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AIMS AND SCOPE

Southern African Peace and Security Studies (SAPSS) publishes rigorous theoretical and empirical research in all areas of peace and security studies concerning the region of southern Africa, with a particular focus on practical policy-oriented research. The journal will also address evolving developments within the discipline. Articles address critical themes or case analyses and are contextualized within the scholarly and policy literature and existing debates on peace and security in Africa. Each issue contains a mixture of peer-reviewed research articles, policy briefs and book reviews. SAPSS is an open access journal and all articles published are available online at www.saccps.org/journal.

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Profiting from the State: Internal and External Dimensions

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The notion that political leaders are selfless public servants sacrificing themselves to contribute to the greater good of the society that they govern tends to carry little currency anywhere in the world, no matter how 'developed' or 'mature' democratic institutions are considered to be. There is very often a broadly held suspicion that political leaders position themselves and their policies in such a way as to bring benefit to themselves (and/or those that support and sustain them) in some form, whether tangible or intangible. But there are varying degrees at which such suspicions are held (or confirmed). At one extreme is what William Reno (1999) calls 'warlord states', in which predatory leaders' purposes of holding power is primarily to strip the assets of the state. At the other extreme we might consider leaders who, on the whole perhaps, appear to have relatively good intentions about working towards the welfare of the state and its people, but at the same time make certain policy decisions with a view to securing re-election, fostering a positive legacy, and/or positioning themselves for a prosperous post-retirement.

Many southern Africa states, needless to say, fall somewhere between these two extremes. The Democratic Republic of the Congo (DRC) and Angola are closest to what could be considered 'predatory' regimes. In the DRC, billions of US dollars in public funds, much of it associated with the mining industry, are thought to be diverted by state agents for private gain – a large proportion of domestic government revenue. State authority remains weak in much of the country and per-capita GDP is one of the lowest in the world. In oil-rich Angola, revenues from the extraction of this resource were long considered a state-secret, and nepotism, patronage and general corruption remain pervasive and highly damaging to the state's capacity for the provision of public services. As a result, chronic poverty coexists with opulence in the capital Luanda, which is one of the most expensive cities in the world.

At the other end of the spectrum are Mauritius and Botswana, countries that are considered models of democracy and good governance on the continent. Mauritius, for example, has topped the Mo Ibrahim Index on Good Governance consecutively for a decade. Botswana, which is praised for the management of its diamond industry, is rarely far behind. By the same token, graft and nepotism continue to be of concern in both countries, and, in the case of Botswana, the same political party has held power since independence in 1966.

Concerns about the diversion of state resources, and importantly, the institutionalisation of this practice at all levels of government, are also notably on the rise in South Africa. This is reflected in two of the articles in this issue. Michaela Elsbeth Martin and Hussein Solomon's article on the phenomenon of 'state capture', examines the degree to which economic and political power have become intertwined, and corruption institutionalised, in that country. At the same time it recognizes the difficulties in overcoming this state capture. Leon Hartwell's article also deals with the issue of power and corruption in South Africa, focusing in particular on the defeat of the impeachment motion against President Jacob Zuma in 2016, and its negative impact on South

Africa's constitution. Both articles portray an alarming level of state capture.

There is no doubt that political and economic elites can and do take advantage of the state and its resources in countries in which power is concentrated and institutional checks and balances are weak – and they often actively work to keep things that way. But in a globalized world, external dimensions also form a major part of the puzzle. Foreign and multinational entities collaborate with local entities in diverting resources belonging (or owed) to the state. A considerable portion of these resources end up leaving the region.

In some cases, this may involve collusion among political elites at both ends. A 1996 deal between Angola and Russia, for example, which saw the restructuring of debt relating to Cold War-era arms sales, ended with the diversion of more than 700 million US dollars, a significant portion of which allegedly ended up in the pockets of various Angolan officials, including President dos Santos, and of at least one member of the Russian parliament. While the bulk of the money remains unaccounted for, a large portion is known to have gone to businessmen who, through an investment company set up solely for the purposes of making this deal, acted as a go-between for the two governments.

As the above (and many other) example demonstrates, economic actors play an important role in this regard. This may be about businesses that are locally based but operate internationally. The role of the Gupta family in South Africa's economic and policymaking arenas, as discussed in the article by Martin and Solomon, is a case in point. But in a region in which economies are largely reliant on the exploitation of mineral resources, much of which is conducted by foreign (or multinational) corporations, such actors form a key link in the chain in which resources are diverted.

In the extraction and export of mineral resources, the diversion of finances occurs primarily through the practice of trade misinvoicing. This typically involves the undervaluing of the minerals exported, and/or the overvaluing of imports (machinery and other inputs for extraction, for example), to avoid or minimize export and import duties, royalties and taxes on profits. Undervalued exports are restored to market prices through (often secret or camouflaged) subsidiaries in tax havens before being traded to the intended buyers. Research conducted by groups such as Global Financial Integrity has revealed the sheer scale of this form of diversion. The illicit outflows (in the case of Africa as a whole, for example) are many times greater in value that inflows in the form of official development assistance, and contribute significantly to the state of affairs in which total financial outflows from the African continent exceed total financial inflows (GFI 2010).

The diversion of finances in this manner may or may not implicate official parties in the host state (in a deliberate sense). Multinational corporations of course put considerable efforts into obfuscating the practice of trade misinvoicing, and the host state may not be aware of illicit outflows. In some cases, however, officials may actively become involved in facilitating the process, or be paid to look the other way. But even in cases in which officials are not actively complicit, weak state machinery and the minimal allocation of resources to prevent or punish it, means that such states are unable to combat such outflows. Furthermore, the flow of finances from these countries cannot happen in the absence of compliant state regulation in the secondary countries through which the funds flow. In the Southern African region, Mauritius and the Seychelles, for example, continue to serve as tax havens and secrecy jurisdictions. The domestic democratic credentials of a country like Mauritius, are of little comfort if it serving as a conduit for the spoils of corruption and illicit financial flows from other countries in the region.

Needless to say, the fusion of economic and political power, and the associated diversion of

state resources have security implications. The diversion of state funds on such as scale as is being witnessed in countries such as (but certainly not limited to) the DRC, Angola and South Africa, reduce by great measure the funds available for the provision of public services (law and order included). The lack of such public service delivery in South Africa, for example, is currently resulting in the outbreak of protests and/or violent episodes on a daily basis. Furthermore, the perception of corruption, nepotism and patronage among the population also serves to damage not only the credibility of the government in power at the time, but also the institutions of the state as a whole, further eroding its already limited ability to maintain a stable, effective and comprehensive system of governance.

This first article in this issue is not directly related to the problem of the diversion of state resources. It looks at issues of peace and security in the region and beyond (from the perspective of Angola) in a more traditional sense. The article, by Luís Manuel Brás Bernardino and Gustavo Plácido dos Santos, focuses on the Angolan Armed Forces (FAA) and the African Peace and Security Architecture. It observes recent developments in the FAA and examines Angola's strategy in Africa, and in the Southern African Development Community (SADC) in particular. In the sense that weaknesses in the FAA are being identified in this article, and considering the levels of the diversion of state funds in Angola as a whole (although this is beyond the scope of the article), future research might also do well to consider the impacts of the issues discussed above on the state of the armed forces in that country.

References

GFI (Global Financial Integrity) (2010) 'Illicit Financial Flows from Africa: Hidden Resource for Development', March <http://www.gfintegrity.org/wp-content/uploads/2014/05/gfi_africareport_web.pdf>, accessed June 2016.

Reno, W. (1999) *Warlord Politics and African States*, Boulder: Lynne Rienner.

The Angolan Armed Forces and the African Peace and Security Architecture

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Abstract

Angola's involvement in the African Peace and Security Architecture (APSA) is an example of a rising regional power searching for strategic affirmation. Through a participatory, influential and engaging foreign policy, Angola is committed to a strategic balance in which the Armed Forces (FAA) are an instrument of both military cooperation and conflict resolution within Angola's area of interest. This article seeks to demystify this paradigm and to reflect upon Angola's potential interests behind its participation in the APSA's framework. While being strategic to the development and affirmation of Angola's military capabilities, the APSA also enables the FAA to function as a mechanism for the assertion of the country's foreign policy at the regional and continental level. These dynamics are all the more relevant in a context where Luanda holds a non-permanent seat in the United Nations Security Council.

"It is equally significant that Angola responded to its post-conflict internal challenges of reconstruction by looking abroad."

Assis Malaquias (2011: 17)

Introduction

The post-independence conflict in Angola was one of the most violent in the African continent and echoed the main arguments then put forward as endogenous factors behind intra-state conflict in sub-Saharan Africa. It was only after the signing of the Luena Agreement, on 4 April 2002 – which established peace in Angola –, that the country managed to enter the path to development. The Angolan armed forces played a major role in national reconstruction and in asserting state sovereignty, in particular by providing support for national development and domestic and border security. In addition, the armed forces became a key element of Angola's

foreign policy, especially through their involvement in regional conflict prevention systems and, when necessary, by acting almost instinctively in order to protect and secure national interests at the regional and continental level (Messiant 2008: 367-370).

In this context, the Angolan armed forces have been endeavoring to improve security in the sub-Saharan region, since reinforcing external security contributes to strengthen domestic security, especially in terms of border control and maritime defense. These aspects are reflected in the documents that served as theoretical and conceptual basis for the 2003 Strategic Concept of National Security and Defense,[1] considered the cornerstone to the development of the capabilities of the 'new' armed and security forces. The political and strategic orientations of these 'new' forces point to a greater degree of participation in regional security over the coming years.[2] This, we believe, will boost Angola's position at the regional level and position its armed forces not only as an active part of national foreign policy, but also as a structural mechanism allowing for greater external action and projection by the Angolan state, therefore serving Luanda's security-related objectives, as well as the country's development and affirmation in the sub-Saharan region (Júnior 2003: 110-111).

This article analyses Angola's involvement in the African Peace and Security Architecture (APSA) and seeks to answer the question: 'How important is Angola's presence in the African Regional Security Architecture?' We address Angola's foreign policy towards the African regional organizations where it is represented, identify the country's main contributions to regional and continental security and defense, and consider participation scenarios and possible strategies to strengthen Angola's role in the Southern African Development Community (SADC).

Angola's perspective on defense and security, and its insertion in regional defense areas

The creation of a single Army and the politico-military tribulation that followed the 1992 elections hampered the materialization of what was set out in the 1991 Bicesse Accords, pursuant to which the then contending forces – Forças Armadas Populares de Libertação de Angola (FAPLA) and Forças Armadas de Libertação de Angola (FALA) – merged into a single national army. The failure to materialize that merger paved the way for one of the most difficult periods in the country's recent history. However, the signing of the "Luena Memorandum of Understanding" on 4 April 2002 would finally mark an end to the fratricidal war in Angola. From there on a new course was set for the country's edification and peacebuilding, strengthening the capabilities and *esprit de corps* of the FAA. Additionally, the Angolan military's mission became constitutionally established under Article 207 (1) of the Constitution of the Republic of Angola and replicated in the National Defense and Armed Forces Act – Act

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[1] Reviewed the 1993 Strategic Concept and Law 2/93 of 26 March, otherwise known as the National Defence and Armed Forces Law

[2] Participation in UN peacekeeping missions and presence in future military exercises – SADC and ECCAS regions, Gulf of Guinea, and others.

