossroad where we need to make important decisions about the future of South Africa. We need to think about who we vote for and the leadership we choose to represent us. It may also be of great importance that we redefine our social contract as a nation. I believe we have matured in many aspects over the last 22 years as a political democracy that is very diverse in nature. As a nation, we have lost the trust in our political leadership and our democratic institutions due to state capture by an elitist ANC that is arrogant and corrupt. They have become stale and stagnant and no longer serve the mandated purpose we had hoped. Their redundancy has brought despair and confusion to our nation. It seems that the mandate of our social institutions in South Africa is there to serve a minority leadership of the ANC

[8] http://www.telegraph.co.uk/news/2016/03/31/zuma-faces-impeachment-bid-as-top-court-rules-he-broke-

and not the people of South Africa. Social institutions managed by individuals appointed by the president of the ANC follow a personal agenda and not that of providing the goods and services that it people requires.

Patronage and politics is a topic that describes the current situation within South Africa and the ANC is using factional and political patronage to protect the president in all of his corrupt affairs. In all spheres of confrontation especially with the opposition parties and members of the public, parliament is unable to call the president to order and keeping him accountable. As a collective presidency, it clearly shows segregation of power and authority, and visible segregation of accountability and factional responsibility. This type of factional patronage was demonstrated when the opposition parties requested the president to step down due to a motion of no confidence. On all three attempts, the motion was not in favour of him stepping down. The ANC once again were victorious in their attempt to protect the ANC president and condone his illegal and corrupt actions. This proves that the ANC can no longer be a moral and just organisation.

As indicated earlier in this section, patronage is indeed very powerful and especially for within the ANC it has no moral backbone its president is above the law. South Africans has to stand together as one nation to eradicate corruption, starting from the most senior position in government to lowest position. The other alternative is to exercise our democratic right and vote the ANC out of power. Removing the ANC from power is not easy because there are dedicated patrons that offer their full support to the ruling party and the president. ANC patrons such as ward counsellors receive good salaries and benefits for their dedicated support. In return, these counsellors have to ensure that the ANC maintain the wards no matter what it takes, i.e. food parcels etc. High profile appointments made through patronage are there to support a factional cause, and whose main aim is to protect the president at all cost, no matter what the circumstance. The appointees to the high profile positions may not have the necessary skills for the positions; hence, we see poor service

delivery and unequal distribution of social goods. Those members of the society who has the necessary skills and qualifications will not have the opportunity to serve in these positions and deliver the needed social goods and services to the people of South Africa. The qualifications of the factional appointments may also be questionable as many of them may have fraudulent certificates or may not want to disclose them for some unknown reason.

As factional politics in South Africa has reached a height of corruption, members of that faction will enjoy the protection of the party where there are no repercussions and accountability similar to that of the president of the ANC. Those members found guilty will not be prosecuted or stand trial for their offenses, instead they will be deployed elsewhere in government. The ANC as a collective, its main aim is to enrich all members by providing them governmental positions and to protect them from corruption. The saga of corruption within the ANC and its leadership has to stop, as it is destroying our country and our liberation. It saddens me to see what we as a country have become, especially with the ongoing nepotism, jobs for pals, tender fraud and many more. The violent acts from our police force in South Africa is not what a democracy is about. The Marikana tragedy in South Africa happened during the protests of mineworkers for salary increases due to the fact that many of the mining executives receive inflated bonuses and salaries. Although the increase in mineworker salary was a reasonable request set out by the Unions, the protests were met with violence, and the killing of dozens of mineworkers. When police officers go on a killing spree in Marikana one question that begs to be asked is the motives behind such killing, especially when there is hardly any accountability. Justice Malala ((2015) quotes in his book, “that day, it now seems clear, the police had murder in their hearts” (99) as plans were made with prearrange mortuary vehicles to be sent to Marikana. It is also convincing that government is using armed forces to stabilise a situation beyond their control and capability to try to defend an agenda that may not be in the best interests of the mineworkers. Similarly, during student’s protests on free education, students end up in hospitals because of violent abuse by police officers. The mayhem in parliamentary sessions, we see members of the opposition parties expelled and escorted out

because of partiality in defence of a corrupt president. Is the ANC led government becoming a dictator? If so, Zuma needs to step down as president of South Africa as he is not fit to run the country to benefit South Africans. He has built an empire around him by appointing his cronies or close friend that will protect him at all cost. The cronies that is appointed supports the president because of their obligation to patronage. Similarly, many ANC loyalist being loyal and devoted to the party may not have the same loyalty to Jacob Zuma and these people is also not involved in appointing the best man through the ranks of the ANC as president of the country.

It is therefore the obligation of the NEC to impeach the president, which seems unlikely to happen because the NEC has allegiance to the Zuma and not the people of South Africa. The 2016 local elections have shown that the ANC is losing a lot of their support especially in the major metros. The national election of 2019 will demonstrate the maturity of our democracy where it will show if the ANC has become yet another political party in the African continent with impoverished neighbouring countries that seeks for social services in South Africa.

The influx of illegal immigrants in South Africa does have an impact on resources in the country. This goes together with the burden of grants and fall saga[9] the country has to fund causing a strain on the non-growing economy. President elect Donald Trump of the United States of America (USA) has introduced a ten-point plan on immigration as he feels that this has an impact on resource allocation that burdens their economy. He claims that 62% of households headed by illegal immigrants obtains some sort of government grant[10]. This is but one of the concerns raised by him that will be addressed as part of his social reform. It is time that South Africa's leadership relook at its governances. We need to adopt a forward-looking approach as to eradicate corruption at all levels. The best start is to improve the corruption occurrences at our borders and that of government institutions. Although there are initiatives put in place by the government, it simply is

[9] Fall saga such as fees must fall, free healthcare and better social grants.
[10] https://www.donaldjtrump.com/policies/immigration

not enough, because the resources taken illegal foreigners does not only utilise the resources of the country to sustain its people, it also contributes to another concern of xenophobia.[11]

Since the ANC has lost most of its major metros to the opposition alliances in the local elections of 2016, the transition of power and the handover of these metros were not peaceful. Most of these positions given to ANC loyalists and who have made a living from being appointed councillors. The ANC losing these metros suggest that a large number of ANC councillors may be unemployed of which senior ANC officials gave many of these jobs to friends and family. Many South Africans has lost the hope for improved service delivery fuelled by these incompetent officials. Incompetence seems no longer the concern that South Africans endure and being unhappy about. South Africans are more concerned of the ongoing corruption saga in the government structures. In a newspaper article, by a foreign newspaper article giving an outsider perspective, claims that there are four reasons why the ANC has lost ground during the local elections. It clearly shows that the traditional loyalty the ANC has enjoyed over the many years has changed.[12] South African politics has taken a new route and our democracy has become somewhat matured. People are starting to realise that the ANC is no longer the party that will bring economic freedom as it failed hopelessly in bring about the services that it has promised.

