

The public spats between leaders of the ANC must be a matter of grave concern, particularly in the context of the challenges the country is facing. They must also be a matter of grave concern for the citizens, as they may be striking at the heart of effective governance and the coordination of government programmes.

The decorum of government and its ministers is being put to the test. The public spats also challenge the moral authority of the ANC and, by extension, government to prevail over citizens. It also raises serious questions about the ability of the country's leadership to resolve disputes amicably - in the public interest.

There cannot be any doubt that President Cyril Ramaphosa must be the most disadvantaged when some of his ministers are entangled in what appear to be unending feuds. The fall-outs have their roots in what has become the after effects of the last elective conference and the party members' inability to live past it.

The feuds between leaders have dragged government into the conflicts and have also found their way into the courts and other organs of the state.

The litigation involving the so-called CR17 funding records is the most glaring example of how a political party matter has found its way into the judicial system and the office of the Public Protector, diverting attention from other pressing matters.

The accusations and counter accusations by leaders, including ministers, involve serious matters - among them sensitive issues of human rights. It seems there is something seriously wrong that must be addressed, if possible, to end this public spectacle.

RESPECT FOR HUMAN RIGHTS

It appears that some ANC leaders are battling to internalise their obligation to respect the human rights of others, more so those of their own comrades.

Some of the allegations made against the feuding leaders are of a grievous nature and clearly impugn the human rights of those affected.

There hardly seems to be a sensitivity that certain statements made, even if unintended, are a serious affront to the dignity of those against whom they are made.

Those involved may believe that they are exercising their rights to freedom of speech and expression, and that may be so, but such freedom is not an absolute right that can be exercised without due regard for the rights of others.

THE GENDER WAR

Incidentally, the thesis of the national democratic struggle was about, among other things, a nonsexist society. The least society expects is for an ANC leader to be seen to be propagating what appears to be sexist bigotry. Gender equality theory, in the context of the struggle, was that women were not to be judged in relation to their partners, but rather as individuals in their own right.

Women activists earned their own standing, unrelated to who they were associated with. During the long liberation struggle, many gallant women acquitted themselves well on many fronts.

The least we can expect is that women do not continue in this day and age to suffer the indignity of being seen as subordinates to their partners or other men. This gets worse when such suggestions are made in respect of women who have a proven track record and long service in the fight against discrimination.

The message such attacks conveys is that gender equality continues to enjoy lip service, including from



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FEUDING

MINISTERS UNDERMINE GOVERNANCE

The president's moral authority, and his call for national unity, may simply be challenged by his Cabinet ministers' public spats on social media, writes **Modidima Manny**

those in senior leadership positions. Further, the message is that the leaders continue to battle with shedding the institutionalised culture of patriarchy.

DISCIPLINE AND THE ETHICS OF LEADERSHIP

The public exchanges that may be disguised as talking truth to power reflect an erosion of discipline and some measure of playing to the gallery.

This fighting undermines the very disciplined and ethical foundation of the relationships within the governing party.

The implications of these public spats between leaders of the ANC are bound to cascade down to the different levels of the organisation, and when they do, the prospects of a disciplined membership will not exist.

But, more importantly, these spats threaten stability and could easily lead to an open conflict and possible loss of human life.

Experience has shown that once leaders show lack of discipline and start fights of this nature, open public conflict is inevitable.

In certain parts of world, such behaviour has led to all-out civil wars, leaving many people dead, destitute and displaced due to the resultant gross violations of human rights.

DIVERSITY MANAGEMENT AND UNITY

The fact that the issues of the last elective conference continue to smoulder may point to the inability of the ANC to manage its own diversity. The pronouncement after the conference was to move on and forge unity.

It does, however, appear that the unity that was much spoken of is as elusive as ever. The preamble to the Constitution proclaims that we "believe that South Africa belongs to all who live in it, united in our diversity".

The ANC, which claims to be the leader of society and is entrusted with giving meaning and effect to this constitutional value, does not seem to have the moral authority to insist on this. It appears unable to deal with its own internal diversity. It is unimaginable that leaders who appear wholly intolerant and cannot manage their differences can lead the whole nation in the direction of diversity management and the unity proclaimed by our Constitution.