No. 2/93 of 26 March –, which was reviewed in 2012. (Leão and Rupiya 2005: 3-11, Júnior 2003: 23-24).

This framework reinforced the notion that security and stability in Angola are currently linked to a multiplicity of non-conventional, transnational and persistent threats and risks that pose tangible threats to national and regional security. At the international level, those relate to organized crime, terrorism, politico-religious fundamentalism, the issue of arms proliferation and environmental hazards, humanitarian catastrophes and pandemics that threaten the lives of millions of human beings in Africa. At the level of the state, those are the emergence of failed-states and the multiplication of violent conflicts and civil-wars, the likes of which have become widespread and constitute, directly and indirectly, threats to regional security and stability. The need to counter these threats and risks led to the direct involvement of the Angolan state and the FAA in Guinea-Bissau, through the creation of the Angolan technical-military mission in Guinea Bissau (MISSANG-GB), whose goal was to contribute to SSR and DDR in the country. Also worth highlighting is Angola's recent role in promoting security and stability in the Central African Republic (CAR) and the Democratic Republic of Congo (DRC).

In this context, the concept of security appears to have gone through two fundamental changes: first, security does not focus exclusively on the classic state security concept, as it also encompasses human security. Secondly, risks, threats and transnational conflicts must be essentially answered on the basis of regional or international cooperation, since it is in a cooperative and collective security framework that remedies to state weaknesses and frailties should be sought after. Therefore, in order to face the present international security scene, national defense policies, as well as security and defense instruments, have to develop more adequate responses. Additionally, national defense should have as fundamental objectives not only the competence to ensure the security of the state and that of its citizens, but also the ability to project security abroad and strengthen cooperation within the framework of existing systems of alliances in order to promote internal and regional security and peace.

The fundamental objectives of Angola's defense policy are "to guarantee the defense of national sovereignty and independence, territorial integrity and constitutional powers and, through these, law and order, ensuring the freedom and security of the population against acts of aggression and any other type of external or internal threat and the development of missions in the public interest, under the terms of the Constitution and the law," as set out in Article 207 of the Constitution of the Republic of Angola. Thus, as we have seen, the current international security context and the appropriate response by national defense policies suggest that a broader and shared notion of security will arise in the future, as well as the adoption of a more integrated and multidimensional strategy in terms of security policies. As a matter of fact, that is already reflected in the FAA's strategic and operational doctrine, definition of command and control structures and, consequentially, in its missions.

In the legislative field, apart from traditional missions, the FAA is tasked with participating in international missions, namely in collective defense systems, and will tend to participate in foreign policy support missions, notably through its integration in crisis management structures,

humanitarian missions and peacekeeping operations, within the framework of the organizations in which Angola is a member and that of the 'Africanist' dimension of the Community of Portuguese-Speaking Countries (CPLP).

The FAA assumes its constitutional responsibilities when performing missions against transnational aggressions and threats in accordance with the law and in coordination with internal instruments, namely security forces and services, and strategic intelligence systems. The FAA carries out a variety of missions, such as of public interest, search and rescue, maritime surveillance, and population support, especially in terms of demining, support for public provision and in cases of natural catastrophes and pandemics. The FAA does so while acting in a supplementary and complementary manner regarding Angola's National Civil Protection Service. The FAA is also committed to protection and security programs – such as crisis management – with Member States of regional organizations to which Angola belongs.

Seeking to adapt the Armed Forces to modern times and 21st Century transnational challenges, regional military intervention is being defined as a strategic vector of Angola's National Defense Policy. With that purpose in mind, and also aiming to modernize, operationalize and insert the FAA into the regional context, the following lines of action were created:

- Consolidate and sustain a professionalization model for the Armed Forces, while guaranteeing its sustainability based on professional and qualified human resources, as well as aiming at making the operational experience appealing and ensuring that it contributes to the FAA's operability;
- Modernize equipment and infrastructures, so that it contributes to greater interoperability and adaptation to new missions, needs and demands, namely in terms of its participation in international military missions. With that in mind, the priority is to review the National Defense Strategic Concept and the Armed Forces and National Defense Law, towards attaining a greater degree of regional intervention within the context of regional and international organizations;
- Restructure the upper echelons of national defense and complete legislation reforms in the area of defense, thereby valorizing the military condition and contributing to the professionalization of the FAA;
- Dignify the military function, by recognizing and valorizing the military profession within the framework of the state, and encouraging the FAA to participate in missions – in financial and prestige terms;
- Ensure the sustainability of the national defense budget so as to determine a budgetary policy that guarantees a sustained investment in defense and armed forces, in order to abide by the state's international commitments;
- Develop tactics, techniques and procedures, while integrating doctrines in line with the regional contexts where the military are inserted, namely within the framework of peacekeeping missions and crisis-response operations;

- Occupy military posts in the structures of African regional organizations, allowing for greater interaction and to follow closely developments in matters pertaining to regional defense and security;
- Support staff training and provide them with capabilities to develop military staff, observer or military advisor functions, in the context of regional military alliances and within the framework of the UN;

National defense aims to protect national citizens inside and outside national territory, and contributes to the security and well-being of the population, which implies investing in greater credibility and scope of action of its military component, the Armed Forces. Given the fact that it is a transversal policy, national defense should have a comprehensive and permanent nature, and be executed whenever and wherever the interests of the state need to be protected. This should be done by integrating military and non-military components in a unique synergy working in favor of the state and the nation.

In the internal sphere, the FAA increasingly participates in missions of public interest, acting with greater proximity to citizens. In other words, by applying its capabilities, the FAA add value to their presence across the territory, promoting a closer and mutually beneficial relationship with the population. Being an active instrument of national policy, the FAA increase the potential of the state's governability, represent one of the main vectors of Angola's foreign policy, constitute a deterrence factor toward possible external aggressions and threats to air and maritime territory, and safeguard international communication lines crossing sovereign territory.

Angola's contributions to regional peace and security

Article 24 of the Charter of the United Nations confers "on the Security Council primary responsibility for the maintenance of international peace and security", and establishes that, in order to achieve those goals, it shall forge necessary strategic partnerships with other international and regional organizations. In this context, by securing a non-permanent seat in the United National Security Council for the 2015/2017 biennium, Angola has a "moral obligation" to contribute and think security as a global actor. This can be translated into a future increase of Angola's activities and participation in UN peacekeeping missions, primarily in Africa but also in other world regions.

In line with this paradigm, and having as a main objective to promote stability and progress in the African continent, African heads of state and government established the African Peace and Security Architecture (APSA). At the heart of the APSA is the Peace and Security Council (PSC) which, under the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union, is defined "as a standing decision-making organ for the prevention, management and resolution of conflicts" that operates at the regional level to promote peace, security and stability in the continent. The protocol also established the African Standby Force (ASF), the Continental Early Warning System (CEWS), the Panel of the Wise and the Peace Fund as the main pillars of the African collective security strategy (Cillier:2005:6-12). Within

the framework of this mechanism, the operational structure designed to support peace operations is the ASF, which is made of five brigades, one in each of Africa's regional blocs, and composed of multidisciplinary civilian, police and military components. The May 2003 Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee guides ASF's actions and readiness, while seeking to acquire capabilities in order for the ASF to be able to participate in missions mandated by the UN, AU or regional organizations, and thus to promote regional security.

Although the FAA's mission is primarily to protect national interests, they also participate in military campaigns beyond Angola's borders whenever it is required and politically defined by the executive. Coupled with the way in which it sought to contribute to internal conflict resolution in Guinea-Bissau and the DRC, the FAA's wide scope of action has allowed it to earn some degree of regional and international prestige. Angola should seek to maintain and consolidate this prestige, especially through further participation in regional peace and security mechanisms it subscribed to, in part because unilateral, ad-hoc interventions have a lesser political and strategic impact at the regional level, while being often negative for the state.

As an AU Member State and part of regional economic communities, the Republic of Angola has an 'obligation' to contribute to the ASF with a battalion. Moreover, Angola became responsible for establishing a center of excellence for tactical level training, as a result of commitments undertaken with ECCAS. This center may allow for the projection of Angola's armed forces as a regional security-provider. In terms of preparedness, we can see that the FAA have been actively participating in these regional commitments, operating on the basis of either the UN or AU's doctrine, with the objective of integrating and deploying within the framework of the regional ASF. This, in turn, implies having its own consolidated national doctrine and conducting operational training and exercises, whereby it can create and develop capabilities for the joint deployment of an African task-force. In fact, Angola and its armed forces have been developing this aspect within the regional dimension.

Meanwhile, in order to operationalize this objective, the FAA created two training centers in the field of peace operations: the Strategic-Operational Center (Núcleo Estratégico-Operacional), in Luanda's War College (Escola Superior de Guerra), and an additional one focused on tactical level training that operates out of the Peace Operations Instruction Center (Centro de Instrução de Operações de Paz), or CIOP – affiliated to the Special Forces Brigade –, in Cabo Ledo. The latter, which is tasked with supplying forces to peacekeeping missions, has already prepared a group of military observers and, in 2010, initiated the tactical preparation phase of the infantry battalion deployed in Guinea-Bissau in 2011, as well as that of the forces mobilized to the AU's ASF, in 2014.

The Special Forces Instruction Centre (CIFE) of the FAA, which shares its location with CIOP, regards peace operations as highly complex operations, given their specificity, multitude of scenarios and multinational nature. Therefore, and in order to be able to respond to the various scenarios, such operations require committed, flexible and apt forces, a good level of technical and tactic preparedness, and an elevated moral and mental state, something which can only be

attained with intensive training. CIOP's structures are still functioning and were recently bolstered with more instructors, in virtue of them being allocated to the College, rather than to the 1st Motorized Infantry Brigade, in Vale Paraíso. CIOP has continued its mission of providing training and education in the field of peace operations to military units and civilians, nationals or foreigners (Bernardino 2013: 312-324).

In 2011, an organic unit dedicated to Peace Support Operations (PSO) was created within the Operations Directorate of the General Staff of Armed Forces (Estado-Maior General das Forças Armadas, EMGFAA). The unit's mission is to form a new structure for CIOP and its organizational framework – functionally linked to the new unit –, and define the two fundamental areas of peace operations – operational and training. In fact, recent projects in this field have already been developed in accordance with the new model, especially in terms of coordination with the new unit, as was the case with the preparation of the forces deployed under MISSANG-GB. As a result of this evolution, CIOP is hierarchically dependent of the Army Chief of Staff, while being functionally dependent of the Operations Directorate and maintaining a technical dependence on the Main Directorate for Preparation of Troops and Teaching (Direção Principal de Preparação de Tropas e Ensino). As such, and because the FAA felt the need for a body responsible for training in close conjunction with the operational field, studies were elaborated regarding the possible future location of CIOP (or a similar body with a different designation).

