

THE SECOND ARCHBISHOP THABO MAKGOBA DEVELOPMENT TRUST

LECTURE

UNIVERSITY OF THE WESTERN CAPE

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TREVOR A MANUEL

Programme Director, Ms Jurina Nkwazi;

Chancellor of the UWC, Archbishop Thabo Makgoba and Mrs Lungi Makgoba;

UWC Vice Chancellor, Professor Tyrone Pretorius;

Deputy Vice-Chancellors Professors Lawack and Dube;

Our Host, Professor Michelle Esau, Dean of the Faculty of Economic and Management Sciences ;

Distinguished members of the UWC Faculty here present;

Distinguished UWC Alumni;

Honoured Guests, Comrades and Friends

I would like to thank the Foundation, the university community, and especially Prof Michelle Esau, for the invitation to address you this evening. The topic is daunting because it asks me to focus on the persistence of poverty, inequality

and unemployment, and to examine these through the lens of Nelson Mandela's legacy to foster social cohesion, equality, integrity and leadership.

The great gift bequeathed to the nation in perpetuity by the leadership of the Mandela generation is our Constitution. It sets out the kind of society we should construct, bearing in mind the 'injustices of the past'; it sets out in fine detail the Bill of Rights; and then constructs the functions of the organs of state, preemptively to guard those rights and the expectations generated to ensure their implementation. The Constitution makes certain assumptions about the quality of citizens who will serve in the organs of state. It assumes that those who serve in the organs of state do so because of their belief in a higher purpose to serve the people. An assumption that we have, regrettably, been proved wrong on. The Constitution leaves the implementation of service delivery to organs of state, without prescribing how the rights and equality would be attained. The Constitution defines the responsibilities of each arm of state in a manner that scholars of constitutional law will be very familiar with. I mention this because whilst our courts have held up remarkably over the last period, they are prohibited from initiating law – this is the responsibility of the Executive and Legislative branches. If they fail, as we have seen happen, no courts can stand in their stead. This may appear as an odd point to start this discussion, yet for me, the Constitution manifests the fruits of struggle and sets

a clear path to the future. Its adoption could never have been intended as an endpoint of struggle. Our problem is, and has been, that we did not make the effort to socialize the values of our Constitution. So, for example, whilst it was available in all 11 languages soon after its adoption in May 1996 – a mere 22 years ago this month – to now find a copy in any language but English or Afrikaans would be near impossible. If citizens do not know and understand their rights, how can we expect them to mobilise for their implementation?

To understand the Constitution is to understand the values that Nelson Mandela held dear. For him, and others of his generation, the Constitution wrote into Supreme Law the foundation of the Freedom Charter capturing its values and ethos. Nelson Mandela's leadership style was about more than embracing those values as a set of beliefs. He sought action for their scaling up and implementation towards building a more equal and just society. This was the story of his life, and it is a life that we must celebrate in this, the centenary year of his birth. Let me briefly skim through his life's work. One way of examining Madiba's life is by using Shakespeare's Seven Ages of Man (From "As You Like it"). {It was ne of those times when Shakespeare was gender sensitive for he starts, "Äll the world's a stage and all the men and women merely players"} }

- The First Stage would be the formative years, roughly from his birth at Mveso in July 1918, to his participation in the formation of the ANC Youth League in 1944. During this period, his rebellion and departure from the Eastern Cape for Johannesburg and his activism in politics – bear in mind that the period also covers that of WW2.
- The Second Stage would run from 1944 to 1960. During this stage the ANC Youth League adopts a Programme of Action in 1949, that would permanently alter the course of events for the ANC and South Africa. A series of mass campaigns were launched and in 1952, Nelson Mandela was designated “Volunteer in Chief” in the Defiance Campaign. Campaigns flourished – including the Potato Boycott, in support of Farmworkers in Bethal, the Alexandra Bus Boycott and the Campaign for the collection of Demands for the Freedom Charter. These campaigns were about giving voice to the voiceless. On 26 June 1955, the Freedom Charter was adopted, and we recall the Women’s March of 09 August 1956, as part of the same spirit of the awakening of a people. This stage also saw massive state repression, arrests, bannings and the Treason Trial, a protracted process that drained energy in a failed attempt at demobilizing the people.
- The Third stage is the compact, but intense period from 1960 to April 1964. During these years, the world watched the Sharpeville Massacre, the banning

of the ANC, PAC and a host of other organisations. Nelson Mandela, not one to shy away from seeking alternative ways of struggle initiated the formation of Umkhonto we Sizwe, and became its Commander-in-Chief in December 1960., He travelled across the African Continent, meeting with the leadership of newly independent states, and of liberation movements, seeking their support and solidarity. This was an integral part of the development of Pan-Africanism. On his return, there was a period in the underground followed by his arrest and conviction as accused number 1 in the Rivonia Trial. He exits this stage with his statement from the dock on 20 April 1964. We should all recall the ringing tones of the conclusion of that speech, so join me

During my lifetime I have dedicated myself to the struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.