In a City press newspaper article with a heading “Jobs-for-pals: More than 2400 appointed without being qualified” was published to demonstrate this type of corruption being prevalent in the Eastern Cape. [13] “The inappropriate appointments were preventing posts from being filled by qualified candidates and had sparked a flurry of appeals from skilled teachers who were bypassed in favour of preselected applicants” (*City Press*, 2015).

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[11] http://www.news24.com/SouthAfrica/News/home-affairs-committee-applauds-arrest-of-border-officials-20160930

[12] https://www.washingtonpost.com/news/monkey-cage/wp/2016/08/12/here-are-4-reasons-that-south-africas-african-national-congress-lost-ground-in-this-months-election/

[13] http://city-press.news24.com/News/Jobs-for-pals-More-than-2400-appointed-without-being-qualified-20150809

4. SECTION II: OBLIGATION OF SOCIAL JUSTICE

In this section, I will discuss the obligation of social justice and particularly focus on John Rawls principles of justice, i.e. the equality of opportunity principle. Since many societies define social justice differently and it being a much bigger topic, it ultimately evaluates and values equality and diversity. Although there are many conceptions of justice, my focus on this topic would be that of John Rawls (1971) “justice as fairness”. I will briefly explain and summarise Rawls view of justice as fairness and explain why I feel that the equality of opportunity principle is relevant in this context, especially relating to the current situation in South Africa. I will also provide reasons why I focus on the equal of opportunity principle and justify my argument.

In general, there seem to be an obligation for social justice and since this is a matter of ethics, there are concerns in withholding the basic services and goods from people no matter what the circumstances are. Society in general is not evenly structured. There are those members in society who are fortunate and there are those who are not that fortunate. The idea of social justice is to bring about equality and to appoint just structures in society that are impartial. If these just structures fail in their duty to bring about equality, one has to evaluate their actions and intentions to ensure that it aligns to sound principles of justice similar to that of Rawls theory of justice. The actions and intentions of just structures within society have a fundamental obligation to act independently without influence or bias.

John Rawls, an American philosopher has therefore provided a unique set of principles to inform morally justifiable policies within these structures and institutions in order to act morally and fairly. How John Rawls derived at the conclusion of the principles is to imagine ourselves in the original position. In the original position is what Rawls terms a thought experiment, where there are no laws, rules and regulations. These laws, rules and regulations generally shape the manner in which we perceive things to ether be beneficial or non-beneficial to us. The thought experiment according to Rawls is where you need to imagine yourself as an unborn baby. As an unborn baby,

you will not know your circumstances. You will not know type family you will be born into, either wealthy or poor. You will not know your race, gender, intelligence or the athletic abilities.

Rawls refers to this semi-conscious state as being behind a veil of ignorance. It is only within the original position behind the veil of ignorance where one is able to choose the fundamentals that would make up a just societal system. The social contract, therefore binds the obligations of social institutions and society. The obligation of social justice according to John Rawls, has to do with social institutions in ways that we may consider them virtuous such that basic goods, or what he calls social primary goods are distributed justly and fairly. Institutions that are considered to be unjust fail in the obligations of social justice and no matter how well structured or organised they are would have to be justly reordered if they have to meet such obligations.

Social justice is implicated by abstract and general principles of justice, which as Rawls puts it in his book, A Theory of Justice (Rawls, 1971), which captures the idea of fairness. He plans to use his derived principles of justice to evaluate the social institutions of society. In Rawls' account of social justice the two principles are: "Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all. Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society". The first principle refers to the basic liberties principle. From this principle, it is expected that no individual's liberties should be compromised by the liberties of another or by some other social, economic or political considerations.

The second principle, the social equality/inequality principle requires that there should be no undue or unjust discrimination in terms of the allocations of opportunities, wealth, income, positions, offices, etc. There are two parts of the second principle: the equality of opportunity principle and the difference principle. The equality of opportunity principle means that opportunities such as jobs and positions should be open for all, regardless of the individual's biological characteristics, social

background or demographics. According to Rawls (Rawls, 1971) individuals should not only have a right to opportunities, but should also have an equal chance as someone similar of natural ability and circumstances. In terms of the difference principle, this principle focuses primarily on the worst-off members of society. According to Rawls (Rawls, 1971), by guaranteeing the worse-off a fair deal the principle compensates for those that lack some talents and abilities in relation to those that are naturally gifted. All societies thrive on having a good social justice system in place to ensure fair and equal distribution of goods and services. We therefor elect political parties that will put just structures in place to distribute social goods and services especially to those members of society that need them more.

A flourishing community or society within a sound social structure that are enjoying basic services and fair distribution of these services may not be inclined to protest and demand these basic services like we are currently experiencing in South Africa. By not providing basic goods and services by a democratically elected body that its people has nominated, surely becomes a topic of justice. How can a democratically elected government ensure that it provides justice to its people? Although normative ethics has an answer, it still needs the evaluation of the principles s introduced in that society. In South Africa, it is a constitutional duty for government to deliver basic services and goods to all South Africans. The people voted the ANC into power to ensure that the services and goods be provided for all South Africans. The manner in which distribution of services and goods are executed in South Africa is concerning and problematic. The reason why it is concerning is because the processes in government is being deliberately ignored for the sake of certain individuals in government. The processes that I refer to relates to Human Resourcing (HR) practices that generally consist of well define criteria such a skilled and qualified labour and resources. In a report that presents key HR themes that is globally recognised presents a series of case studies in an array of companies showing similar approach to selection criteria. As part of the sample in the study, the focus was on talent management that included a strict recruitment and selection process. As much as South Africa is very driven and dedicated to empowerment the

selection criteria has to include the best of the disadvantaged communities as part of the recruitment process. "The core activities associated with high performance HR, for example, selective recruitment, developmental appraisal, pay for performance, strong emphasis on development, employee voice mechanisms, appeared throughout the sample" (HR Project Report, 2006).