As per AU's strategic parameters, and following a period in which Angola focused on consolidating internal peace, rebuilding the country, and adapting defense and security structures, the FAA started to develop its presence in regional organizations by participating in operational exercises in the context of peace operations within the framework of the UN and/or the AU. This, in turn, paves the way for Angola's police and military forces to begin integrating peace missions in Africa in the short term. However, in our opinion, the current African and regional security dynamics require greater proactivity and pragmatism on the part of Angola. In other words, the country's presence in regional African organizations will, in the future, imply a greater level of military intervention within the purview of Angola's defense and foreign policy, suggesting a growing participation in the region and increased relevance of the FAA within the APSA framework.[3]

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[3] The AU intends to create a standby military force, i.e., a force ready for rapid deployment at appropriate notice in any crisis-hit theatre. This is contingent upon the availability of military forces with high levels of operational readiness, as well as prepared and trained for these type of scenarios and missions. The Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee shows that the military, police and civilian components must be self-sustaining during the initial phase of operations and have the capabilities to guarantee the fulfilment of missions until logistic channels are established and supplies by the UN, the AU or a nation, are secured. The degree of logistical autonomy means that troops must be independent from any external support for a minimal period of 30 to 50 days, which in turn means that countries contributing with forces must be prepared to sustain their units with their own resources, from the moment they enter the theatre of operations until the logistics system is established by the framework nation or organization responsible for logistical support.

As for the FAA's military exercises, article 14 of the protocol relating to the Council for Peace and Security in Central Africa (COPAX) – ECCAS' peace and security consultative body –, bestows on the Council of Ministers of Defense and Security the competence to organize and plan regional military exercises. In doing so, ECCAS is responding to the capacity development needs of the Central African Multinational Force regarding peacekeeping operations, on the basis of international law and regional security cooperation and partnership. In this framework, FAA's participation in exercise Kwanza enables interoperability of military systems and contributes to its projection as a leader in this setting, as demonstrated by the opinion of Angolan officials interviewed during the exercise, which was carried out in the Angolan region of Cabo Ledo (Bernardino 2013: 389-395).

Regarding SADC, the regional Standby Brigade – of which Angola is part – was established in 17 August 2007, during the organization's Summit of Heads of State and Government, in Lusaka. It has made considerable progress in terms of the organization and participation of Member States in military exercises directed at peacekeeping operations. The Southern African Development Community Brigade (SADCBRIG) was established to conduct observation and monitoring missions, intervene in a Member State – in order to restore peace and security, and prevent a crisis or conflict from aggravating and spreading to neighboring regions or countries – and carry out post-conflict disarmament and demobilization missions, among others. SADCBRIG is made up of military, police and civilian members from SADC Member States, totaling around 6000, with the aim of sharing the security burden in the region and contributing to progress, security and well-being of the population.

In these circumstances, regional integration will, on the one hand, constitute an instrument of crucial importance to develop and strengthen economic interdependence between SADC Member States, thus promoting greater economic growth. On the other hand, it will become a means to ensure the participation of countries in the development of regional security. As such, educational activities and operational training have taken place at the brigade level, and Angola has actively participated, such as in the military exercises Dolphin, Tokghamo and Blue Angel – the latter focused on the air component and intra-regional strategic transport.

MedFlag exercises, carried out together with U.S. Armed Forces, intend to provide support to populations, while also having a direct impact on the preparation of military staff and on their interaction with civilian organizations ready to act in contexts of crisis, conflict or war. This, in turn, requires training, organization and planning in times of peace, so as to better understand how prepared these organizations are in the face of conflicts, which can be extremely valuable in situations of national need, such as natural catastrophes and pandemics. Therefore, Medflag represents a significant step towards the new role the FAA will play in the Angolan society in times of peace and also in helping to rebuild the country. This exercise aims at providing joint-combined medical training and humanitarian assistance, and involves the joint participation of Special Forces (commandos and marines) – including Angolan Navy divers, and U.S. AFRICOM medical teams and Navy units.

Strategic aspects of Angola's involvement in the African peace and security architecture

Global conflicts, especially in the sub-Saharan region, are frequently the subject of academic reflection and specialized geopolitical analyses. In this setting, it is generally accepted that regional African organizations have been the principal agents of development, security and regional defense in the continent. Nonetheless, the establishment of the APSA is a rather different approach to that pursued in Africa in the 20th century, especially in regards to the introduction of proactive mechanisms for the prevention and resolution of regional conflicts. This becomes all the more relevant when considering that in an increasingly globalized world, insecurity and underdevelopment in Africa affect global stability and security, sending shockwaves across different geopolitical regions.

Furthermore, the establishment of the APSA constitutes a 'Pan-Africanization' of the security sector. In other words, the APSA covers the entire continent by operating at the regional and sub-regional level, while promoting politico-strategic cooperation between states and organizations with the ultimate goal of improving people's living standards.

In their area of intervention, regional organizations are responsible for the security of Member States and conflict prevention – the latter being also represented in the Early Warning System –, thereby placing them at the center of the regional and continental security context. These organizations are thus the focal points and main interlocutors for strategic cooperation policies regarding security in Africa. In this framework, the AU has assumed a more intervention-oriented nature, in contrast to its ineffective predecessor. The continent-wide organization has set up structures and mechanisms directed at ensuring an appropriate level of success in the management of regional conflicts, and is now the axis for security and defense cooperation strategies in Africa.

CEWS connects units that monitor tense situations in the field to other sub-regional mechanisms, which in turn are linked to supranational politico-strategic decision centers. This mechanism provides an opportunity for Angola to project itself in the context of cooperation for peace in the sub-Saharan region, in particular by helping to establish situation centers and exchange strategic information within the interregional network of operations. Although the CEWS network is not yet complete, it is intended to become the most reliable indicator for assessing threat levels and regional conflicts. CEWS ability to monitor developments in emerging crisis makes Angola's involvement more of a necessity, rather than a priority. In fact, not only will it help guarantee the country's own security and that of the region, but also enable it to influence the level of conflict in Africa.

At a time when peace and security are strategic priorities for Africa – since security and development are closely linked –, the implementation of conflict prevention and resolution mechanisms, and notably the establishment of the African Standby Brigades, become strategic priorities in which Angola can play an important role. Angola has actively participated in SADC and ECCAS, thus creating an ambivalence and apparent vagueness in its foreign policy's strategic line of action, which has nevertheless served it well, namely in terms of enabling it to

define regional priorities and, as such, to assert the potential of its military. Far from being a problem, this is an articulated solution for Angola's internal security and defense dilemmas – such as border control, especially in the north and east, but also in the south –, and provides an opportunity to develop itself as a multi-faceted regional power. By acting simultaneously on both regions, Angola is faced with a number of opportunities that the FAA are preparing to absorb into their capability-development strategies, thus contributing to project the country as a rising regional power (Almeida 2011: 170-171).

As a member of two different sub-regional organizations, Angola is sustaining a structured and strategically useful dichotomy that, in terms of regional security, is designed to contribute to a better and clearer definition of its regional foreign policy. Where SADC is concerned, Angola appears to be focusing on a greater level of commitment and political and diplomatic visibility in the context of post-2013 relations with Jacob Zuma and South Africa. In fact, Angola has participated in, and directed resources to, SADCBRIG's regular operational maneuvers. The Dolphin military exercise, which is SADC's biggest, includes elements of the Angolan armed forces and national police, as well as some civilians, and is designed to train the participants for humanitarian intervention in emergency situations. The Blue Zambezi military exercise aims at developing capabilities for airborne insertion of human and material resources into the region. This exercise, which essentially involves the air forces of SADC Member States, has counted on the active participation of Angola. An example of Angola's active engagement was the military exercise it organized in Cabo Ledo, in 2012, and which was praised by the international community.

In late 2007, Angola also helped prepare and implement a Memorandum of Understanding on the establishment of SADCBRIG. The memorandum represented a significant step in the introduction of this regional prevention and security mechanism, and also in supporting the establishment of the SADC Regional Peacekeeping Training Centre in Harare, Zimbabwe. The center has administered a substantial amount of training courses on peacekeeping operations for members of the region's armed forces, including those from Angola.

Furthermore, it is worth looking at Angola's military capabilities. According to 2015 data in *The Military Balance*, an annual publication by the International Institute for Strategic Studies (IISS), the Angolan armed forces – which have been under a politically-oriented restructuring since 2007 – currently comprise around 107,000 personnel, of which 100,000 are in the Army (93%), 6,000 in the Air Force (6%) and 1,000 in the Navy (1%), plus 10,000 paramilitary elements. Regarding weaponry, the Angolan armed forces are equipped with material from different sources, most of it of Russian, Cuban and Chinese origin, acquired during the war between MPLA and UNITA. The Army has 300 armored vehicles (Soviet T-54s, T-55s, T-62s and T-72s), more than 1,000 reconnaissance and combat vehicles, and light infantry personnel carriers, and 1,400-plus artillery pieces of different origins, calibers and operability, as well as anti-tank and air-defense systems.

The publication also notes that the Angolan Navy has 22 ocean patrol vessels, plus amphibious vehicles, a small navy's aviation contingent and an equally small but growing force

of marines. This shortfall is one of Angola's main weaknesses in terms of maritime security capability, considering the vast maritime and coastal area over which it is the sovereign power.

The Angolan Air Force is relatively powerful when considering the general capabilities in the sub-Saharan region. It has 83 fighter aircrafts and 104 attack, multirole and transport helicopters, most of Soviet origin. While this provides the Air Force with a good strategic capability for intra-theatre transport and support for ground maneuvers and maritime operations, it is also strategically relevant in the current context of regional national armed forces, constituting an important contribution to the APSA. Such capabilities are clearly visible in Angola's participation in recent regional military exercises, such as the SADC's Dolphin and Blue Zambezi exercises, and the ECCAS' Kwanza exercise, not to mention the FELINO military exercise, conducted by the Community of Portuguese-speaking Countries (CPLP) – the 2011 exercise took place in Angola.

While the Angolan armed forces are still being consolidated and restructured, their naval capability is considerably small at present. Therefore, it becomes necessary to boost development and investment in new equipment and specialized crew training, so as to find a workable balance between operability and representation among regional armed forces. Doing so is a wager on the future, since security and defense are three-dimensional – army, navy and air force – and vital for Angola's vast maritime region.

