

# O PINION

## EDITORIAL

### BOKS CAN STILL WIN DESPITE INJURY WOES

JUST when we thought it's all smooth sailing for the Springboks so far at the Rugby World Cup, they got rocked by a massive blow yesterday.

Talismanic hooker Malcolm Marx was ruled out of the rest of the tournament with a serious knee injury.

And what makes it worse is that he didn't even get hurt during last Sunday's 18-3 victory over Scotland in Marseille – it was friendly fire during a training session in Toulon on Wednesday that saw the big No 2 go down, and now out of the tournament.

Marx is so much more than just a hooker. While he is outstanding in his primary duties of throwing the ball into lineouts, hooking the ball out in the scrums and controlling the ball at the back of a driving maul, the 29-year-old from Johannesburg is a real force at the breakdowns.

He is virtually a fourth loose forward on the pitch for the Boks as he has a high work-rate in defence and almost always comes up with a crucial turnover on the ground. Marx is arguably the best hooker in world rugby at the moment, and while Bongi Mbonambi is an excellent No 2 in his own right, he is a different kind of player.

Losing someone like Marx just adds to the enormously challenging circumstances that the Boks have had to endure on the injury front in the defence of their title they won so memorably in Japan four years ago.

Just a few days before their departure for France, influential centre Lukhanyo Am was ruled out with his own knee injury that he sustained in the warm-up Test against Argentina in Buenos Aires.

Before that, first-choice flyhalf Handré Pollard (calf) and lock Lood de Jager (illness) were out of the reckoning as well. In addition, star lock Eben Etzebeth picked up a shoulder niggle against Scotland, but he is expected to recover in time to face Ireland on September 23.

But in these times of adversity, we back Siya Kolisi and his team to rise up and still go all the way and retain the Webb Ellis Cup.

It's not whether you  
get knocked down; it's  
whether you get up

VINCE LOMBARDI  
American football coach

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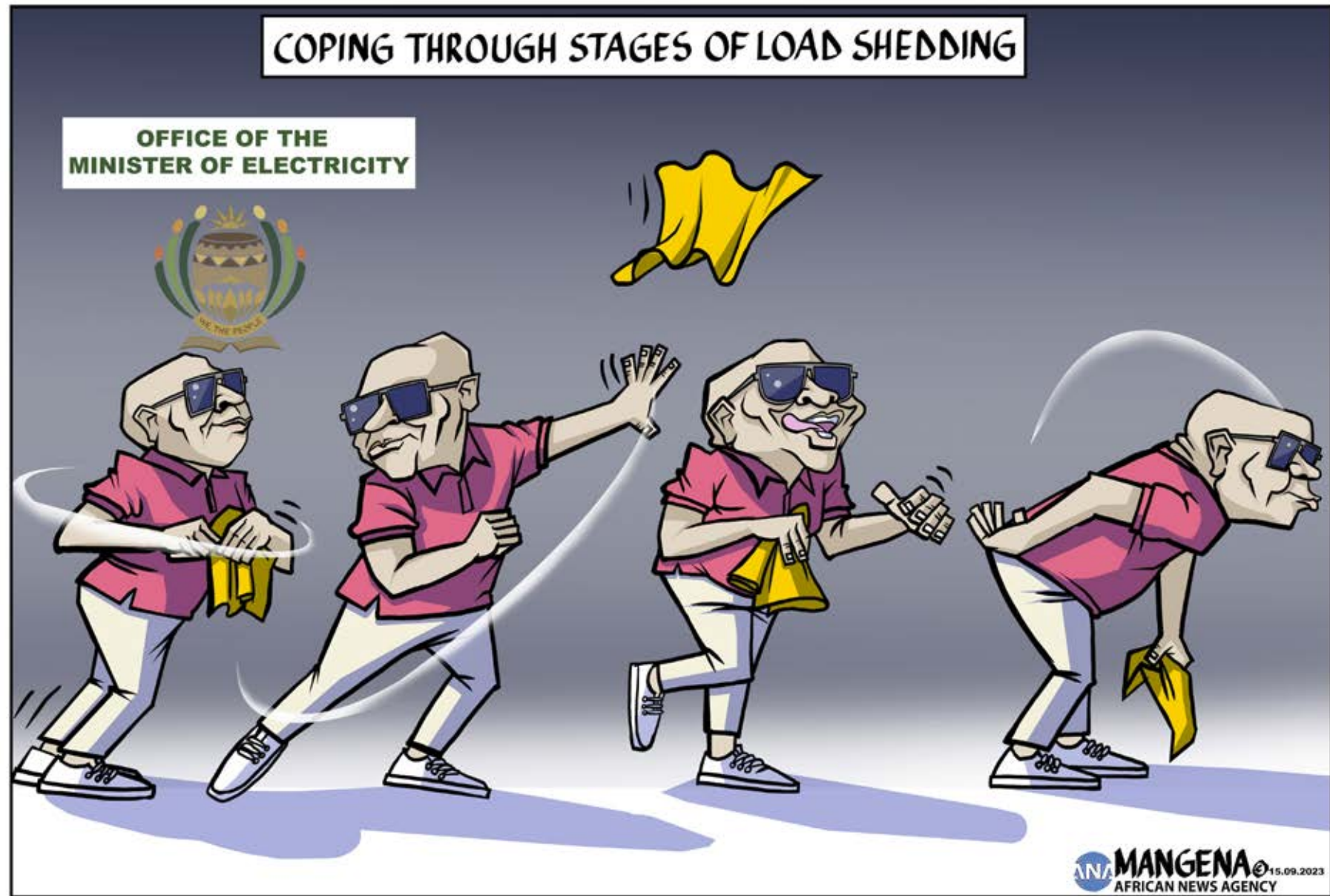