There are civil unrest and violent demonstrations taken to the streets of South Africa because of the inefficiencies to deliver social goods and services such as water, electricity, healthcare, basic education and many more. The ruling ANC is not living up to the promises made to the people of South Africa, instead they are defending a single person, the president of the ANC. The president of the ANC is also the democratically elected president of South Africa. This makes the obligation for service delivery of social goods extend to a greater number of South Africans. Factional politics also made sensational headlines in the South African media in recent months where appointments made is not in the best interest of the country but for personal factional gains.

The South African Constitution does make provision for certain basic liberties such as owning of property or housing, water, food, security healthcare and education. These liberties refer to the basic needs that the government should provide.

Section 25, which is on property, makes provision for the following:

- No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- The state must take reasonable legislative and other measures, within its available resources, to foster conditions, which enable citizens to gain access to land on an equitable basis.
- A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

Section 26 on housing the following is stated:

- Everyone has the right to have access to adequate housing.
- The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Section 27 on health care, food, water and social security has the following:

- Everyone has the right to have access to – health care services, including reproductive health care, sufficient food and water; and
- Social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.
- The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
- No one may be refused emergency medical treatment.

The sections of the constitution above indicate that all South Africans have a right to certain basic goods and services in the area of property, housing, health care, food, water and social security. People have a right to these goods and service of which there should be a corresponding duty and obligation on government to provide these goods and services. People have elected government and placed them in power to ensure equal and fair provision of goods and services.

If we take these provisions as circumscribed by the idea of Rawls' liberty principle, according to which "Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all, then we can ask the question as to whether government appointments on the basis of patronage compromise the delivery of social goods

violate these provisions. If we deploy the second principle in the South African context, it would seem that it is violated based on selective, discriminatory and bias appointments into positions and offices. That is, many people lose out of opportunities because they are not appointed or receive any special treatment and privileges like the politicians who are appointed because of patronage.

Of course, there could be justification under the difference principle for the appointment of selected individuals if this is based on merit such as scarce skills that can be granted. However, this does not seem to be the case in the South African context where appointments are skewed by political party affiliation. It is therefore vitally important that the political party we vote into office have the credentials and will to deliver basic goods and services to society. It should not be where promises made by the ruling party only to canvas and recruit votes. Not delivering on promises could be detriment to the credibility of the ruling party and could deem the party as rouge party. Having to deliver basic goods, there should be fair and even distribution to all. Societies that does not enjoy fair distribution of goods, is a failed society whereby the leadership are either not equipped enough to deliver a service of this nature or there may be ulterior motives to not delivering these goods.

We see the South Africa currency decline and the ongoing new tax initiatives thought out by the ANC to sustain an enormous unemployment rate of 27% in the third quarter of 2016.[14] In the second term of Jacob Zuma's presidency, we see the exposed underhanded dealings such as the E Toll saga and Gupta Gate. We also see appointments of certain positions such as the replacements of ministers in strategic positions. One of those appointments in recent months is the most talked about Desmond Van Rooyen. Although he is qualified academically for the role as finance minister, he simply is an unknown in the area and his appointment lead to uproar, especially within the private business sector. His appointment caused a negative impact on the economy, affecting the South African currency negatively. Due to threats of capital flight and economy of South Africa on the verge of a downgrade, the strategic reappointment of Pravan

[14] http://www.statssa.gov.za/?p=9123

Ghordan was to bring about some stability on the South African economy. A credit downgrade may still occur later in 2016 due to poor performance on the South African economy and its ability to repay and service its debt. Political economist Moeletsi Mbeki delivered a lecture entitled, "What has the ANC achieved in nearly two decades", at the Wits Institute for Social and Economic Research (WISER), on the 24th of May 2012.[15] He refers to the type of social structure existent in South African being a consumer society that is very much dependant of social grants. Assets such as transportation being under the control of government hinders progress in privatised businesses and vulnerability for corruption that can lead to capital flight.

5. SECTION III: EQUAL DISTRIBUTION OF OPPORTUNITY

John Rawls introduced two principles of justice as a theory to how he perceives justice as fairness. The first principle is the liberty principle and the second principle of justice has two parts, namely the equal opportunity principle and the difference principle. In this section, I will only discuss the equal opportunity principle as I have already provided a summary of both in the previous section. Those who have read and understand Rawls theory of justice, will agree that combining the two parts of the second principle, is his contribution to distributive justice. The second principle of justice according to Rawls (1971) is, "social and economic inequalities are to be arranged so that they are both:

1. reasonably expected to be to everyone's advantage and
2. attached to positions and offices open to all"

Social and economic inequalities are to satisfy the two-abovementioned conditions, of which I will only be focusing on condition 1. Condition 1 refers to advantages that all welcomes, as it puts one in a more or less favourable position than others. More rather less seems desirable insofar as it would benefit some and not everyone in society as society is not evenly structured. This makes

[15] https://www.youtube.com/watch?v=3HLLXKuZoTc

distribution of social goods and services a more serious topic of discussion if one debates it from an ethical standpoint. Having an advantage over others can shape ones behaviour and manner in how we perceive and treat other members in society.

By only providing goods and services may not be enough for promoting a well-organised or structured society. Providing goods and services may not even produce equal or desired outcomes. Therefore, providing a platform of equal opportunity will enable one to compete for similar positions within society. Society therefore has to ensure that the structures put in place are to be fair and just to all.

