



2016 – the year of the push-back

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2016 was simply a tumultuous political year: internationally Brexit and Trump, locally an enormous push-back against excesses by politicians. Over the last 12 months we have seen five strong push-backs in SA:

- the four failed attacks on Treasury
- the Nkandla court case
- the state capture investigations and revelations
- the election results in August
- push-back and open dissent inside the ANC

Four attacks on Treasury

To the day a year ago Zuma fired Nene as Minister of Finance. The story is well known; there was an enormous reaction, not just from the financial markets and business, but even from old Treasury critics like Cosatu and the SACP. All came out against the action.

The picture subsequently sketched by Jessie Duarte, Deputy Secretary-General of the ANC, is that Zuma consulted some leaders of the ANC on this issue; they expected a reaction, but they did not expect this reaction. The push-back was much stronger than in their wildest nightmares.

In 2016 there were three more attacks against Gordhan – in February the Hawks sent him 27 questions clearly aimed at intimidating him with bogus accusations; in August he was told to report to the Hawks for a warning statement; and on 11 October a summons was served to him to appear in court on 2 November. On each occasion the reaction against the attacks got more and more furious and long before 2 November the charges were dropped. The push-back to the persistent attacks was so strong that Gordhan's accuser is now the accused.

By year-end the entire political spectrum – from the SACP to Julius Malema to the DA, from labour to business, from NGOs to church leaders – were supporting Gordhan and Treasury. (Well, almost the entire political spectrum – the Zuma family, Mzwanele (Jimmy) Manyi and Black Lives First founder Andile Mngxitama stood resolutely by Zuma, as did the Gupta-owned New Age paper and ANN7 TV channel.)

Nkandla court case

The Nkandla case led to a stinging rebuke for Zuma, with the Court finding that he failed to uphold the Constitution and ordering him to pay back (some of) the money.

The case also affirmed the protected position of the Public Protector beyond all doubt (its recommendations cannot just be voted away, it can only be set aside by a court on review); it was a remarkable 'check and balance' on both executive and parliamentary abuse; and it re-affirmed that we have a judiciary that is prepared to stand up to the Executive and Parliament.

Zuma survived this ruling, but together with the other push-backs we discuss here, it undermined his legitimacy and political fortunes, and served as a wake-up call for many in the ANC (see the last push-back below).

State capture report

After statements by Deputy Minister of Finance, Mcebisi Jonas, and former ANC parliamentarian Vytjie Mentor that they were offered cabinet jobs by the Gupta family, the ANC launched an internal investigation into state capture. It was closed down after a while for lack of sufficient evidence.

However, the DA and members of the public submitted complaints to the Public Protector on this issue. In July Treasury made R1.5 million extra available to the Public Protector to hire outside forensic experts to help investigate state capture. (Presumably these experts could track the cell phones of people who visited the Gupta compound in Saxonwold.) After desperate attempts by Zuma and some ministers to keep the report under wraps, the High Court ordered its release.

The content of the report, although only 'observations', reverberated through society; and there is more to come this year. Already it has led to Brian Molefe's resignation from Eskom. (It is worth remembering that at various points during the Treasury attacks, suggestions were made that Brian Molefe from Eskom would be appointed Minister of Finance to replace Gordhan. The state capture report certainly put paid to that idea.)

The contrast between a failed internal party investigation and a much better resourced and independent investigation by the Public Protector could not be starker.

August election results

In contrast to the Brexit and Trump results, the local government election results were a pleasant surprise. Very few people expected four of the country's five biggest metros to have DA mayors and to be ruled by coalitions of the DA and Julius Malema's EFF. It is true that the ANC garnered the most votes and is still by far the country's largest party, but there is no denying that the loss of the metros was a serious body blow. It was a very real example of push back; which led directly to the next push-back – ANC insiders beginning to push-back.

Stirrings inside

The result of all these developments over the year has led to a remarkable degree of public infighting between close comrades of the ANC. In our November note we analysed the balance of forces inside the ANC and will not now repeat it. In that note we stated that Zuma has a majority in the NEC and that renders him "politically safe". All the more noticeable then that a motion of no confidence in Zuma was tabled at the last NEC meeting of the year. Although the motion did not go through (no surprises there), it is a remarkable display of internal ANC disenchantment. The fact that the ministers who criticised him are still (at the date of writing) in cabinet indicate that Zuma is unlikely to purge the party.

This is a remarkable push-back against Zuma from inside the ANC – particularly given that the NEC is stacked in his favour.

No gain without pain

All the push-back successes of 2016 (the gain) were preceded by bad behaviour (the pain).

So the cycle is bad behaviour, push-back, ferocious battle, victory. Or to use different words: bad behaviour occurs, checks and balances kick in, normal and rational behaviour is restored. There is nothing wrong with these cycles and it is very pleasing indeed that they end in victory, but going through the cycle is taxing on citizens and is draining energy and goodwill away.

We are elated when the victories are scored, but distinctly uncomfortable whilst the push-back or the checks and balances play themselves out. A case of Alan Paton's "hope on Monday and despair on Tuesday...".

Honest and ethical leadership and behaviour can of course spare us much of this pain. But in the absence of that, and even with it, there are contestation and competing interests. Progress then comes from push-back and we have seen a lot of that in 2016. The result is a stronger democracy and a more open society than a year ago. The pain is clear – "hope on Monday and despair on Tuesday" can be really exhausting – but the gain is equally clear: more democracy, more openness. □