- Stage four is set for a life in prison. He has expressed himself on the loss of control over one's life that prison creates. But, this great and visionary leader, was not prepared to let these years go wasted. Inside he was part of intense discussion and debate, and of building a movement especially with the

younger generation who were filling prison cells after the 1976 and 1980 uprisings.. He was moved off the island initially to Pollsmoor prison and then to the house at the Victor Verster prison. One of the key features was the insistence by him to make his imprisonment count. There's so much more but four things stand out. He flatly refused to accept the terms set for his release by P W Botha. Then there was also the way he crafted a communication with Oliver Tambo to initiate "talks about talks". In his mind there was no basis for negotiations with the apartheid regime, because "prisoners cannot negotiate with their jailers." Thirdly, there was the manner in which Mam' Winnie was brought into play by meeting the Minister of Justice, Kobie Coetzee and applying the pressure on him – and it worked. And then there was the principled stance taken by Madiba that all of the other Rivonia Trialists needed to be released first, before his own release could be considered.

- The fifth stage of Nelson Mandela's life is that intense period from 11 February 1990 to 11 May 1994. A time define by his courage to rise to the fore as the real leader of all South Africans. He was not intimidated by the number of tasks to be accomplished – the exiles had to be returned home and political prisoners released. These were financially expensive tasks that the ANC had to carry, and Madiba demonstrated how skilled he was as a fundraiser knocking on the doors of foreign leaders and wealthy South Africans. Merging the

various strands of exile, prison, underground and MDM leadership into a strong ANC was no easy feat. At the same time, negotiations were initiated and had to be concluded in part before an election could take place. There was peace that needed to be secured, especially in now-Gauteng and now KZN. Perhaps the real test of his leadership occurred at the time of the assassination of Chris Hani, when he effectively told F W de Klerk to step aside so that he could address the nation on national television. By all accounts, his intervention and the leadership showed in that action, he became the *de facto* President of the Republic, some 13 months before his inauguration. He demonstrated that he could lead a nation without a formally conferred position.

- The sixth stage saw him become the first President of the Republic. Whilst the Constitution was adopted 2 years into his Presidency, there were also new institutions to be built – parliament, cabinet and the courts. He needed to oversee the most intensive period of lawmaking. And it was on his watch that the Truth and Reconciliation Commission was established. Hopefully most of these big events will be properly recorded in history. The one aspect that risks being forgotten is how, a month into his term he presented a set of Presidential Lead Projects that spoke of the matters that mattered most to him:

- Free health care for children under the age of six and pregnant mothers;
- A major clinic building programme;
- A primary school feeding scheme;
- An electrification programme;
- Rebuilding and restoring townships; and further
- Water and sanitation projects primarily in Limpopo and Kwazulu Natal;
- The restitution of land to communities, and
- Land distribution, with sustainable planning

The mandates given to government by the President were abundantly clear. It is the absence of implementation that we will have to examine.

- The last stage that the President occupied was in the twilight of his life from 1999 to 2013, when he was aged 81 to 93. This was the stage of giving back, of mobilising resources, of reflection through writing and of quieter engagements, until his body and mind would allow him no more. Thankfully, his family spared the world from the pain of watching his waning last years.

Without a shadow of doubt Nelson Mandela's leadership style was evidenced by his strong values, his formidable presence; by his principle in never requiring others to do what he himself was not prepared to do; by his long term vision to see both opportunities and obstacles; by his determination to

place the needs of the poorest and most disadvantaged first; and by his insistence on leading from the front, on accountability, through parliament, through the governing party and, occasionally, quite directly to the President.

Madiba's departure from the formal stage of leadership occurred in two phases – the first was in December 1997, when he stepped down from the position of President of the ANC, a position that he assumed in July 1991. Finally, he relinquished the position of President of the Republic in June 1999, when he had completed a single term, as he had publicly committed to do.