SOCIAL MEDIA EXCITEMENT

It is significant that social media, and not the ANC structures, has become the platform on which leaders ventilate their issues. The impression this creates is that the ANC's systems may not be working effectively and/or there is an election to use social media despite the existence and efficacy of the systems that are in place. Social media platforms are open and those active on them are well aware that they are inviting the public into what is supposed to be a private space.

The normal refrain is that ANC matters are dealt with using internal processes. It is significant that ANC leaders who should be the guardians of these very processes are the violators of them.

There seems to be some real excitement by those using social media to attack each other. This happens despite the social media policy of the governing party, which discourages such behaviour.

UNDERMINING EFFECTIVE GOVERNANCE.

The public spats involve government ministers and the name of the president keeps cropping up, even though he is not directly involved in the feuds. Of course, the true source of these public spats is the 2017 Nasrec conference and what appears to be divisions referred to as factionalism rooted in the ANC.

The reality, though, is that the ANC is in charge of the country and it is inescapable to conclude that the conflict within the governing party has spilled over into government and Parliament.

If leaders are so prepared to tear each other apart in public, what should we think happens when they have to work together in the exercise of their responsibilities? How do they coordinate their work? It would be foolhardy to believe that their public spats are limited to ANC matters and social media platforms.

It is significant that we know what happens when they meet as government leaders. There cannot be any doubt that the spats must be embarrassing for the president, other members of the executive and the leadership of Parliament.

The public may just be waiting to see how the president will deal with his Cabinet ministers who are at each other's throats while he is appealing to the nation for unity. His own moral authority to implore the nation to act in unison may simply be challenged by these happenings.

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BUDGET MUST TAKE HUMAN RIGHTS INTO ACCOUNT

UN secretary-general António Guterres made this observation about the Covid-19 pandemic: "Never before has the importance of the responsibility of governments to protect people, by guaranteeing their economic and social rights, been so clearly demonstrated."

Countries that invested in socioeconomic rights such as quality universal healthcare, comprehensive social protection, decent housing, adequate water and sanitation supplies, and well-resourced education systems were much better equipped to weather the devastation wreaked by the pandemic on every sphere of life.

However, decades of structural adjustments in Africa and other countries in the global south, as well as austerity measures adopted across the world in the wake of the global financial crisis that began in 2008, have weakened the programmes and institutions that deliver socioeconomic rights to the people.

The consequences have been dire. Health systems have been pushed to the brink of collapse, and people have been left without social support when their employment or source of livelihoods disappeared. This has also seen a widening of educational inequalities as learning and teaching moved online. How has South Africa fared in committing sufficient public resources to the fulfilment of socioeconomic rights?

In 2018, the UN Committee on Economic, Social and Cultural Rights expressed concern that South Africa was implementing austerity measures in the form of significant budget cuts in the health, education and other social sectors.

The committee noted that these austerity measures would worsen inequalities and undermine gains made in these sectors. It also expressed the view that more could be done to mobilise resources for socioeconomic rights through the tax system, accompanied by measures to combat tax evasion and illicit financial flows, as well as irregular and wasteful expenditure.

A key recommendation was that both the executive and Parliament should take socioeconomic rights into account when making budgetary choices.

Unfortunately, this advice appears not to have been heeded. Since the outbreak of the pandemic, expenditure on a number of social programmes has been slashed in pursuit of fiscal consolidation policies to reduce the budget deficit and stabilise government debt.

This trend is evident in the national budget tabled by Finance Minister Tito Mboweni on February 24. As a coalition of civil society organisations pointed out in an open letter to the standing and select parliamentary committees on finance, the current budget would cut public spending by R265 billion over the next three years.