The land component, the Army, seems to have surplus personnel and a number of problems in terms of equipment and training. It would be advisable to reduce and optimize resources in order to guarantee less but better equipment, thereby improving operability. Furthermore, the Angolan Air Force has a considerable degree of capability in regional terms. Pilots and support personnel have been trained in a number of countries, which has contributed to maintain an appropriate level of proficiency and enable deployment in the African theatre of operations, namely within the context of African regional organizations. Being an important asset in the regional context, Angola has to make the most out of its Air Force in the near future, if it is to affirm itself as a key African security-provider.

The Angolan armed forces have been undergoing restructuring and resizing since 2007 and are preparing to take on new challenges, something which will not only reinforce Angola's internal security and defense responsibilities, but also assert the FAA as an active player of the country's foreign policy for the sub-Saharan region and Africa as a whole.

Angola's strategy in SADC

The Southern African Development Community (SADC) is a sub-regional economic organization officially founded at the Southern African Development Coordination Conference held in 1980 by the so-called front-line countries – Angola, Mozambique, Tanzania and Zambia, later joined by South Africa and Zimbabwe in 1994. The name was changed in 1992 to the present denomination – SADC – and the Member States were merged into a regional common market confined to Southern Africa. In terms of cooperation in the area of defense, in mid-2001 SADC established a Protocol on Politics, Defense and Security, which would serve as a tool for

dealing with political, defense and security challenges in the region. In addition, the Inter-State Defense and Security Committee, consisting of the Ministers of Defense from each Member State, was set up with the purpose of contributing to greater regional security.

The establishment of the Mutual Defense Pact, in 2003, and the strategic decision to set up the SADC Standby Force Brigade (SADCBRIG) – in which Angola has played an active role since its inception – represent two particularly significant developments in terms of activities pertaining to regional security. In 2004, SADC adopted its Strategic Indicative Plan for the Organ on Defense, Politics and Security (SIPO), which was aimed at identifying the organization's main security and defense weaknesses, and resulted in some corrective measures being proposed. SIPO set up two bodies for that purpose: the Interstate, Politics and Diplomacy Committee, comprising Ministers of Foreign Affairs; and the Interstate Defense and Security Committee, made up of the Ministers of Defense, Public and State Security.

Today, SADC is a sub-regional organization containing a vast number of programs associated with development support, security and defense. The integration of security and sustainable development strategies in the region has facilitated consistent economic growth and improvements in regional security – mostly due to the economic and financial success of South Africa and Angola, despite recent setbacks –, transforming SADC into a highly successful regional organization in Africa.

As we have seen, the Dolphin series of military exercises has allowed for the use of military, police and civilian forces, as well as resources, in operational training activities, in order to foment greater interoperability between the contingents of Member States in the SADCBRIG. Angola has devoted particular attention to this aspect, as demonstrated in recent years by its growing commitment to regional dynamics, namely Angola's participation in the SADCBRIG and involvement in joint and combined military exercises.

If we compare the main capabilities of SADC Member States' armed forces, we find that Angola is not in a superior position. In fact, the region's military power is South Africa. The figures may be misleading, however, as we must not forget South Africa's economic capacity in terms of GDP, which reflects on its financial and industrial capability, population, education, and growing armaments and defense industry. That alone gives South Africa a clear advantage over any other country in the organization. Nonetheless, when compared to SADC's other members – excluding South Africa –, Angola's armed forces have higher combat potential in all branches (land, air and sea), notably in terms of its army component.

On the other hand, the Angolan Air Force's fighter and transport aircrafts and helicopters provide a clear quantitative and qualitative advantage, only surpassed by the South African Air Force and equaled by that of the DRC. SADC countries' naval component is very small and the Angolan Navy is within the average of most countries in the region that possess a navy and/or coastguard (Idem: 570-572).

Some theoretic reflections advocate the need for Angola to maintain organized and prepared armed forces capable of facing up to the country's main current and future threats. Equally important to assess is whether that should be pursued when considering the financial and

personnel restrictions associated with the restructuring and resizing of the Angolan armed forces, and the adverse economic and financial context it is currently experiencing. Although such adjustments are in fact essential for the sustainable development of the armed forces, it is nevertheless necessary to step-up investments in health, education and the manufacturing sector. Given that a reduction in the defense and security budget appears to be an inevitability, it is necessary to know how and where to disinvest – or rather not invest – without affecting the essentials and, at the same time, preserving the operational standards needed for the Angolan armed forces to play their part in African regional organizations and fulfil their sovereignty duties enshrined in the Constitution.

Professionalization is one of the most used means to address this conundrum. However, it is likely that the end of compulsory military service might pose a dangerous risk to a country like Angola, where the armed forces are the main providers of citizenship training and also one of the drivers of national unity and cohesion. One should bear in mind that one of the key factors behind the successful reconstruction of the Angolan armed forces following the civil-war was the creation and promotion of a sense of national identity.

The Angolan armed forces, currently undergoing much needed restructuring, face the challenge of doing more with less while continuing to be an instrument of the state's regional foreign policy and, at the same time, a vehicle for the country's affirmation as a major African power.

Conclusions

Angola has an active and comprehensive regional foreign policy, of which the armed forces participation within the context of SADC are an integral part. The answer to the central question – "How important is Angola's involvement in the African Regional Security Architecture?" – is contingent on the extent to which the government's political priorities are in line with its aspirations to become a regional power in Sub-Saharan Africa.

In order to answer this question, we need to reflect on Angola's recent history and the role of the armed forces in the defense of national sovereignty. The main concern for the Angolan executive since independence has been its land and maritime borders. Although the Army, or its derivative border control force and national police, had as its initial task to make war in order to attain peace, it is currently more involved in supporting the country's development.

The air force is a significant asset for the prevention and resolution of conflicts within the APSA in general and SADC in particular. There is also a need to enlarge and lend operational consistency to the navy, which is still seriously small. In fact, maritime security and the integration of a naval component within the APSA is one of the main challenges for Angola and regional organizations.

The Angolan armed forces are paving the way to become, in the future, more professional, interventional and operational in the sub-Saharan region, thereby becoming a tool for Angola's foreign policy and for the assertion of its position within SADC. This, in turn, will eventually

help strengthen and create the right working conditions for the African Peace and Security Architecture.

References:

Almeida, E. (2011) *Angola. Potência Regional em Emergência*, Lisbon: Edições Colibri.

Barros, M. (Coord.) (2006) *Reflexões sobre Geopolítica e Geoestratégia em Angola e em África (1ª Edição)*, Luanda: Editorial Nzila.

Bernardino, L. (2013) *A posição de Angola na Arquitectura de Paz e Segurança Africana. Análise da Função Estratégica das Forças Armadas Angolanas*. Coimbra: Editora Almedina.

Carvalho, A. (2011) *Angola. Economia e Petróleo (2002-2010)*, Lisbon: Universidade Lusíada Editora.

Cillier, J. (2005) 'Toward a Continental Early-warning System for Africa', *Occasional Paper* 102, South Africa Institute for Security Studies, <http://www.iss.co.za/Pub/papers/102/Paper102.html.>, accessed in January 2016.

James III, W. M. (2011) *A Political History of the Civil War in Angola 1974-1990*, New Jersey: Transaction Publishers.

Júnior, M. (2003) *A Formação e o Desenvolvimento das Forças Armadas Angolanas*, Luanda: Editorial Nzila.

Leão, A. and Rupiya, M. (2005) 'A Military History of the Angolan Armed Forces from the 1960s Onwards - As Told by Former Combatants', Center for Security Studies, ETH Zurich, <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=108507>, accessed in September 2015.

Malaquias, A. (2011) 'Angola's Foreign Policy: Pragmatic Recalibrations', *Occasional Paper* 84, South Africa Institute of International Affairs, <http://www.saiia.org.za/occasional-papers/angolas-foreign-policy-pragmatic-recalibrations>, accessed in February 2016

Messiant, C. (2008) *L'Angola postcolonial. Tome 1: Guerre et paix sans democratization*, Paris: Éditions Karthala.

Republic of Angola (2010) "Constitution of the Republic of Angola" <http://faolex.fao.org/docs/pdf/ang72591ENG.pdf>, accessed in February 2016.

Southern African Development Community (2007) 'Memorandum of Understanding on the establishment of SADCBRIG', <http://www.sadc.int/files/9013/5333/7937/MOU_on_Establishment_of_SADC_Standby_Brigade2007.pdf.pdf>, accessed in February 2016.

Southern African Development Community (2003) *Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee*. <http://www.peaceau.org/uploads/asf-policy-framework-en.pdf>, accessed in February 2016.

Southern African Development Community (2001) 'Protocol on Politics, Defence and Security', <http://www.sadc.int/files/3613/5292/8367/Protocol_on_Politics_Defence_and_Security20 001.pdf>, accessed in February 2016.

Southern African Development Community (2002) 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', <http://www.sadc.int/files/3613/5292/8367/Protocol_on_Politics_Defence_and_Security20 001.pdf>, accessed in February 2016.

Southern African Development Community (2003) 'SADC Mutual Defense Pact', <http://www.sadc.int/files/2913/5333/8281/SADC_Mutual_Defence_Pact2003.pdf>, accessed in February 2016.

Southern African Development Community (2002) 'Strategic Indicative Plan for the Organ on Politics, Defence and Security', <http://www.sadc.int/files/9113/6492/3812/sipo_en_3.pdf>, accessed in February 2016.

United Nations (1945) 'Charter of the United Nations', <http://www.un.org/en/sections/un-charter/chapter-v/>, accessed in February 2016.

Weigert, L. S. (2011) *Angola: A Modern Military History, 1961-2002*, Washington, Library of Congress.

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Understanding the Phenomenon of "State Capture" in South Africa

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Abstract

In recent years, South African newspapers routinely carry stories about corruption. Such corruption has become increasingly institutionalized leading to the phenomenon of state capture. This is where individuals or groups operating in the public and private sectors influence government policies for personal advantage. This paper provides instances of state capture and how this negatively impacts on broader governance as well as society at large. The fact that such state capture is occurring at a time when the South African economy is slowing down is particularly troublesome since it means that more people are getting less and is ground for concern for the future political stability of the country. The paper concludes with some key recommendations on how this dangerous trend can be reversed.

Introduction

In recent times the concept of *state capture* has become very popular in the political and economic arena of South Africa. It was particularly the close affiliation between the President of South Africa, President Jacob Zuma and the Gupta family that stirred up great concern about the South African state facing a possible state capture. Many analysts, however, argue that the notion of state capture has long been part of the dealings of the ruling party, the African National Congress (ANC), but has been concealed by the fact that the South African state has not been regarded as a failed or failing state. This is primarily because the ANC government is still able to exercise full administrative control, maintain some degree of peace and is able to consistently provide public goods to its citizenry (Jonas 2016: 16). However, it has also become evident that South Africa, under the administration of the current government, is both internally and externally falling apart. Exports are falling, commodity prices are falling, and the rand has slumped. The economy shrank by 1.2 percent in the first quarter of 2016 alone: it is now only the continent's third largest. Unemployment is at 26.7 per cent – an eight-year high – and business confidence is at its lowest for more than two decades (Hartley 2016: 1). Additionally, the assassination of political affiliates within the ANC during the municipal elections has shown that political power has become an important element in South African politics (Sutch 2015: 9). Moreover, political power is seen as a mechanism that can be used to extract financial benefits

from the state, and not necessarily to foster an environment where the needs of ordinary citizens are met. This indicates that power is interest driven, meaning that the South African economy is becoming increasingly centralised, where only a small segment of society is benefiting from it.