If one takes the discussion further, we can clearly say that sometimes gender and race or even age can be to one's advantage or disadvantage. The luck of draw plays an important part insofar as it sets some apart from others especially that of natural talents. Natural inequality and natural endowments is what Rawls is grappling with, since he feels that there may not be a moral and fair approach in dealing with this issue, other than his difference principle. If structures in society is to address natural inequalities like those born with physical defects, does it nullify arbitrariness of nature? According to Rawls, what does matter is the how society perceives and responds to this distribution. Rawls difference principle seems to be somewhat weak in the sense that it does not provide a clear argument relating to natural talents and abilities. Our natural talents and the makeup that we are born with, sets us apart from each other. Some may be athletic or have certain skills that others do not have. Genetic inheritance and wealth inheritance are distinguishing factors that make societies unevenly structured. Therefore, social justice should ensure equality in the provisioning of goods and services, and a platform for equal opportunity to all members of society. People who are passionate about something will work hard to master themselves on it. Take for example, the genetic makeup of an obese family and the genetic makeup of a non-obese family. The opportunities for either of the families may be vastly different. The physical makeup of people play a major role in their acceptance to certain positions. An obese individual may suffer from certain medical conditions that may pose a limitation to their successes whereas a non-obese

individual may enjoy great health and prosperous successes in the future. The analogy that I am using is to demonstrate that we are not all equal in our genetic makeup as we are not in control of selecting the type of people we wished to be.

There are situations where the selection criteria may also depend on certain natural endowments such as race, gender or age. Although the criteria for certain blue chip companies prefer the more mature white male in leadership roles, this may not be the criteria for a cyber-high-tech company where young aspirant individuals flourish irrespective of race, creed or gender. In society's effort to contribute to Broad Based Black Economic Empowerment (BBBEE), many organisations employ qualified black individuals. The BBBEE initiative is a corrective action deployed to provide opportunities to previously disadvantaged people so that they can compete on an equal footing with all members of society. In South Africa, BBBEE seems to be ineffective as only some are benefiting from it. Institutions deployed by government should make provision for this type of transformation and consideration of removing structural barrier within society will enable individuals to progress in the opportunity presented to them. This can regarded as true sense of empowerment to all disadvantaged. People need to feel a sense of freedom whereby they exercise whatever choices are that they wish to achieve

6. SECTION IV: PATRONAGE AND APPOINTMENTS AND VIOLATION OF THE EQUAL OPPORTUNITY PRINCIPLE

In Section one of this report, I have discussed patronage in detail by providing some distinction between the different kind of patronage and what is meant by political patronage. I have also presented a view of dedicated patrons or activist that is aligned to the values and obligations of the party as opposed to those activist that seem to want to gain personal benefit and sorting the protection of the ANC president. In this section, I will be discussing how appointments through a patronage system violate the equality of opportunity principle and how it compromises the obligation of social justice.

Appointments through this system if considering the core principle of social justice and Rawls' equality of opportunity principle, such appointments violate it insofar as they only consider a few people (cronies, friends, ANC members, etc.) and exclude other qualified South Africans. Those excluded, have not been given the equal opportunity to seek such appointments or jobs. The main aim of Rawls' principles of justice's is to bring about a natural approach in assigning appropriate rights to individuals and to regulate the distribution of those rights. We can also use his theory of justice to determine if any process or outcome is consistent with social justice.

The ANC uses patronage as a means to justify its ends. What seems to make corruption flourish within the ruling party is to control its members (voters), capture chapter nine institutions and State Owned Enterprises (SOE). By members, I mean those who are dedicated to the ANC and those employed by the ANC. As we know, through patronage the ANC government has captured millions of misinformed voters that has allegiance to the party because of the ANC being brand. They have also captured the chapter nine institutions of South Africa and the purpose of these institutions ultimately serve to protect the constitution and rule of law. The chapter nine institutions are there to keep government to account for their bad and reckless actions, such as the use of the Public Protectors office. The capture of chapter nine institutions will leave all South Africans defenceless against a corrupt rule of the ANC. It is therefore crucial that all appointments made in government are to support the delivery of goods and services justly and fairly. It is also of importance that these institutions of public good are not tainted by partiality and corruption. The councillors and all the public officials that has been appointed in these roles have an obligation to uphold justice and to seek the interest of all South Africans. Institutions such as the State-Owned Enterprises (SOE) are also at risks for capture because this is where huge tender issuing occurs to build the country's infrastructure. The purpose of the SOE's is to build the country's infrastructure such as roads, water supply, electricity, national broadcaster and many more. Most of the corruption happens in the SOE institutions because a great amount of the country's FISCUS goes into infrastructural development to bring about the basic goods and services for all South Africans.

Basic goods and services in South Africa are not easily accessible due to poor service delivery. The reason for this is that the people appointed in these positions is not appoint on merit but appointed on the basis of their affiliation to the ANC throughout the liberation struggle. There are those appointed to achieve personal goals such as the enrichment of the president, including themselves and the faction they represent. I will present a few recent incidences of corrupt behaviour demonstrated by the ruling ANC that has occurred recently in South Africa that caused great concern, especially to its economic wellbeing.

Understanding the essence of patronage and the purpose for its adoption within the ANC has brought great despair to all South Africans. The State Owned Enterprises (OEM) such as the parastatals that are not meeting the demand of delivery to South Africans. Over the past few years, there have been consistent power outages because Eskom is not able to meet supply on demand. The same challenges expressed in the current water crisis in the Gauteng region, where consideration to implement water restrictions was only considered in the final hour. The biggest contradiction and scandal ever experienced in the SABC to date is the sacking of several journalists by who were acting well within their right. Hlaudi Motsoeneng sacked these journalists based on the assumption that violent protesting should not be broadcasted due to the nature of the violence. This assumption by Hlaudi was in direct violation to Chapter two of the South African constitution that refers to the rights of “freedom of expression” and specifically inclusive of “freedom of speech”. Why would the Chief Operations Officer (COO) restrict this right from journalist and the people of South Africa? Surely, there is a motive behind this banning. Is the SABC trying to control censorship where information is withheld especially where the ANC is being portrayed in a negative light? Subsequently the court ruled on the dismissal of the four journalist and found that it was unlawful. [16]