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# How axed Mkhwebane would likely have survived

*‘Those hoping for a finality should not hold their breath yet’*

## COMMENT

NKOSIKHULULE  
NYEMBEZI



IT WAS one of those pieces of news that was simultaneously stunning and utterly expected: President Cyril Ramaphosa formally removed Advocate Busisiwe Mkhwebane from the Public Protector's office just weeks before her seven-year term expired in mid-October.

The removal follows the September 11 impeachment vote in a special sitting in the Cape Town City Hall, concluding the parliamentary process of the inquiry into her fitness to hold office.

No doubt, Mkhwebane and the CR17 group have been embattled almost from the start of the president's tumultuous five-year-long reign.

Mkhwebane took over from Advocate Thuli Madonsela, who – whatever criticism levelled against her – was popular with the staff and many South Africans because “she was not incompetent”. That is according to FF Plus MP Corné Mulder, who scoffed at the sentiment that Mkhwebane was “a vulnerable, poor victim of an evil conspiracy” for her rulings against the executive.

Even without being drawn into evil conspiracy theories, many witnessed Mkhwebane's clear determination, supported by powerful politicians, as she set her eyes on some middle political ground between various ANC factions that emerged after the party's 2017 national conference.

There may be a middle in South African politics for the ANC alliance partners and its fraternal structures seeking a front seat in the party's control of state resources. Still, the public protector is not the institution to find it.

No, the public protector is a constitutional institution to serve citizens, not party faction leaders. More importantly, aiming for the middle political ground amid faction fights is extremely dangerous for democracy when there is a party – the imploding ANC, of course – in the grip of those evading implementation of the Zondo



WITH ousted public protector Busisiwe Mkhwebane and her allies still fighting, there is little evidence that there will be nation-building takeaways from this debacle, says the writer. | African News Agency (ANA)

Commission and the Auditor-General's recommendations.