The emergence of debates, discussions and engagements pertaining to state capture and patronage networks in recent months, requires us to critically examine the potential effects that such networks have on the South African State, the economy and the society at large. Moreover, to understand the repercussions of not dealing effectively with issues of such nature should also be considered and should be dealt with in a coherent and direct manner. With this being said, the main aim of this study is critically analyse *state capture* in the South African context.

The first section of the study will consist of an introduction to the study, followed by a theoretical framework on state capture. Section two will briefly look at the ideological structure of the African Congress in the post-2008 era. Section three is the heart of the study, where various cases will be critically examined to highlight instances of state capture in the dealings of state affairs. Section four will discuss the future of the South African State pertaining to its political and economic landscape. Section five will discuss concrete solutions on how to reverse corruption and patronage within the South African state. The paper will end with the concluding remarks and a list of references

Theoretical framework: state capture

According to Sutch (2015: 2), state capture can be defined as the actions of individuals or groups both in the public and private sectors, influencing the formation of laws, regulations, decrees and other government policies to their own personal advantage. It is important to note that when discussing state capture, the state and the economy cannot be conceived as two separate entities. Economic and political power is therefore fused. State Capture comes in many forms. Firstly, at one end of the spectrum, it can occur in terms of an individual or family that exert control over both the state and the economy. Other forms include the development of oligarchies with a quasi-feudal structure of dependents or a complex range of networks with more equal and reciprocal relations. This is especially the case where laws and institutions become the product of corrupt transactions so that what counts as legality is itself a function of corruption (Sutch 2015: 5).

It is apparent to note that state capture undermines the efficiency of the state, especially where there is a direct relationship between state capture and corruption. This primarily happens when a state is paying more than it is supposed to for outsourced goods and services. State capture also undermines the efficiency of the state. This happens through poor quality services and public goods being delivered by patronage networks but less than capable service providers, through fiscal resources being redirected away from public goods provision for the poor or from value-adding economic endowments towards servicing some or other patronage network; and by weakening state capacity through appointing pliable but less than capable people in key positions, especially in finance procurement and political bearers (Whelan 2016). Jonas (2016) asserts that the most important element state capture takes away from a state, is its legitimacy. This happens

through governance systems and rules being flouted with, leading to a lack of transparency and accountability within the structures of the state.

The African National Congress' ideology in the Zuma era

For over 100 years there were moments in which South Africa's ruling party, the African National Congress (ANC), and its leaders, were able to speak to and for the nation with the resonance and moral authority that comes from matching the right words with the right actions at the right time. And where there was a lack of political innovation, the party's organisational strength enabled it to absorb much of what had been achieved by independent initiative. This in many instances allowed the ANC to renew itself and to sustain its vitality and connection to present and moral authority.

However, by the end of 2015, the ANC's claim of representing the nation had rapidly eroded, with the President of the ANC, Jacob Zuma, becoming a particular liability. It was the debacle around the dismissal of former finance minister, Nhlanhla Nene that influenced many South Africans to conclude that the president is unashamedly willing to place his own interests before that of the nation's (Whelan 2016: 4). The situation in the country has since worsened in which the first half of 2016 was marked by a floundering economy, an escalation in popular protests, declining trust in the president and entrenched conflict within the ANC with the upcoming local elections. The ANCs ideological principles of non-racialism and the National Democratic Revolution (NDR) have often been criticised for being an empty rhetoric. These principles basically entail the establishment of national democratic revolution which will overthrow the colonial state and establish an untied, democratic and non-racial South Africa. The main content of this revolution is inspired by the national liberation of the African people, and has become the cornerstone of South Africa's democracy and a core principle of the ANC (O'Malley's 2014). However, analysts concur that such principles carry very little weight as these are routinely spurned by the very individual(s) that are supposed to uphold them (Cordeur 2016).

It also became evident that as much as the ANCs National Development Plan highlighted a new long-term macroeconomic path, which received much optimism, the real issues such as corruption and the high levels of unemployment are not directly dealt with. This point is reiterated by Pithouse (2016), in which he argues that no sense of adequate measure had been taken of the country's situation, difficult decisions made and new commitments affirmed. In other words, the ANC remains subtle about the necessity of increasing funding for territory education and the growing public refusal to overt expressions of racism amongst others. The ANCs National Development Plan therefore remains an empty rhetoric.

According to Pithouse (2016), the cynical conflation of state power with people's power is a clear indication that the ANC remains committed to containing the escalating crisis by centralising power rather than seeking to resolve it by dispersing power. This directly contradicts with one of the core ideological principles of the ANC, where governance should uphold the values of democracy, in which power is centred on creating a better life for all South Africans.

State capture in the South African context

According to experts observing the political and economic situation in South Africa, there is nothing new about the state capture – it has always been the ANC's openly proclaimed and profoundly unconstitutional policy to capture the state, with the aim of promoting the party's own political and ideological interests (Claymore 2016). To a great extent, the ANC has diligently pursued this goal and succeeded in seizing virtual control over all levers of the state, with exception of the Judiciary, the Office of the Public Protector and perhaps the Independent Electoral Commission (IEC). What alarms the broader society, however, is the extent to which the elements of the state have been captured by President Jacob Zuma and those who surround him, for the promotion of their own personal wealth, and not that of the African National Congress nor the nation at large.

Loyalty over competency

The capturing of the economic and political segments of the state became institutionalized when Pres. Zuma took office in 2009. The availability of various vacancies served as a golden opportunity for Zuma to seize control over key state institutions by placing political loyalty above competency. This point is not an empty rhetoric, as it speaks directly to the various high profile jobs given to some of his most loyal cronies. For example, Siyabonga Cwele was appointed as the then intelligence minister, with Bheki Cele as Commissioner of police in July 2009. Moreover, another loyal lieutenant Menzi Simelani, was appointed as national director of persecution. Shortly before taking office in 2009, Zuma publically stated that the status of judges of the constitutional court needed to be renewed because *they are not God* (Business Times 2009). Even here Zuma showed optimism to capture the Constitutional Court, and this too is not an empty rhetoric. Incidentally, Zuma overlooked Dikgeng Moseneke as Chief and Justice, in favour of Sandile Ngcobo, with the aim of oppressing state powers leaving no room for independence and freedom of speech (Hartley 2016: 11).

More recently, the President has taken a somewhat feudal approach to South Africa's political and economic landscape. The reality is that for some time now, South Africa has been under the management of a powerful and wealthy family, the Guptas. According to Shivambo (2016), the Guptas have established a solid network in the ANC with disproportionate influence in the procedures of the ruling party and that of the state at large. Moreover, the Guptas run South Africa's state machinery in a manner that benefits not only themselves, but also their alliances, commonly referred to as the *Premier League*, at the national and provincial levels of the state. The Premier League consists of Premiers in the North West and Free State provinces among others, Ministers and Chief Executive Offices of state-owned companies (Cordeur 2016). The Guptas have emerged as one of the latest capitalist oligarchies seeking to capture tenders in the state, especially in state owned enterprises in the country (Hartley 2016).

The replacement of Ngaoko Ramatlhodi with Mosebenzi Zwane as Minister of Mineral Resources in 2015 was strategically influenced by the Guptas. Purportedly, Zwane is involved with the Gupta family which has extensive interests in the mining sector (Business Times 2015).

In his previous role as MEC in the Free State, Zwane served the Guptas interests through a dairy project which the provincial government paid millions for, but never materialised (Shivambu 2016). Since his appointment, South Africa's once-vaunted mining sector has been destroyed by clumsy state intervention implemented by the Guptas aimed at benefiting the family and rewarding Zuma's cronies (Hartley 2016).

In December 2015, Zuma shocked the entire nation, including the internal structure of the ANC, when he dismissed former Finance Minister, Nhlanhla Nene from office, and replacing him with Des van Rooyen. In order to make sense of the President's decision, it becomes crucial to understand the connections between Van Rooyen and Zuma, prior to his decision. Mr. van Rooyen and Pres Zuma worked together in the Mbokodo exile camps in the late 1980s as *Umkhonto we Sizwe* (MK) operative and soldier. Additionally, van Rooyen is not an elected leader of any organisation, but a political extension of North West Premier, Supra Mahumapelo, who is as corrupt as Ace Mangushule and Jacob Zuma himself. According to Winkler (2016), this was a strategic move by Zuma, because just like Mangushule, Zwane and Mahumapelo, it became critical for van Rooyen to extent into a senior cabinet position, with the aim of strengthening their criminal syndicate. In defence of appointing a new finance minister, the President asserted that Van Rooyen is a loyal *comrade* and was the most qualified individual for this position (Marrian 2016).

The President's decision however had a dire impact on the economy; the rand plummeted against the dollar and European currencies. It emerged that Zuma's business connections with the Gupta family influenced this decision. Initially, Zuma was approached by Russia to build a 9,600 MW nuclear procurement programme in South Africa, by which the Gupta's would supply the uranium. The nuclear programme's estimated cost was between R800-billion and R1.6-trillion (Business Times 2015: 16). The Treasury Department greatly opposed this initiative, as it became evident that this nuclear programme was glowing with controversy. It became clear that Zuma assumed personal control of the nuclear programme, which has been characterised by secret meetings; undisclosed documents and classified financial reports, deceit and aggressive campaigning (Rand Daily Mail 2015). Former Minister of Finance Nene, described this initiative as a *national suicide*, arguing that it will make no sense to have a nuclear plant while the economy is growing at less than 2 percent per annum, and the unemployment rate at 27 percent at the time (City Press 2015). Additionally, tensions between Nene, and the South African Airways Chair, Duduzile Myeni, a close ally of the President, also influenced Nene's dismissal after he rejected a proposal from the SAA board to restructure a re-fleeting transaction with Airbus. The Gupta's purportedly orchestrated this move behind the scenes, with the aim of capturing South Africa's airline (Shivamba 2016). It can thus be argued that Nene's dismissal occurred due to his reluctance to comply with illegal instructions made by Zuma's and his alliances both in business and state-owned enterprises.

It was these incidences that brought Zuma's strategies of bending state institutions outside of the security realm to his own will to the fore, and it became evident that his shadow security state came into conflict with SA's constitutional democracy. Moreover, analysing these incidents

indicates how Zuma aimed at cowing the security, economic and political apparatus of the state, closing down the space for free expression and subordinating state institutions to his own political will. Corruption and patronage is thus at the forefront of Jacob Zuma's Presidency.