[16] https://www.enca.com/south-africa/dismissed-sabc-journalists-back-in-court-today

Some may even argue by saying that the ANC is using the South African Broadcasting Corporation (SABC) to spread propaganda and promote a political bias viewpoint. Recently the ANC Chief Whip, Jackson Mthembu has lashed out against Hlaudi for the censorship issue and called him to order on the matter. The retaliation and defensive portrayed by Hlaudi, clearly confirms that factional politics and major segregation of political ideals is in play within the ruling party. It seems that free reign, power and protection is given to all whosoever protects the president at all cost, With free reign and power, comes financial rewards paid by taxpayers money. An eleven million rand bonus pay out to Hlaudi has been confirmed and to be paid in two parts. This led to public outcry, requesting him to step down. These are amongst many of the wrongdoing by Hlaudi, where he believes he is above the law. He has also lied about his matric qualifications and has hiked his salary a several times in one year. All of this has been recorded in the report of the outgoing public protector. Even though the court has found his promotion as COO as unfounded, he has been reappointed into his previous role as SABC Group Executive Corporate Affairs. The Zuma lead government have certainly captured the national broadcaster and Hlaudi's role is to cater for the personal whims of the president.

There are many other institutions under the influence of Jacob Zuma, such as the National Prosecuting Authority (NPA), the national carrier South African Airways (SAA) and Eskom. The NPA has charged the finance minister, Pravin Gordhan with fraud for letting the South African Revenue Service (SARS) deputy commissioner take earlier retirement. The South African currency took a downward turn due to the fraud charges against the Pravin Gordhan. On the 1st November 2016, the head of the NPA Shaun Abrahams withdrew the charges because it was found that there were no intent to conduct fraud by Pravin Gordhan.[17] The NPA head should have taken a moral stance in the matter and not have cause such a big hype on the nonissue as it were that cost the economy dearly. There are calls for him step down as NPA head as he is not fit for the role as it

[17] http://ewn.co.za/2016/10/31/npa-head-shaun-abrahams-withdraws-charges-against-pravin-gordhan

seemed that he was partial in his selection of cases. Why has Shaun Abrahams not taken the same interest and concern prosecuting Pravin Gordhan and extend it to Jacob Zuma who has hundreds of charges pending him.

South Africa's national carrier is also having some major challenges and always on the verge of bankruptcy and yet government funding comes to its aid continuously. The controversial SAA chairperson, Dudu Myeni of the South African Airways (SAA) requested the former finance minister, Nhlanhla Nene to sign off the approval of a major transaction with Airbus for re-fleeting the SAA. On rejecting the proposal, the finance minister Nhlanhla Nene was abruptly dismissed by the president[18]. Although Nhlanhla Nene was performing superbly in his role as finance minister, his career was brought to a halt due to personal inhibitions of the president. The dismissal of the finance minister and appointing David "Des" van Rooyen in his place immediately, sent the South African currency plummeting. Des van Rooyen being an unknown to all, caused mayhem amongst all foreign and local investors of which some even threatened to pull out their investments to cut their losses as the South African economy is about to crash. Pravin Gordhan was summoned back as finance minister after Des van Rooyen served only a few days in the finance ministry. The reappointment of Pravin Gordhan as finance minister was not ideal for those political figures whose wish was to loot the coffers of treasury. All efforts to have Pravin removed or resign as finance minister failed. The efforts of the NPA as mentioned above has failed hopelessly as it has proved not to be independent but rather to serve the whims and fancies of only one individual, Jacob Zuma.

South African voters vote for a party because of what the party stands for. The members of Parliament (MPs) and the National Assembly (NA) elect the president of the party who automatically becomes the president of the nation. Jacob Zuma was indeed the best candidate that the ANC could put forward to lead South Africa. This indeed says a lot about the credibility of the

[18] http://mg.co.za/article/2015-12-09-nhlanhla-nene-removed-as-finance-minister

ANC leadership, knowing of the many allegations against Jacob Zuma. In light of the many South Africans voters, supporting the ANC and knowing the pending crimes against Jacob Zuma still manage to vote for him. This in itself is a contradiction to our liberation and democracy. Factional support in this sense includes all members, such as the ANC supporters and the leadership who protects and condone the actions of the president. Due to the factional support the president enjoys, he has an obligation of favours to those who support him. Food parcels and lavish refreshments at stadiums whenever there is an ANC rally is seen as token of appreciation for ongoing ANC support. The ANC Youth League (ANCYL) is known for its lavish partying especially at universities, louring the buy in of the youth that may be oblivious the economic impact it has.

We also observe the many appointments made by the ANC in efforts to reduce unemployment and to occupy powerful positions in government. The purpose for these appointments that has been made directly by the president are the entrusted protectors of the Jacob Zuma. The idea of power and wealth and treating the South African population as ignorant, in my view will be short lived. We see more ANC followers leaving the party and joining other political parties such as the Economic Freedom Fighters (EFF). The EFF makes an effort by verbalising the main sensitivities of the people, specifically that which the ANC has upheld for many decades. Although there are similarities between the ANC and the EFF, people are still sceptical of there being a hidden agenda behind a possible front that the EFF is portraying to win votes. Based on the recent local government elections it clearly shows that the ANC has lost a great number of its supporters. This is proof that the ANC is doing something wrong and it needs to be rectified. The ANC's moral high ground is also at stake, as it is defending one person whose actions is not justified ethically and legally. Is this patronage and is it justifiable to protect a person or party? People are tired of protesting against the ongoing poor service delivery and corruption especially by high profile politicians that go unnoticed in the rule of law. The freedom charter was conceived in the mid

1950's. As loosely stated, some of the ideals in the freedom charter are that the people shall govern and share in the country's wealth. The land shall also be shared amongst those who work on it. Most importantly, everyone shall be equal before the law. In light of the ruling party not respecting these ideals, one would be able to argue that the behaviour and actions of the ANC is not consistent to that of the freedom charter.