The struggle against the triple challenges of poverty, inequality and unemployment did not end abruptly with the exit of Nelson Mandela. There was significant continuity under the Presidency of Thabo Mbeki. In fact with the maturing of institutions and systems, coupled with a significant increase in commodity prices, resulted in significant improvement in a number of economic indicators. The economy grew faster, many more jobs were created thus laying the basis for more inclusiveness. Also, SARS was better equipped to collect more taxes, leading to new programmes, including Child Support Grants and expanding and improving the salaries of public servants salaries significantly. The one measure that proved intractable during this period was

inequality. This arises from a number of factors including a skills challenge with those with sought-after skills, who are the professional minority, and still mostly white, having had more negotiating power in a period of rapid increases in salaries and lifestyles. Those without much schooling and no skills have seen a real decrease in their incomes and remain mostly black. The lack of implementation of programmes first outlined by Nelson Mandela in Presidential Lead Project, and a lack of will and commitment by those elected to serve the people contributed to inequality remaining stubbornly high.

September 2008, right in the middle of a global recession, Thabo Mbeki's unceremonious removal from office led to a rapid change of South Africa's fortunes. There was the change of personnel in state institutions, the breakdown of trust and the absence of visible, positive leadership. The ANC would become a mere shadow of what it once was.

I make no apologies for sharing my view that the Presidency of Jacob Zuma was a total disaster for South Africa. Many are aware that I served in his Cabinet until May 2014, charged with the responsibility to draft the National Development Plan. Granted, President Zuma did not interfere with the work of the Planning Commission, nor did he seek to amend any of the

recommendations. He did not even attempt to soften our recommendations in a whole chapter devoted to “Fighting Corruption” or the very critical chapter on “Building a Capable and Developmental State”. Many would argue that he merely ignored the NDP, whilst paying lip service to having initiated the process. It’s clear his attention and priorities lie elsewhere.

His legacy has left us with the biggest challenge yet since democracy and these challenges will arise in an ongoing way. One only has to assess the extent of destruction of key state institutions, especially in the criminal justice and state security institutions. In addition, virtually all of the State-Owned Corporations have been bankrupted by the awful combination of corruption and mismanagement. Given the vast sums of money that will be needed to support the SOC’s, the delivery of basic services to address inequality will be compromised. Already, we have seen that the spending available per capita in both education and healthcare have fallen quite rapidly. Hospitals are not functioning properly, school feeding programmes in many districts have been discontinued, and we still have children relieving themselves in the veld outside the school because there are no toilets. We have seen incompetent

ministers appointed unqualified DG's in many departments, happy that competent and dedicated professional public servants had been driven out.

So, even with a new and determined President, who is very committed to reverse the destruction of the state, and with a parliament that has found its voice after being in slumber for nearly a decade, the problems will not disappear. Rebuilding the capability of the state is going to prove much more difficult than what it was the first time, because the gift of patience granted by the people since 1994, has been withdrawn; and the state has been corroded by poor governance and maladministration. It will take considerably longer to rebuild than it took to destroy its inner workings. The commitment to build and persevere is no longer there – the cadre elected to serve the public under the Mandela administration has been replaced by a pack of self-serving politicians focused mostly on their own political survival.

Amilcar Cabral said,, “You can't cross the river on the back of a crocodile.” So why did we give the licence to Jacob Zuma? And why did it take us so long to disrupt his mercenary and shameless venality? Unsurprisingly, we are seeing the signs that suggest that he will fight back against the present order. And he

is definitely not the only one in the ANC wanting to continue to “eat” and pilfer our state coffers. “Eat”, a word made famous by some of our own comrades who believe they should be rewarded for their contribution to the struggle by stealing from the poor. The years ahead will be our greatest challenge.