State capture at the municipal level of government

Patronage networks and illegal dealings have infiltrated the local government so much so that it becomes impossible not to believe that Zuma intentionally appoints people with criminal knowledge and expertise to perform his illicit dealings and run patronage networks, and in turn not face the consequences of their actions, because they have the president in their corner. Free State Premier, Ace Magashule is one of Pres. Zuma's most important and consistent allies. He has been allowed to run the Mangaung Municipality as his own private empire, in return for loyalty to the president (Mail and Guardian 2015: 16). In addition, Magushule has been associated in a catalogue of corruption cases, most notably the R 570 million Vrede Diary Project and the Letlaka Media scandal, in which millions of taxpayer's money was used to fuel his patronage networks (City Press 2016).

More recently, South Africa's Minister of Water Affairs and Sanitation, Nomuval Mokonyane, is being investigated by the Public Protector after delaying the South African Lesotho Highlands Water project. Allegations of the Lesotho Highlands Water Project being captured by politically connected businesses has gained ground earlier this year. The minister is said to have personally intervened to delay the project by a year to enable the involvement in the lucrative project of LTE Consulting, a company with which she has a long-standing relationship and which is a generous funder of the ANC (City Press 2016: 14). This firm has been awarded R 5 billion worth of tenders in the past year, funded by South African taxpayers. From these cases it becomes apparent that power is not captured to build a home for the millions of people living in informal settlements, provide water nor to invest money into territory education, but to benefit from state coffers. As result, millions of ordinary citizens at grassroots level suffer dire consequences.

As noted earlier, the capturing of power, whether in terms of the economy or state institutions, is for self-enrichment and not necessarily for serving the people of the country. This phenomenon has become very problematic within the structures of the ANC, so much so that members have killed each other for the acquisition of power. In the 2016 local elections, for example, 14 ward councillors (ANC members) were assassinated, not by their opposition, but by other ANC members (City Press 2016: 17). Analysts concur that the control of resources such as municipal vacancies, and tenders are at the heart of these killings. Additionally, the Business Times (2016) noted that these murders are also as a result of councillors running for positions within the ANC to mobilise themselves and overthrow the current leader of the ANC, as such, these councillors are seen as a threat to the patronage networks of the state, and therefore eliminated. Even more problematic, if ANC members and its alliance partners speak out against state capture, they risk their lives. Consequently, it is therefore not so much the external variables such as civil participation within local government that will determine the future of South Africa,

but rather the internal variables such as corruption and patronage processes that will determine the fate of the country. As Pithouse (2016), noted earlier, the ANC remains committed to escalating issues of corruption due to centralising power, rather than seeking to resolve it by dispersing power. It is therefore safe to say that South Africa has emerged from a peace economy where economic, political and cultural institutions functioned together to resolve conflict and inequality, to a war economy where corruption, illicit dealings and patronage networks have become the order of the day. South Africa's war economy is sustained by one individual, Jacob Zuma, who has successfully captured the entire apparatus of the state. As such, Jacob Zuma will stay in power, as he has secured his position by appointing his most loyal allies in top positions in state institutions who are benefiting immensely from his rule. It can thus be argued that unless Jacob Zuma steps down as president before his term ends in 2019, South Africa might face a possible state failure.

How long will the South African state survive?
The patrimonial nature of the ANC has dramatically shifted in the past two decades, with two major factors playing a pivotal role. Firstly, the increasing salience of ethnicity within the ANC becoming more rooted in KwaZulu-Natal through its absorption of much of the IFPs peri-urban support base. Incidentally, Zulus constitute the largest voting bloc at ANC conferences and occupy key ministries in Zuma's cabinet (Malan 2015). And secondly, is the fact that since the high-point of the party's electoral successes, its erstwhile support base in major metropolitan areas, including Tshwane, Johannesburg, and Port Elizabeth, as revealed in recent provincial and local elections, has weakened (Business Times 2016: 14). With this being said, it becomes increasingly crucial to understand these trends, and what repercussions they might hold for the future of the South African state.

According to Johnson (2015: 14), South Africa is no longer governed – at least in any reasonable sense of the term, and certainly not well governed. Moreover, he argues that the consequences of the ills committed by the South African government are likely to result in a major economic crisis, which will need bailing out from the IMF. Such a bailing out will have a dire impact on the lives of those citizens at the margins of the state. As earlier established, the source of South Africa's woes, if they can be called that, lies within the structures and history of the ANC. It is no secret that the ANC is highly regarded for the pivotal role it has played in the Liberation Struggle of the country. Yet two decades later, the party is labelled in the words of Arts Bishop Tutu, *twice the giant it once defeated.... the ANC has failed the people of South Africa* (Mail and Guardian 2015: 17). Furthermore, Johnson (2016: 24) asserts that the ANC is no longer a party sold out for justice and prosperity for the people, but one that is drenched in corruption, rent seeking and inevitably squabbles over the distribution of patronage.

A major factor that will determine whether the South African state will survive or not, is the growing patronage networks within the ANC and the inefficient non-meritocratic behaviour that commonly operates within the party. More worrying, is how the leader of the ANC, Jacob Zuma, has weakened the independent powers of the state as seen earlier. According to Johnson (2015:

40), a string of warlords and patronage lords are running the provinces, and below them, a new class of black businessmen and government mandarins who work together to divert state resources into their pockets. This predatory elite can feed its voracious appetite only by redistribution away from others, in the process impoverishing everyone but itself. This phenomena as it already stands at this point in time, is the main cause of many societal problems within the South African state.

Many economists agree that the distortions within the South African labour sector have impeded both economic growth and the alleviation of poverty in the country (City Press 2015: 17). The creation of a *labour aristocracy*, whose members are beneficiaries of the crucial political support their unions provide to the ANC, has made it extremely difficult to generate employment for the society at large. The rise of the unemployment rate and the lack of economic growth, is one off the major factors that will determine the fate of the South African state. Echoing on this point, Johnson (2015: 45-48) suggests that South Africa, under the governance of the ANC, the country is slipping backwards, and the possibility that the country falling into a possible civil war, cannot be overlooked. According to Johnson (2015: 87), the outbreak of a possible civil war is triggered by factors such as the shrinking of the manufacturing and mining industries due to incompetency and corruption. The only sector that is still showing growth is the public one, where civil servants earn large salaries, and do little in return. This is primarily the case in terms of South Africa's education system. Surprisingly enough, South Africa's education system is funded at the highest level in the developing world, but produces the second poorest math and science results on the entire planet (Business Times 2014: 18). More devastating, South Africa's tertiary intuitions are barely surviving, receiving government funding at 0.8% of GDP, which is below global standards (Business Day Live 2016). As a result, the feasibility and sustainability of universities are at risk, and, according to Jansen (2016), if the government continues showing reluctance in investing more money into this sector, by the year 2020 some of South Africa's prestigious universities, will be mere education colleges. In addition, the millions the government is spending on social grants and civil servants salaries, is not sustainable in the long term, especially with economic growth at zero percent and unemployment rate at 27 percent. The future of South Africa doesn't look so bright.

Analysts assert that the only possible solution for South Africa at this point in time is the appointment of a new governmental structure. South Africans can either choose to have an ANC government or choose a modern industrialised economy, they cannot have both. Economic growth cannot be conducive or be sustained in an environment crippled by corruption, cronyism and greed (Daily Maverick 2016).

How can state capture be reversed in the South African state?

It has become clear that Jacob Zuma has extended power by employing loyalists to control all state institutions in order to put his own interests ahead of that of the nation's. The rationale is that when the network (loyalists) keeps Zuma in power, he will protect and reward them in office. Eventually all state institutions have become tools in the hands of the ruling network, including

the judiciary, prosecuting authorities, the police and the army. Instead of protecting citizens against the abuse of power, these institutions become an extension of the president's corrupt rule. This is the very reason why South Africa's constitutional democracy of South Africa has failed tremendously. A need therefore arises to put strategies in place to reverse, if not, fix the problem of state capture in the South African state.

The decentralisation of power

The centralisation of power and the capture thereof by the president of the ANC and the country, has been highlighted throughout this study. The ANC has held power for more than two decades and failed tremendously in effectively implementing it into concrete solutions for the many societal problems that the country has faced in the post-Apartheid era. As noted by Pithouse (2016), the ANC instead confused state power with people's power which led to escalating crises, as power became centralised within the governing structures of the state. The outcome of the recent local elections might be a solution to this phenomena as parties have shown great anticipation to opt for coalition governing structures in South Africa's most strategic economic hubs (Hunter et al. 2016). Consequently, the focus will not so much be on centralised power, but the decentralisation of it. In this way, power will not just be vested in the ANC, but in a number of parties, to deliver services, enhance economic growth and provide employment to the people. Accountability and transparency is therefore more likely in a denaturalised democracy than a centralised one. It can also be argued that the one party system is not sustainable in the long term, especially given the fact that the country has emerged from such a brutal past which makes such a party almost impossible. South Africa has again come to a crucial point where political parties have to put their differences aside and work together in creating a conducive environment where the needs of ordinary South Africans are met.

Combatting state capture from the inside out

It is no doubt that Jacob Zuma and his Premier League are the rotten apples within the ANC. It has become evident that Jacob Zuma has successfully institutionalised corruption within the core structures of the state. Moreover, his voracious appetite for power and control has crippled both the economic and political levers of the state. His close affiliation with the Gupta family and his strategic moves of patronage in capturing the state, have been rejected by the ANC and the nation at large. It has already become apparent that the nation is not too optimistic about Zuma's position as president of the country and the ANC and this is reflected in the growing decline in support in the provincial and municipal elections respectively. The resultant crisis that the country was plunged into was clearly an indication that the removal of the Former Finance Minister, Nhanhla Nene, was not about the interests of the people. Echoing this point, ANC elder and Rivonia trial survivor Ahmed Kathrada, published an open letter appealing to President Zuma to submit to the will of the people and step down as president of the country (Fin24 2016). In addition, the increased tensions and discontent within the ANC implies that an *inside out approach* needs to be followed to fight corruption and patronage from the inside. The role of

Deputy President of the ANC, Cyril Ramaphosa, Finance Minister Pravin Gordhan and perhaps the Secretary General, Gwede Mantashe including the ANC National Executive Committee (NEC) will play pivotal role in forging the removal of Zuma and his cronies from power before the 2019 National Elections. Moreover, the party should embark on numerous internal programmes to reverse the decline, including tackling corruption and stabilising state-owned enterprises. Collective action from the internal structures of the ANC is crucial in combatting state capture and corruption. As reiterated by Johnson (2015), the removal of Mr. Zuma is not a matter of choice, it is a necessity. No country can thrive economically in an environment marked by institutional decay. The internal structure of the ANC thus have to choose between an industrialised economy or a corrupt leader that is running a criminal syndicate with state resources .If the ANC wishes to stay in power, it has to work together with the people of South Africa, by pressurising the internal removal of politicians and leaders that indulge in corrupt behaviour and unashamedly steal from the poor.