It is this shifting middle political ground that led the National Assembly to set its sights on Mkhwebane following her investigations and reports – namely, the SA Reserve Bank/Absa matter, the Vrede Dairy Farm scam, the SARS investigating unit (or so-called “rogue unit”) and the CR17/Bosasa matter. Mkhwebane's efforts did not start well. Then several things happened, any one of which might have been fatal.

Several MPs highlighted during the debate that while numerous court judgments speak to her bias and loose understanding of legal and constitutional principles, several of her reports seemed to drop at crucial political moments, particularly in government party politicking.

For example, the Bankorp/Absa apartheid-era bailout report, which proposed changing the Reserve Bank's constitutional mandate, came in the middle of the ANC's July 2017 policy conference that suggested nationalising the central bank. It was a series of bad decisions, poorly executed, which played out disastrously.

As if to nix any sympathies within the fractured governing party, Qubudile Dyantyi, the ANC MP who chaired the Section 194 Inquiry, told MPs there was overwhelming evidence that not only sustained the main charges of misconduct and incompetence against Mkhwebane but also brought to light more missteps in the course of critical investigations by unearthing “even further examples of misconduct and incompetence that would have never come to the fore”.

The signs of a shifting middle political ground were evident early in 2020, when the ANC seemed ambivalent on Mkhwebane, even as the removal-from-office proceedings solidified. Several party members publicly supported her.

“There is a process in place. The ANC has not discussed where we stand, so we can't give you an answer either way,” was how then deputy SG, the late secretary-general Jessie Duarte, put it after the pre-2020 State of the Nation Address parliamentary caucus.

We cannot overlook that perhaps the governing party's shift came over Mkhwebane's decision to investigate Ramaphosa over the Phala Phala forex saga.

It was the second executive ethics probe – Ramaphosa successfully went to court to set aside the 2019 report into the funding of his CR17 campaign for party president. Ramaphosa's June 2022 suspension of Mkhwebane after she announced the Phala Phala investigation suffered manipulation in conspicuous ways, demonstrating party factionalism.

Nkosazana Dlamini-Zuma is a case in point epitomising the broader shift as the only Cabinet member absent from the impeachment vote, prompting the party Chief Whip, Penny Majodina, to say she will write a report to the party's secretary-general, Fikile Mbalula, requesting action be taken against the minister in the Presidency responsible for Women, Youth & Persons with Disabilities.

But Mkhwebane would likely have survived all of this, if it were not for the one thing that mattered: the numbers. Party ratings, Ramaphoria value and

improved ANC fortunes in the polls are the coins of the realm in a political party scheme dependent upon patronage and largely in mainstream South African politics writ at large.

Suppose Mkhwebane's ham-handed moves and commitment to giving equal time to power-hungry and divisive opponents had “worked” to marginalise the Ramaphosa detractors and propel the ANC's party renewal rhetoric.

In that case, if Ramaphosa and ANC ratings had soared, electoral support had risen, brand value was restored ahead of the party candidate list conferences without demanding Ramaphosa's decisive action in purging the corrupt individuals across party factions – nothing else would have mattered a whit.

But, sadly, these things would have been deemed tolerable if Mkhwebane's efforts had “worked” in favour of the ANC. But they did not, and so she is out.

Unsurprisingly, members of the EFF, UDM, PAC and ATM argued that removal was Mkhwebane's punishment for refusing to do the bidding of the ruling elite. “Never has it happened anywhere in the world that a sitting ombudsman is removed, especially after finding against the powerful president and minister. Who is next in this brutality?” asked ATM leader Vuyo Zungula.

UDM leader Bantu Holomisa said Mkhwebane sinned by doing her job too thoroughly. He added she had brought to light crucial information on money that flowed into the CR17 campaign for Ramaphosa's election as leader of the ANC after former DA leader Mmusi Maimane lodged a complaint to her office.

Instead, Holomisa suggested, the ANC and the DA sacrificed Maimane and Mkhwebane, who were pursuing the truth. The PAC's Mzwanele Nyhontso said Mkhwebane's impeachment was a plain case of misogyny.