Now, President Ramaphosa has an exceedingly difficult task. His victory was on a slender margin in December, and he has a compromised National Executive Committee made up of too many individuals who will try and throw concrete into the mechanisms to prevent the wheels of justice from turning. Why? Because they have much too fear and too much to lose in their quest for personal enrichment. It is for this reason that we must all commit to supporting him in his endeavors for leadership against the triple challenges of poverty, inequality and unemployment. We need to understand the enormity of the challenge, if only to root out corruption. The Deputy Chief Justice, Raymond Zondo, is committed to concluding the Commission on State Capture. But we have to understand that even if he is able to interview the main actors from the State of Capture Report by the former Public Protector, Thuli Madonsela, that will only be the tip of the iceberg., In addition, there has to be a series of other commissions to deal with the other spheres of

government – the provinces and municipal government and those public servants and staffers of SOC's who are not mentioned in Thuli Madonsela's report. But all of that effort will be a necessary but costly exercise and might create the responsibility of consequences in society. The state might even have restored to it a few billion rand, but that will be insufficient to deal with the vast backlogs in service delivery.

We are all aware of the pain of denial and exclusion. It is very, very evident in the manner in which the key public services are dispensed. Education, with some notable exceptions, fails the children of the poor. It is not merely a question of either total or per capita spending, but rather what happens in the classroom, and whether teachers are equipped and desirous to facilitate the exchange of knowledge. It is also important that there be external measurement and remediation for teachers whose grades are persistently low. Wealthier parents have the option to send their children to private and semi-private schools, the poor are left with no choice. Parents are aware that this fact leads to lower skills, much lower incomes, a greater prospect of unemployment and thus the continuation of the cycle of intergenerational poverty. I recently visited Rwanda and was amazed at some of the

achievements of that country in such a short space of time. What pleased me the most was that parents are moving their children from private schools to public schools because these schools performed better. Leadership and commitment remain key to redress.

The situation in healthcare is much the same with a neat divide between those of us who have medical aid and use private healthcare, on the one hand; and on the other, people who have no choice but to spend days at ill-equipped poorly maintained healthcare facilities. Further, these facilities are staffed by professionals who are frequently run off their feet and who, with the best will in the world, cannot do justice to their oath of service to humankind. The system, once carefully designed with a focus on preventative healthcare and a Charter of Patients' Rights adopted, is now a tiny shadow. The longer this situation deteriorates, the further the idea of a National Health Insurance fades into the distance.

The situation in respect of policing follows the same patterns, year after year. Nyanga Police Station had 281 murders reported in the year to March 2017. Gugulethu Police Station had 184 murders recorded.. Similar patterns appear

at the same stations for rape and other violent crimes - Mfuleni, for example had 130 rapes reported and Khayelitsha had 139 reported rapes.

What the indicators suggest is that if one is poor, and born of poor parents, all of the elements of poverty, inequality and unemployment are likely to be visited upon such a person. The tragedy is, of course, that Nelson Mandela, in that speech from the dock 54 years ago, called out the problem as, *“I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.”* But that appears to matter less now that we have attained, at least the ability to make the rules and to govern, and more especially to improve the lives of our people.

In part, the solution vests with a present and conscious leadership, supported by active citizens who are capable and comfortable of generating voice to engage for improvements and to call out wrongdoing. These facets in combination are what we need, and then a commitment to rebuild the social partners and to make agreements stick. Matters such as the availability and

quality of public services are not a given, nor is the notion that there will be constant improvements. In fact, in South Africa we have seen a constant decline in quality. From time to time, there are policy discussions, but then, there is very little relation between the policy resolutions adopted and what happens in people's lives. It would make a difference if there were more open communication, and measurement that is actually understood by the people who utilize the services. The public representatives should be seen to hold public servants to account, and the communities must, in turn, hold their public representatives to account. It is the accountability chain that must be a permanent feature, and not merely something raised on the eve of an election.

In a speech to parliament to address his first 100 days in office, President Mandela spoke of, "Socio-economic programmes to improve the lives of all South Africans. In this regard, **we must ensure that ordinary people are fully involved in the planning and management of these programmes.**" How far we have fallen.

We have watched the debate on the national minimum wage with much trepidation. That facts, to the extent that I can ascertain, is that there was a negotiation at NEDLAC with the full participation of the social partners

represented there, and advised by a group of progressive, caring economists to work through the numbers. This initiative agreed on a **minimum** of R 3 500 per month or R 20 per hour. The panel records three very important observations – firstly, that there is no pretense that R 20 per hour is a living wage; secondly, that 47% of workers, obviously the most vulnerable in domestic, agriculture and casual employment are below this minimum; and thirdly, if the minimum is pushed too high at the start, then there is likely to be labour displacement. My approach is that if we can raise the living standards of 47% of working families, that is about 5.9 million families by my estimates, to the minimum we are making some progress. What the minimum wage does is to set a floor below which nobody's wage can fall. We need agreement and we need proper enforcement. The existence of a minimum wage, especially one as low as the proposal does not, in any way, inhibit the rights of trade unions to mobilise for negotiations in sectors where they have organized workers. We have a responsibility to protect the most vulnerable, and we should ensure that workers exercise their rights in the context of industrial relations.