The wealth of the country is shared between only a few loyalists that holds powerful positions or who has access to people of powerful positions in government. Many of these corrupt officials use their positions to serve as vehicles for corruption and collusion with their peers and to achieve profitable ends. They also protect each other in parliamentary sessions that are partially inclined against opposition parties. The naming and shaming of high profile political figures in the media and during parliamentary sessions shows that to a certain extent freedom of speech is thriving, but the capture of the media and the protection of whistle blowing became a contentious topic. The freedom that the people of South Africa are seeking lies in the hands of a corrupt few. The corruption caused by the factional group within the ANC are using the emotional attachment people have for the ANC to achieve their greedy goals. This type of behaviour within the ruling ANC faction does not only contaminate the rest of the ANC that has good intentions, but is also not sustainable. Since the ANC is regarded as a collective entity, the whole leadership of the part needs to be held accountable.

In summary, Hlaudi Motsoeneng may not have the relevant skills and qualifications to hold the position of a Chief Operating Officer (COO). His persistent refusal to step down as COO presents a complication in the manner in which he was appointed. It is clear that Hlaudi's mandate is to remain in the leadership position of the SABC so that it remains under the capture of the ANC. Due to Hlaudi Motsoeneng still being in office and paying himself huge bonuses, one can say that he has taken away the opportunity of someone who is skilled enough and qualified. Similary, Nhlanhla Nene was dismissed because of his noncompliance sign off on a deal with airbus

7. SECTION V: PATRONAGE AND APPOINTMENTA AND SOCIAL GOODS AND SERVICES

If one argues that the obligation of Social Justice also includes the obligation to distribute social goods and services, then one may wonder if the government is not failing in this respect because of appointments through patronage. That is, in appointing people through patronage is government not compromising social justice specifically with regard to Rawls difference principle? One can also argue that appointments through patronage may partly be responsible for the poor delivery of social goods and services, insofar as such appointments consider only a subset of people. The difference principle is about how to evaluate the justice in the distribution of goods and services. The definition of this principle is that any inequalities must be to maximising the benefit of the least advantaged.

If the ANC wishes to adopt this principle as part of its distribution strategy, one needs to evaluate reasons why the “spoils” are not evenly shared between the victors of the liberation. In a previous section of this report, I made mention of those appointed in government positions because of pure dedication and to serve a corrupt faction. There are also those who are qualified and possibly be appointed based on merit.

Let us consider the following:

1. Appointment based on patronage to serve the president personal ambitions
2. Appointment based on dedication and alignment to the organisations vision
3. Appointment based on merit

(1) Seems to be the current state of affairs within South Africa. The poor services are based on incompetence and lack of care. The sentiment to serve the people versus self-enrichment would be the latter.

(2) Seems to trying to the best in a failed attempt due to lack of skills. Delivery is slow but the dedication to persistently continue to deliver is possible

(3) Seamless delivery of social goods and service that is based on experience and knowledge.

If one were to distinguish between the above based on the maximin principle, I would choose (3).

Post 1994 elections, we were all hopeful and believed that South Africa was well on its way to being more prosperous and possibly set to become a leading African democratic nation within the African continent. The ANC being a well-known brand was widely respected and widely recognised globally. This was due to the calibre of leaders the ANC had produced and respected for their selflessness and sacrifices. This personified the ANC as a liberation movement where the leaders gained the trust and respect of its people. Today we ask ourselves questions relating to poor service delivery and corruption. What has gone wrong and what has led to the mistrust that we as a nation are facing today. Has our ANC leadership failed us or is there a political plot set by the opposition parties, or can it be racism by ignorant white supremacists still trying to achieve the apartheid ideologies.

As much as past injustices were wrong, we should learn from the past and better our current situation as a democratic nation. We can only blame ourselves as a democracy having the power to vote for change if the leaders we have selected are not acting in our best interest. Nelson Mandela once quoted at a Cosatu Conference in 1993, “If the ANC does to you what the Apartheid government did to you, then you must do to the ANC what you did to the Apartheid government.” (1993). There are people who are still holding on to an ANC legacy which is long gone and for a great number of South Africans does not exist. Justice Malala, writes in his book, “The greatest act of love anyone who cherishes the ANC can perform for the party in the upcoming elections is to reduce its electoral majority. They should vote for an opposition party, any opposition party. They should not do so because they have fallen out of love with the ANC” (Justice Malala, 2015). The ANC who has achieved the success of our political freedom has captured our economic freedom.

The students of 1976 uprising and the students of today is still fighting and protesting for equality. The only difference between the government of 1976 and the government of today is that the one was an apartheid government and the other a democratically elected government that we have voted into power. Twenty-two years into our young democracy, are we really better off? Many may agree by saying that we are better off insofar as we have achieved our liberation and freedom. The EFF's sentiment for freedom is that we are not completely free if we have not achieved our economic freedom. The party that we have elected into power is not distributing the economic goods equally amongst the people of South Africa. Like the apartheid government, the distribution is only shared between a minority few. This type of distribution is not ideal especially where there are so many people in need of healthcare, water, electricity, food, education and many other resources. With the ideology of the EFF, we should have been much better off than where we are today.

As a democracy, we have made poor decisions because our politics seem to be in a state of chaos and confusion. The president and his faction is misleading the people of South Africa and using the legacy of the ANC to maintain the majority vote. Most of these voters are from the rural township areas that still believe in a bygone ANC. They believe in what the ANC has stood and most probably clueless as what the ANC has become. The chaos that is currently taking place in South Africa presents a poor image of the country locally and internationally. The chaotic image however does have an impact on how other countries sees South Africa as a possible investment destination. With the South African currency plummeting and political turmoil, makes the country not a lucrative destination for investors.