They noted that most of these cuts would directly affect access to socioeconomic rights by the most disadvantaged and vulnerable sections of the population. These included cuts of R67.2 billion in spending on public health; R36 billion from social grants resulting in a real decrease in income for recipients of the child support grant, disability grant, foster care grant and the grant for the elderly; and

Austerity measures brought about by Covid-19 are making people's lives ever harder, writes **Sandra Liebenberg**



R9 billion from public schools. This would result in the state spending R1 000 less per pupil enrolled for next year compared with last year in real terms.

These cuts are being made at a time when South Africans are experiencing deepening levels of unemployment, poverty and hunger. At the same time, South Africa has one of the highest levels of income and asset inequality in the world.

In a submission on the budget, Michael Sachs, acting chairperson of the Financial and Fiscal Commission, noted that government was obliged to justify its decision to reduce expenditure on socioeconomic rights-related budgetary items and lower the tax burden on constitutionally mandated priorities.

However, Sachs, the former head of National Treasury's budget office, noted: "There is no indication that government has considered how the rights contained in the Constitution will be protected in the context of falling resource allocations."

The conclusion was thus hard to avoid that "the executive has not considered these matters seriously when preparing its budget proposal to Parliament". There is no doubt that the budget process faces



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pressure on multiple fronts: the drastic contraction of the economy by 7% last year as a result of the pandemic, spiralling debt levels and the spectre of further investment downgrades by international credit ratings agencies.

However, it's precisely in these challenging contexts that international and regional human rights bodies have developed a set of principles to guide economic decision-making.

Known as the doctrine of non-retrogression, its aim is to protect human rights to the maximum extent possible in crisis situations, and prevent impoverished and marginalised groups from bearing the brunt of austerity measures.

The doctrine requires that decision-makers carefully consider the necessity of reducing expenditure in key areas relevant to the realisation of socioeconomic rights.

This means that they should thoroughly explore alternatives to cutting social expenditure, for example, by raising taxes on the rich or by eliminating irregular and wasteful expenditure.

When it is considered unavoidable to reduce social expenditure, the reductions should go no further

than is strictly required by the crisis situation. The effect of relevant budget cuts should be regularly monitored, and they should be reversed as soon as possible - that is, they should be temporary.

In addition, retrogressive measures should not result in any direct or indirect discrimination against disadvantaged groups.

For example, because of the gendered division of labour, it is usually women who bear a disproportionate burden when states cut expenditure on social programmes such as early childhood development, healthcare or water service delivery. Even when public expenditure on social programmes is reduced, the state is required to ensure a social protection floor for all as recommended by the International Labour Organisation.

Finally, the doctrine of non-retrogression also requires a number of procedural safeguards alongside mechanisms for meaningful public participation by affected groups and civil society organisations.

Relevant departments should engage in a human rights impact assessment before economic reforms that could lead to a retrogression in people's access to socioeconomic rights are adopted.

An excellent framework to guide this process is the UN Guiding Principles on Human Rights Impact Assessments of Economic Reforms. Adopted in 2018, these guiding principles should be integrated into all aspects of economic policymaking.

Meaningful public participation requires that relevant information is transparent and accessible; that sufficient time is given for public input; that alternative proposals to austerity budgeting put forward by stakeholders are considered seriously and in good faith; and that participatory monitoring and accountability mechanisms are put in place.

It is noteworthy that, although South Africa scores high in terms of the transparency of its budget process in the Open Budget Survey undertaken by the International Budget Partnership, it was ranked among the lowest in terms of public participation in the budgetary processes.

Since 2018, Parliament has also been given more teeth in the budgetary process, including the power to make amendments to the annual Appropriations Bill and Division of Revenue Bill, as well as tax bills.

These powers should be used to interrogate the relevant budgetary choices and ensure that they give effect to South African and international constitutional human rights obligations.

Cuts to the budgets of key institutions and programmes for socioeconomic rights delivery will undermine the ability of all three spheres of government to make progress in realising these rights. The consequences are widespread suffering, anger and disillusionment.

The legitimacy of South Africa's constitutional order is at stake as the promise of an improved quality of life evaporates under the pressures of austerity budgeting. Twenty-five years since the adoption of the Constitution, it is high time that economic policy and budgetary decision-making processes engage more seriously with human rights.

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