Those hoping for a finality should not hold their breath yet. The EFF has thrown Mkhwebane a tenuous lifeline by promising to seek a judicial review report that led to her removal from office. With Mkhwebane and her allies still fighting, there is little evidence that there will be nation-building takeaways from this debacle. But it sure would be pretty to think so.

Nyembezi is a policy analyst, researcher and human rights activist

## COMMENT



### Dethroning ANC is necessary to rebuild democracy

KIRA ALBERTS

TODAY people around the world celebrate the International Day of Democracy.

South Africa, once celebrated as a beacon of democracy and reconciliation, finds itself in a winter of discontent with a great Constitution but a dysfunctional government.

Over the past 30 years the country has faced many challenges that have chipped away at the bedrock of its democracy, leaving us on unstable ground.

Corruption is at the forefront of these issues. The corruption in the government, epitomised by the state capture scandal during Jacob Zuma's presidency, has not only eroded public trust in political institutions and bred a culture of voter apathy, but has also diverted resources away from essential public services, exacerbating poverty and inequality.

Economic inequality looms large, with South Africa earning the distinction of being the most unequal country globally, according to a 2022 World Bank report.

This wealth gap has only widened over time, stoking social unrest and disillusionment with the democratic system's inability to address economic disparities.

The high levels of unemployment and poverty paint a grim picture. With an unemployment rate of 32.6% in the second quarter of 2023, the government's inability to create jobs and alleviate poverty has fuelled frustration and disillusionment with the democratic process.

Our political landscape has become fragmented along ethnic and party lines. This fragmentation has impeded effective governance, as parties often prioritise their interests over the nation's needs.

Furthermore, the state of security and the failing criminal justice system have left citizens vulnerable to criminal elements, adding to the challenges facing the nation.

In the face of South Africa's democratic crisis and with the 2024 elections approaching fast, a coalition government at national level could potentially breathe new life into our democracy.

It is true that local-level coalitions have faced instability and many have fallen apart. But if new legislation and regulatory frameworks were to be introduced and best international practice applied, the success of a coalition at national level would certainly not be beyond our grasp. So, the question is, why would this be good for our democracy?

First and foremost, a coalition government would usher in much-needed accountability within the government structure allowing for necessary checks and balances.

When parties are required to justify their decisions to coalition partners and their constituents, transparency and responsiveness in government naturally increase. Drawing inspiration from countries with extensive experience in coalition politics, like Germany and the Netherlands, coalitions would be further bound by a coalition agreement. This coalition deal will be made available to the public adding an extra layer of accountability.

Perhaps most notably, a coalition government has the potential to set in motion a shift in the power dynamics. The ruling ANC, once a symbol of hope, has become the poster child of all that is wrong with South Africa's democracy. Dethroning the party is perhaps the radical change that is necessary to rebuild our democracy.

Even if the ANC remained a part of a coalition government, in whatever role, a coalition would likely usher in a much-needed transformation in government dynamics, potentially reintroducing accountability that South Africa has long yearned for.

Our political leaders will need to agree on several contentious issues, such as minimum thresholds for membership to coalitions and how the leaders of coalitions are determined.

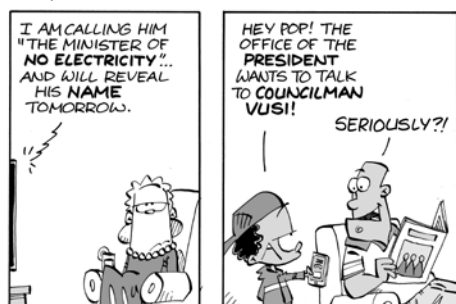
As we have experienced in the case of our Constitution, good legislation does not always translate into good practice.

Alberts is a master's student, research assistant at the Centre for Research on Democracy (CREDO) at Stellenbosch University and KAS-CREDO scholar.

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