The South African economy as we all know is very unstable and very unpredictable due to political uncertainty. We see this in our GDP growth and downgrading threats by Credit Ratings Agencies (CRA) such as Moody's. Moody's is a credit ratings agency that rates the country's ability to pay debt as contractually agreed upon with certain terms and conditions. "Moody's Investors Service is a leading provider of credit ratings, research, and risk analysis. Moody's commitment and expertise

contributes to transparent and integrated financial markets. The firm's ratings and analysis track debt covering more than 120 sovereign nations, approximately 11,000 corporate issuers, 21,000 public finance issuers, and 72,000 structured finance obligations" [19] Many big businesses are closing their investments due to the corruption and scandals lingering, especially where there are senior politicians defending the wrongs of the president of South Africa. Capital flight is therefore not new to South Africa because of poor and bad decisions made by the ANC led government. The aloofness and arrogance shown to foreign investors and to the people of South Africa is an example of a leadership whose interest is not to better the conditions of the country and its people but for self-enrichment.[20] I feel that we use the idea of racism and the past injustices, to fuel our actions to indulge in the type of patronage that we as a nation have adopted. We tend to blame various circumstances and others for the wrong we intend or not intend tend to do to justify these actions. There is however no recourse of justification if indeed this is the case. If we compare the current ANC leadership to the ANC leadership of the past it seems that the ideologies are different. The focus of the current ANC is no longer to its people but that of a factional undercurrent that has segregated the true ideals created by a past leadership that stood for liberation and freedoms for all South Africans. Corrupt appointees in powerful positions, using our liberation as a vehicle to achieve corrupt ideologies, is taking advantage of our democratic system. We seem blinded by an emotional attachment to an ANC that no longer exist. The corrupt ideology is that of a president, accused of many crimes who strategically appoints trustworthy patrons to act in his favour if legally challenged.

The situation that we as an African nation find ourselves in is not unique to the rest of the world. All democracies follow a lifecycle of maturity and this can be acknowledged, especially on the failures that we have seen in the liberation of colonial occupancy in Africa. A more recent of liberations is

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[19] https://www.moodys.com/Pages/atc.aspx

[20] http://africanarguments.org/2012/09/25/economic-growth-in-south-africa-has-the-anc-got-it-wrong-by-moeletsi-mbeki-and-refiloe-morwe/

that of South Sudan being a new country and completely independent. South Sudan has its own fair share of challenges especially that of corruption and political instability.[21] I suppose that each country deals with this ordeal differently but there are some commonalities in most liberated countries. As a liberated African country, we somehow question the type of leadership and their calibre of leadership.

The common fundamental concern however is that of skills and the ability to perform in the execution of the ideals of its people. The people generally have the opportunity to vote for its leader, whom they believe may bring about the change that they seek. In an ideal world, if the people are unhappy with the performance of their leadership, they simply practice their democratic right and have them removed from power. Leaders come and go and each of these leaders have an agenda that may or may not be honourable. Some may even have personified ideologies that may or may not be justifiable due to its actions. To realize these personified ideals, there is a need of support or factional commitment that tends to benefit all members of that faction. Obligation to the faction presupposes a payback obligation throughout the rein of that faction. Privileges enjoyed by members of a faction sometimes overrule the rule of law by political influence and seniority of members of that faction. This is a common practice in South African politics today as we see a bias parliamentary chairperson that does not play a neutral role. This is problematic in many ways, as it obstructs the implementation of a democratic society that we can trust and hope to have our best interest at heart. It is therefore imperative that we as a democratic nation practice our democratic right to vote for political parties that somewhat compliment the ideals that we wish to have, especially for future generations. We should not vote or support political figures that promise us opportunities by using state resources as a payback.

This is quite clear today as we see the strong support for the ANC even though the president of the ANC were accused of many crimes ranging from fraud to rape charges. It is therefore that the ANC

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[21] http://www.combonisouthsudan.org/index.php/1534-we-all-did-it-time-for-a-new-liberation-story-in-south-

government today is not the same ANC government of the past and the ideals of what the party stood for remains embedded in the brand. The ANC supporters still believe in an ideal world whereby the party will be the saviour to everyone, bringing about the liberties and equality for all. The foggy ideals that the party still promises its members to stay in power, is a huge injustice to the country, as the ongoing looting will continue for a long time. The emotions of the people is being used as a means for corruption and it goes unnoticed and certainly unchallenged by a collective commitment to protect the corrupt leadership of the party. The unchallenged power and might of the ANC certainly makes them untouchable bringing about a party filled with arrogant and disrespectful to the liberties of all South Africans.

The embedded ideals of the ANC can best be expressed in the freedom charter that is aligned to the same ideals of the people. The behaviour of the current ANC leadership is that of arrogance and disrespect. It also lost a great part of its supporter stronghold. The reality is that it may be too late for self-introspection and reflection as what they have committed to do.

In no doubt, the South African government prior to the 1994 democratic elections was corrupt. Not only were people of colour deprived of freedom, but also were provided goods and services that were not equal to the minority elite. This in itself was unjust and ethically problematic as a democratic society that is still using the racist card to justify our actions as black society within a fully functional democracy that has seen the liberation of the past injustices. Why is it that we cannot move on as we seem to use racism as means to justify our ignorance that we all claim if were as a black democracy finds ourselves in post 1994? Surely, the leadership of the ANC has a plan for improving the lives of the people that has been supporting them over the many years of political struggles for equality.

A healthy economy is not only supported by a healthy and flexible infrastructure but also the wellbeing of those who manage its infrastructure optimally. By infrastructure, I mean the

instruments that make up a healthy economy. My assumption is that patronage within South African politics is where the problem is, but I will not isolate patronage as a sole contributor for poor performance and poor service delivery within government just yet. Let me analyse the current state of affairs and draw some conclusion on this matter, as the idea of patronage should not have a connotation of being something bad. An African proverb says, “If you want to go fast, go alone. But if you want to go far, you go together”. Keeping together is possibly one of the most powerful attributes of the ANC leadership to date.

A challenge put forward to the ANC in parliament addressing the request for Jacob Zuma to step down as president of the South Africa because of “vote of no confidence” fell flat in the public eye. Instead, the ANC was triumphant in retaining its leader no matter what the circumstances and concerns were. Should there not be limitations on how we as humans interact and should we not consider and evaluate our actions especially if you were chosen by the people to act justly and deliver on just actions and services? The moral obligation of the ANC is to serve and to provide social goods to the people that elected them. Indeed the actions of all political parties and the obligations they have to the people they represent depends on their actions. Acting unjustly and behaving in manner that is unlawful, will annul everything a political party has stood for, in the past and in the future.