The discussion on minimum wages is an important aspect of the wider discourse on how to mend a very broken society where the apparent deepening poverty, unemployment and inequality have taken root. In this regard, the agreement on the minimum wage should be held up as an example

of how to drive change bit by bit. So, if a community feels poorly served by the schools in the area, it should bring in the educators, community based organisations, such as the faith community, compare the success or lack thereof, of the school's performance and negotiate negotiate a path towards victory. Similarly, if in the same community the health services fail the people, they should be agitated to take a stand and bring in the provincial health department to account.

At some point in our democracy, we were introducing the concept of building social compacts. But this has dropped by the wayside and, in its stead there are mere announcements of what ought to happen. We must reintroduce the need for compacts, it must be tested in practice and every victory, however small, must be used as a spur to greater heights. The manner in which all of these activities are joined up will begin to redefine the space for active citizenship, and give shape to our democracy. These will begin to inform actions between elections. It will also encourage communities to hold their public representatives accountable. These ideas should not be kept in reserve for service delivery, they should be used as an integral part of social cohesion. I would hazard, for example, that if the communities on either side of Jakes Gerwel Drive, that is of Colorado, Mitchells Plain and Siqalo, had organisation,

voice and were properly represented, these ugly, racially charged scenes we have recently seen could have been prevented. The challenge is to ensure representation and voice.

It would be remiss of me not to touch on the issue of land, that has become as necessarily topical as it has. Much of the focus is on Section 25 of the Constitution, the so-called “property clause”. In the context of drawing on the lessons of Nelson Mandela, the Freedom Charter is an important guide. The Charter splits the matter thus – the fourth clause is titled, “The land shall be shared among those who work it!”, and then deals with the racial basis of ownership and the redivision of the land to prevent famine and hunger. The ninth clause is titled, “There shall be houses, security and comfort.” And says, “All people shall have the right to live where they choose, to be decently housed and to bring up their families in comfort and security.” Actually the Constitution makes a similar split. Clause 26 says “Everyone has the right to have access to adequate housing.” The Constitutional Court has opined on this matter in the “Grootboom” case, confirmed the right and required of government to conduct itself appropriately. Some years after that judgment, then Deputy Chief Justice Moseneke expressed concern that government had not acted appropriately. My sense is that this still remains the case. I am of the

view that in the urban environment we are faced with a “Houses, Security and Comfort” matter, but there appears little desire to deal with this in the arena of protest since the onus is on the state to explain why they are not upholding the Constitution. In many instances of land occupation, the protesters believe that it is their right to occupy and expropriate without compensation.

The rural arrangement ought to lend itself differently to access to land for agricultural use. Again, Section 25 appears abundantly clear on a whole range of property rights issues. Theoretically, “expropriation without compensation is permitted as the Constitution now stands, provided that, as provided for in Section 25 (9), “Parliament must enact the legislation referred to in subclause (6)”. In 24 years of democracy, parliament has not been able to enact such legislation. The Constitutional Court cannot draft the legislation, that is the role of parliament..

I raise these questions because it is important that we engage with facts and figures to deal with the gaps and omissions, because as Madiba’s life of active struggle reminds us we, we must come together and focus on the task at hand – address poverty, inequality and unemployment. I reflected earlier on what I term the seven stages of the life and times of the formidable Nelson Mandela,

and throughout every stage, he demonstrated values of love, respect, integrity, service, transformation, dedication and perseverance.

In conclusion, as the author Tony Judt reminds us

Something is profoundly wrong with the way we live today. For thirty years we have made a virtue out of the pursuit of material self-interest: indeed, this very pursuit now constitutes whatever remains of our collective purpose. We know what things cost but have no idea what they are worth. We no longer ask of a judicial ruling or a legislative act: is it good? Is it fair? Is it just? Is it right? Will it help bring about a better society or a better world? These used to be the political questions, even if they invited no easy answers. We must learn to once again pose them.

In the spirit of Madiba, let us lead the people towards finding solutions.

Thank you.