Creating structures outside the state to reverse state capture
The World Bank and the International Monetary Fund (IMF) have played a pivotal role in assisting countries in constructing structures and institutions outside the state to combat corruption. The purpose of such structures is to enjoy administrative autonomy to prosecute offenders, investigate crime, review judicial processes, and charge judges and courts of justice for penal law infractions (IMF 2015). However, these frontiers must be approached with great caution and with careful monitoring of implications on the ground.

In South Africa, for example, Corruption Watch has been established in 2012 as an independent non-governmental organisation, with the purpose of combatting corruption with the assistance of the public (Corruption Watch 2015). The importance of such apparatuses is crucial in South Africa, as it has become apparent that the government is not a reliable structure to eradicate corruption. Additionally, policies of anti-corruption and active enforcement is important for the means of deterring and ending corruption. There is certainly a vacuum for such structures and policies in the South African society to mobilise and act against state capture. Such institutions can demand openness and inclusive governance at all levels of the state, as the secrecy of law enforcement and the capturing of state institutions by powerful leaders initially created a fertile ground for financial crimes to be committed in the first place. Independent organisations combatting corruption should not entirely focus on creating transparency within governmental institutions but similarly those intermediaries such as law and accountancy firms in the private sector as well as cooperate service providers who work directly with government institutions, as it has become evident that these actors too facilitate financial crimes.

What is however extremely difficult in South Africa, especially in the role citizens play in reporting corruption is that they risk their lives when they do so. This point is reiterated by SACP second deputy general Solly Mapaila, when he asserted that members of the public, the ANC and its alliance partners who speak out against state capture may be risking their lives (News24 2016). Moreover, he accused "factions" in the ANC for fuelling attacks on the party's members

and on ANC meetings. As such, many citizens are discouraged to speak out against corruption. With this being said, it becomes a necessity for effective laws to be articulated and implemented to protect whistle-blowers from potential threats. Chairperson of Corruption Watch South Africa has similarly placed emphasis on this point, and asserted that it becomes extremely difficult for such laws to be implemented when those orchestrating and institutionalising corruption need to give authorisation for such processes to occur (Corruption Watch 2016). As such, it becomes important for organisations outside the state to work hand in hand with the Office of the Public Protector to cooperate and exchange information to deter and detect corruption and state capture. Moreover, establishing sectoral coordinating structures and a national coordinating structure (the National Anti-Corruption Forum) to coordinate, monitor and manage the national anti-corruption programmes in the country. As it stands, the Office of the Public Protector is one of the few state institutions that still operates independently from the influence of Jacob Zuma and his criminal syndicate.

Conclusion

From the above it is apparent that state capture has to a great degree infiltrated into the core structures of the state. It is also apparent that corruption has become institutionalised within the ANC, with the president, Jacob Zuma, taking the lead. This is reflected in the fact that Zuma has appointed some of his most loyal cronies in strategic state institutions with the aim of suppressing the independence of these institutions. Moreover, the Premier League, as it is commonly referred to, supports the ANC in exchange for Zuma's support, and in turn steals state resources. The presence of the Guptas and their close relationship with President Zuma has been highlighted with great discontent. It has become evident that this family has systematically benefited from Jacob Zuma's rule in which their own private interests have significantly influenced the state's decision-making processes. This point directly speaks to the following incidents: Appointing Zwane as Minister of Mineral Resources and the dismissal of Nene and strategically replacing him with van Rooyen. The Guptas have thus emerged as one of the latest capitalist oligarchies seeking to capture tenders in the state, especially in state owned enterprises in the country

The behaviour of cronyism and greed has infiltrated to the Municipal sphere of government. The capturing of power here, whether it in terms of the economy or state institutions, is for self-enrichment and not necessarily for serving the people of the country. This phenomenon has become very problematic within the structures of the ANC, so much so that members kill each other to benefit from government tenders and contracts. This variable implies that South Africa has successfully emerged form a peace economy into a war economy marked by increased patronage networks. As a result the political and economic landscape has been tainted. The economy is in decline, unemployment rate is above 27 per cent and the first half of 2016 has been marked with protests in the public sector. The public sector is the only one that is currently in growth, however this growth is not sustainable due to incompetency and corruption. The outbreak of a possible civil war is hovering over South Africa and according to Johnson (2015),

all variables for the outbreak of such a catastrophe are present in the country and that it is only a matter of time.

It is no doubt that the source of South Africa's woes lies within the internal structures of the ANC. It is also becoming increasingly evident that the ANC's ideological principles of non-racialism and the National Democratic Revolution carries little weight when the very same individuals that are supposed to uphold them routinely trample over them for self-enrichment. It therefore becomes crucial for aggressive action to be taken to ensure that those benefiting from state offers to be removed. Moreover, the ANC has to come to terms with the reality that Jacob Zuma and his criminal syndicate is not effective nor sustainable especially when ordinary citizens are bearing the consequences. Moreover, the party has to appeal to building an industrialised economy and provide employment for the vast masses, or appease a leader and his loyalists who stand in the way of a better future for all South Africans; they can unfortunately not have both.

However, reversing State Capture within the South African State remains a priority, but it is also important to note that it is extremely difficult to overcome state capture especially because it has been institutionalised in the core structures of the state. It is therefore an ongoing process that needs to be approached with caution and needs to be carefully monitored.

References

Chabalala, J. (2016) 'Search for new UFS rector underway', *News24*, 18 July, <http://www.news24.com/SouthAfrica/News/search-for-new-ufs-rector-underway-20160629>, accessed 5 August 2016.

City Press (2016) 'Nomvula Mokonyane's Watergate', *City Press*, 10 July, <http://city-press.news24.com/News/nomvulas-watergate-20160710>, accessed 29 July 2016.

Claymore, E. (2016) 'Africa is being re-colonised by the corrupt Mathews Phosa', *The South African*, 2nd July, <http://www.thesouthafrican.com/africa-being-re-colonised-by-the-corrupt-mathews-phosa/>, accessed 27 July 2016.

Cordeur, M. (2016) 'State capture reports taint Guptas' friendship with Zuma', *Fin24*, 19 June, <http://www.fin24.com/Economy/state-capture-reports-taint-guptas-friendship-with-zuma-20160619>, accessed 29 July 2016.

Corruption Watch South Africa (2015) 'Speak out Mzansi', <http://www.corruptionwatch.org.za/news-views/>, accessed 5 August 2016.

Du Plessis, C. (2016) 'Maseko confirms Gupta 'state capture' submission to ANC', *News24*, 1 July, <http://www.news24.com/SouthAfrica/News/maseko-confirms-gupta-state-capture-submission-to-anc-20160601>, accessed 27 July 2016.

Hartley, C. (2016) 'State capture? We've been having it!', *Daily Rand Mail*, 23 March, <http://www.rdm.co.za/politics/2016/03/23/state-capture-we-ve-been-having-it>, accessed 1 August 2016.

International Monetary Fund (2015) 'Confronting the Challenge of State Capture in Transition Economies', *IMF Report*, <http://www.imf.org/external/pubs/ft/fandd/2001/09/hellman.htm>, accessed 5 August 2016.

Joffe, H. (2016) 'Strong reaction to 'state capture' means SA will not fall into dysfunction', *Business Day*, 11 July, <http://www.bdlive.co.za/national/2016/07/11/strong-reaction-to-state-capture-means-sa-will-not-fall-into-dysfunction>, accessed 29 July 2016.

Johnson, R.W. (2015) *How long will the South African State Survive? The Looming Crisis*, Johnathan Ball Publishers: Cape Town.

Jonas, M. (2016) 'Mcebisi Jonas opens up on state capture', *Fin24*, 22 April: 2-3.

Malan, R. (2015) "R.W. Johnson: 40-odd years prophesying the end for South Africa", *The Spectator*, 29 August, <http://www.spectator.co.uk/2015/08/r-w-johnson-40-odd-years-prophesying-the-end-for-south-africa/>, accessed 1 August 2016.

Marrian, N. (2016) 'The real reason Mantashe's probe into 'state capture' flopped', *Rand Daily Mail*, 10 June, <http://www.rdm.co.za/politics/2016/06/10/the-real-reason-mantashe-s-probe-into-state-capture-flopped>, accessed 29 July 2016.

Mungai, C. (2015) 'The Gupta 'state capture' reveals South Africa's worst nightmare: that it's becoming an 'African country'', *Mail and Guardian*, 23 December, <http://mgafrica.com/article/2016-03-18-weakness-of-african-states>, accessed 28 July 2016.

Munusamy, R. (2016) 'Captura Continua: Guptas triumph as ANC shuts down state capture probe', *Daily Maverick*, 1 June: 13-14.

Pithouse, R. (2016) *Writing the Decline: On the Struggle for South Africa's Democracy*, Rhodes Publication: South Africa.

Shivambo, F. (2016) 'State Capture: It's criminal, and it is nothing new', *Daily Maverick*, 26 March, <http://www.dailymaverick.co.za/opinionista/2016-03-24-state-capture-its-criminal-and-it-is-nothing-new/#.V7Cigph97IU>, accessed 28 July 2016.

Sutch, M. (2016) 'State Capture: Going gets tough for Zuma and the Guptas', *Daily Maverick*, 23 March, <http://www.dailymaverick.co.za/article/2016-03-23-state-capture-going-gets-tough-for-zuma-and-the-guptas/#.V7Czhph97IU>, accessed 5 August 2016.

Whelan, P. (2016) ''State capture' in SA is a buzzword more accurately defined as 'Zuma capture'', *Business Day*, 22 March, <http://www.bdlive.co.za/opinion/2016/03/22/state-capture-in-sa-is-a-buzzword-more-accurately-defined-as-zuma-capture>, accessed 1 August 2016.

Winkler, T. (2016) 'State capture, ANC capture and the capture of the economy', *The South African*, 30 March, <http://www.thesouthafrican.com/state-capture-anc-capture-and-the-capture-of-the-economy/>, accessed 28 July 2016.

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Protecting Zuma versus Protecting the Constitution

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During his first year in government, Nelson Mandela reminded fellow ANC members at a party conference, that "power corrupts and absolute power corrupts absolutely." He further noted, "It has happened in many countries that a liberation movement comes to power and the freedom fighters of yesterday becomes members of government." Some of them, he warned, "forget about the people who put them in power and they become a class, a separate entity who are not accountable to their membership." He then went on to caution that ANC leaders had to work hard to avoid misrule and tyranny.