The majority vote by the ANC Members of Parliament (MP), can it be considered as patronage in the true sense of the word and be applaud as an ethical act, even if the rules of parliament provides justification of Zuma not stepping down due to a majority vote? In 1994, the newly elected ANC government received a country with limited financial resources. It was indeed challenging especially for a new government to take over reign of South Africa, as there were expectations on providing the people with the needed services as promised in the freedom charter. The freedom charter is the pinnacle of the South African democracy as compiled by credible leadership of the ANC that has sacrificed a great deal of their lives for all to enjoy a free South Africa. Although there was an obligation on the ruling party to deliver the social services and goods, it was indeed

challenging on them to achieve what they have promised. In achieving these services, the ANC leadership needed to prioritized by creating and positioning skilled resources in strategic rolls and try to realise the delivery of ideals the people were expecting.

The credentials of the newly appointed ministers by the ruling ANC was based on the implementation and rollout of the freedom charter. With the successes of the hard efforts under the leadership if Nelson Mandela and Thabo Mbeki the ANC maintained the majority vote in the country for many years. Clearly, the people and the party ideals were aligned to that of the freedom charter and the partnership lasted for some time. In 2009, Zuma was nominated as the ANC's best candidate for president of South Africa after an abrupt dismissal of Thabo Mbeki. Naturally, the new president, Jacob Zuma would select his team and reshuffle members in cabinet that he feels fit that would align with his plan. The positions and additional roles that was setup by him was questionable in terms of its relevancy. In many instances, the appointments made by the president has been challenged in parliament, and condemned by the nation and prominent business who threatened to pull out their operations.

Many businesses were also unhappy regarding the appointments that were made by government. as they felt that there were some ulterior motives behind the appointments made. "The implication of this on the economy is that South Africa is now seen [by investors] as unstable" [22] The non-delivery of social goods by the ANC newly elected government at the time may or may not have been justified because of limited financial resources being at their disposal. The partnership between the people and government was strong because of the credible leadership of the late Nelson Mandel and leaders who has succeeded him. The patronage shown toward the leadership then was positive and transparent especially through challenging times where unemployment and inflation was on the increase. During the reign of past ANC leadership, there were very little inquires done by the public protector's office, hence the low budget allocation for high profile investigations.

Today we see a huge number of inquiries by the public protector's office. Due to the high number of inquiries and investigations, there was a requested to revise the budget. Does this mean that we as a nation have elected a ruling party whose leadership is acting inappropriately, and that since their actions are known to us, we continue elect them into power, their actions are justified? Is this patronage? It is true that since 1994 the ruling party has been making various appointments to fill core positions in order to achieve its political obligations to its people. The appointments made were to empower and transform government by providing fair and equal opportunity especially to those patrons that have been groomed to hold certain positions whilst in exile. It was also known to all that when Nelson Mandela were to leave prison after being detained for twenty six years, that he will be president of the South Africa. His appointment was based on patronage and that he was the more qualified person that the ANC could forward as their best candidate to run and manage South Africa. There have been many ministers that were appointed because of being fit to manage the roles allocated to them. In many instances, what we see amongst the opposition parties recently is the shadowing the ministerial roles that they will be filling once they win the national elections. This also goes hand in hand with the qualifications that they hold. By qualifications I mean academic or experience or both. We have also observed the appointment of a new public prosecutor where all opposition parties and the public could voice their concerns about certain on shortlisted candidates.

The involvement of the public and opposition parties through transparency provide the necessary credibility of the transparency on certain appointments give ease to idea fact that people had some influence on the matter of appointments within key positions. The country has lost billions of rand due to misappropriation of funds and tender abuse. There are speculation of fraud and collusion especially where government officials were involved. Political officials of authority can easily be enticed to partake in corruption and abuse power. The structures that our democracy has put in

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[22] http://mg.co.za/article/2015-12-09-nhlanhla-nene-removed-as-finance-minister

place are there to ensure the prevention of abuse of power leading to corruption. We therefor trust that the structures that government put in place are there to protect the rights of people and provide them with what is due to them. This has not happened under the leadership of the new faction with the ruling party. The obscure view that only providing goods and services to those who has pledged allegiance to a faction that promises only to look after their own, does not equate to a healthy democracy. This is what we are seeing happening in South Africa today.

8. CONCLUSION

In conclusion, I have demonstrated a central argument around the topic of patronage and the effects it has on Social Justice and Justice as fairness. I have also developed a secondary argument that refers to poor service delivery by providing reasons as to why the services are poor and not efficient. There seem to be a common trend in government where appointments made through patronage does more harm to the economy than good. John Rawls theory of justice formed part of the discussion of patronage and provided a frame of reference on how to evaluate the actions of appointing done through patronage.

The ANC as we knew it, no longer exist, simply because it no longer serves the people of South Africa but a factional few. It is no longer the ANC of Nelson Mandela, Ahmed Kathrada, Walter Sisulu and Desmond Tutu. In recent months both Ahmed Kathrada and Desmond Tutu recently voiced their concern on how the ruling party is conducting itself, especially in a manner that contradicts to what the ANC had stood for in the past. They have publically announced that Jacob Zuma step down as president of South Africa so as to prevent the party's reputation of further tarnishing its name. There seem to be a common feeling between opposition parties as well as some high profile members of the ANC that feel Jacob Zuma is not fit for office.

It is rather clear that many newspapers are reporting that Jacob Zuma has brought the ANC into disrepute and this comes in the midst that the highest court in South Africa that found him to guilty in defeating the ends of justice. He has hopelessly failed the South African public by not upholding and defending the South African constitution. The court has also order Jacob Zuma to pay back some of the money for the upgrade of his personal homestead as the public protector has found that he has unduly benefited by it. Protecting the president in times like these makes one question the moral standing of the ANC. In this report, it was noted that the political party that the South African people voted into power is self-serving and arrogant. The reason for this type of arrogance is due to factional support and the protection of ANC politicians enjoy paid by the taxpayer. African National Congress (ANC) is no longer the party of choice as it seem that they have lost their moral values. In the last local elections of 2016, the party has lost its majority hold in three major metros namely Tswane, Gauteng and Nelson Mandela Bay.

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