For the past few years, Madiba's warnings has been falling on deaf ears. On 5 April 2016, South Africa's Parliament debated whether President Jacob Zuma should be impeached (Parliament of the Republic of South Africa 2016). It followed an important ruling by the Constitutional Court that Zuma failed to uphold the Constitution when he did not comply with the Public Protector's remedial action regarding payment for the non-security upgrades to his Nkandla homestead. The Constitutional Court ruled, in no uncertain terms, that "the president failed to uphold, defend and respect the Constitution" (Shange and Quintal 2016). Yet, the ANC stood firm against the notion. Why did they do it? What will be the consequences?

What is the problem?
After watching the entire Parliamentary 'debate' (which was a rather painful exercise), it is evident that there were only a handful of ANC member who attempted to defend Zuma from impeachment on legal grounds. Their legal arguments were sketchy and in contradiction with the Constitutional Court's ruling. The rest of the ANC officials used other tactics to try to distract parliamentarians from discussing the heart of the issue.

Some ANC parliamentarians hammered opposition parties on peripheral issues related to protocol. Several ANC members called on opposition members to make use of "honorable" when referring to fellow parliamentarians. Minister Maite Nkoana-Mashabane was so disinterested in the debate that she even fell asleep in Parliament. Here and there, ANC members defended Zuma by arguing that the issue is closed given that the president already said he will pay back the money. Mmamoloko Kubayi (ANC MP) cloaked the motion of impeachment as a Western concept that has no role to play in South Africa. Kubayi said, "impeachment" does not exist in "our language", it comes from "imperialistic language".

As criticism mounted against Zuma and the ANC, party officials linked these occurrences to alleged "regime change" agendas of enemies of the state (Maromo 2016). The #ZumaMustFall rallies were said to have been organized by Whites with "racist agendas" (Quintal 2015). So-called Western "imperialists" are supposedly behind tainting the ANC's image and promoting Zuma's downfall (Times Live 2015). Even during the impeachment debate in Parliament, some ANC members utilised this language to defend Zuma. Kubayi accused the *New York Times* of undermining South Africa's "sovereignty" because the newspaper published articles questioning the country's leadership. She also encouraged others to protect South Africa from "international interference" and "regime change" agendas.

Why should we be worried that ANC officials use this language? Because it sounds similar to the vocabulary employed by Zimbabwe's President Robert Mugabe and the ZANU-PF. When the political and economic crises in Zimbabwe escalated, ZANU-PF began to blame everyone but themselves for the country's misrule.

In Zimbabwe, the opposition are dubbed "puppets of the West"; Black Zimbabweans are depicted collaborating with their "white masters"; those who speak out within ZANU-PF are called "traitors" of the liberation movement; the independent media are supposedly funded by "foreign elements" whose main goal is to undermine Mugabe; Whites are accused of trying to "reverse" the supposed democratic order, the West is accused of "regime change", and so forth. Consequently, debates about important matters are dumbed down to accusations that a fifth column is responsible for everything that is going wrong. In the end, no-one in power is held accountable for their actions, and the use of violence and intimidation increasingly becomes justified to clamp down on supposed enemies of the state (i.e. the opposition, media, and non-governmental organisations etc).

Why the ANC protected Zuma

There are 400 seats in Parliament and two-thirds of the vote was required to unseat Zuma. The ANC has 249 out of 400 seats in Parliament. In the end, the impeachment motion was defeated by 233 votes to 143 on 5 April (14 ANC Parliamentarians were absent). It meant that there must have been a lot of whipping going on prior to the debate because the ANC strongly came out in support of Zuma (Nxedlana 2016). Broadly speaking, the ANC protected Zuma for largely three reasons:

Firstly, some ANC officials depend on Zuma for patronage and the ability to dispense their own patronage in a highly nepotistic regime. When Zuma came into power, he brought many of his loyal supporters with him. Some arguably fear that if he falls, they will fall with him. Their power, wealth and the benefits that come with their positions, are highly dependent on Zuma staying in office.

Secondly, Zuma is one of several ANC high-level officials who have clouds hanging over their heads. Ever since he became the party leader, a controversial clique took hold of the party and took it down a dangerous path. When Zuma unceremoniously unseated President Thabo Mbeki in Polokwane in December 2007, he was joined by a group of rogues. According to one

account, "More than a quarter of the members of the new seventy-strong [National Executive Committee] either had criminal convictions or were being investigated or had had to resign from office over ethical lapses." The late ANC stalwart, Kader Asmal, was so appalled by Zuma's faction's ascendency that he remarked, "another grubby political party." For some, Zuma's actions are thus not a far stretch from what they themselves are doing anyway because the distinction between right and wrong has become blurred. At the same time, some might fear that exposing Zuma could lead to the exposure of their own malpractices, so it would be best for them to simply keep quiet.

A third reason why the ANC rejected impeachment of Zuma, is because some, arguably, feared that it would be seen as a win for the opposition. The opposition has argued for a long time that Zuma is unfit for office. If the ANC supported Zuma's impeachment, they would acknowledge that opposition parties have been right all along.

A dangerous precedent

What happened in Parliament on 5 April was democratic in the strict sense of the word – the rule of the majority was upheld. Yet, it set a dangerous precedent where democratically elected leaders can get away with murder.

In the mid-1990s, Fareed Zakaria published a paper where he cautioned against the "rise of illiberal democracy" (Zakaria 1997). He argued, you have to distinguish between "democracy" and "constitutionalism". The former concept relates largely to free and fair elections and representation, while the latter idea is much more complex, as it involves supporting individual liberty and separation of powers. Importantly, constitutionalism is about supporting liberal institutions that are able to constrain government's power. As argued by the late Samuel Huntington (1991: 10), "governments produced by elections may be inefficient, corrupt, short-sighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good. These qualities make such governments undesirable but they do not make them undemocratic." Over the long run, democracy without constitutionalism is dangerous. Adolf Hitler and Robert Mugabe originally came to power democratically. Over time however, they did away with the separation of power and individual liberty.

What was at stake in the South African Parliament is thus not simply a matter of protecting Zuma's patrons or the ANC's image. It was much more than that. The ANC's outright rejection of Zuma's impeachment has been the biggest blow to South Africa's Constitution. As many of the members of the opposition noted, some of the founders of the Constitution were shamefully sitting in Parliament on that very day. It was a momentous moment to defend a beautiful Constitution and the institutions, most notably the Constitutional Court and the Public Protector, which they helped to forge. The Constitution guarantees the separation of power, respect for individual liberty, and accountability. Yet, these values are highly dependent on whether government respects or rejects them. A good Constitution by itself is meaningless, unless it is consistently upheld. That is what constitutionalism is about. The ANC deliberately defended a

president who is clearly in violation of the country's highest law, which is another step in the wrong direction.

Beyond weakening constitutional democracy

Whatever reason ANC members had for blocking Zuma's impeachment, they have exposed a lack of accountability within the party. Zuma has become increasingly expensive for the party and they will have to face the consequences during the next election.

Already in 2011, Desmond Tutu said to Zuma and the ANC, "You represent your own interest and I am warning you. I really am warning you out of love. I'm warning you like I warned the Nationalists … One day, we will start praying for the defeat of the ANC Government. You are disgraceful. I want to warn you. You are behaving in a way that is totally at variance with the things for which we stood" (Lowman 2016).

Aside from the Tutu and the opposition, several highly respected South Africans, including senior ANC officials, have become increasingly outspoken against the party (Times Live 2016). Some of them even have the courage to openly call for Zuma to step down. But people like Tutu, Ahmed Kathrada, Trevor Manuel, Zwelinzima Vavi, George Bizos, Zac Yacoob, Mavuso Msimang, Cheryl Carolus and so on, do not stand alone. Ordinary South Africans understand that the ANC is betraying the values for which they initially fought for. Afrobarometer recently concluded that "Less than half of South Africans currently believe that the country is 'a full democracy' or 'a democracy with minor problems' (48%) or are satisfied with its implementation (47%)", a massive decline since the previous survey (Afrobarometer and IJR 2016).

Although the ANC saved Zuma for the time being, they have taken South Africa further down a slippery slope. Even if they remove Zuma internally, they have sent a message to South Africans that the party has lost its way. The next big test for the ANC will be how they react to losing votes in the next elections.

References

Afrobarometer and the Institute for Justice and Reconciliation (2016) 'South Africans increasingly discontent with the country's Democracy', <http://afrobarometer.org/sites/default/files/press-release/south-africa/saf_r6_pr_democracy_perceptions_in_south_africa_09022016.pdf>, accessed 2 February 2017.

Huntington, S. P. (1991) *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press: Norman.

Lowman, S. (2016) 'Desmond Tutu's warning shot: Zuma and ANC worse than Apartheid Govt', *BizNews*, 2 February, 2016, <http://www.biznews.com/leadership/2016/02/02/desmond-tutu-goes-360-jacob-zuma-and-anc-worse-than-apartheid-govt/>, accessed 2 February 2017.

Maromo, J. (2016) 'USA plotting regime change in SA: ANC', *IOL News*, 19 February 2016, <http://www.iol.co.za/news/politics/usa-plotting-regime-change-in-sa-anc-1987226>, accessed 2 February 2017.

Nxedlana, K. (2016) 'Analyst explains Ramaphosa, Gordhan and Jonas' vote to keep Zuma on', *East Coast Radio*, 6 April, 2016, <https://www.ecr.co.za/news/news/analyst-explains-ramaphosa-gordhan-and-jonas-vote-keep-zuma/>, accessed 2 February 2017.

Parliament of the Republic of South Africa (2016) 'Plenary: National Assembly, Tuesday 05 April 2016', *YouTube*, <https://www.youtube.com/watch?v=3ekNpWMI9Mo>, accessed 2 February 2017.

Quintal, G. (2016) '#ZumaMustFall marches racist, hypocritical – ANC', *News24*, 16 December 2015, <http://www.news24.com/SouthAfrica/News/zumamustfall-marches-racist-hypocritical-anc-20151216>, accessed 2 February 2017.

Shange, N. and Quintal, G. (2016) 'President Zuma failed to uphold, defend the Constitution – ConCourt', *News24*, 31 March 2016, <http://www.news24.com/SouthAfrica/News/president-zuma-failed-to-uphold-defend-the-constitution-concourt-20160331>, accessed 2 February 2017.

Times Live (2015) 'Zuma is being targeted by imperialists, says SACP', 17 December 2015, <http://www.timeslive.co.za/politics/2015/12/17/Zuma-is-being-targeted-by-imperialists%E2%80%9A-says-SACP>, accessed 2 February 2017.

Times Live (2016) 'Gallery: These past and present ANC alliance members have had enough of Zuma', 7 April 2016, <http://www.timeslive.co.za/politics/2016/04/07/Gallery-These-past-and-present-ANC-alliance-members-have-had-enough-of-Zuma1>, accessed 2 February 2017.

Zakaria, F. (1997) 'The Rise of Illiberal Democracy', *Foreign Affairs* l76 (6): 22-43.

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