

4th Floor Investment Building
97 Commissioner Street
Pop Up Arcade
JOHANNESBURG
2001
info@azapo.org.za
www.azapo.org.za

VOLUME 1 ISSUE 41

AZAPO WEEKLY ONLINE PUBLICATION

FOREIGN DONATIONS CAN KILL SELF-RELIANCE

We do not mean to be party-poopers. After all, our razor-sharp analysis and clarity of thought have in the past landed us, as AZAPO, in trouble, particularly with the adherents of the Freedom Charter.

Just to illustrate the point, in 1984, at the height of the Cultural Boycott of South Africa and heightened calls to isolate the white settler-colonial regime through economic and diplomatic sanctions to bring about the collapse of the racist junta, US senator Edward “Ted” Kennedy visited our country.

AZAPO was not impressed that he was crossing the picket line. We decided to protest against his visit, essentially urging the international community to continue its isolation of the regime. Kennedy was a welcome guest of the United Democratic Front (UDF). The UDF did not take kindly to our position. Had they sought clarity, we would have gladly explained the logic of why we felt the visit was undermining the bigger struggle to isolate the racist South Africa. By and large, the American administration was against our struggle for liberation and self-determination. In the eyes of successive American administrations, our freedom fighters, including Nelson Mandela who they later anointed as a saint, were terrorists who could not be allowed to visit the United States.

The UDF responded to our peaceful protest with so much violence that they triggered what was later to be known as UDF-AZAPO feud. Many of our comrades were burnt alive in the most grotesque manner, which

some referred to as necklacing. One of those murdered in that brutal fashion was Siphon Mngomezulu. As if murdering him was not enough, his killers disrupted his funeral and partially burnt his coffin.

That was just history. This week, the American government announced that they would contribute R16 billion to help South Africa increase its anti-retroviral program. On the face of it, this appears to be a great donation that will save lives. Surely, all sensible people must applaud the Americans, right?



Well, Americans are arch-capitalists. In capitalism, there is nothing for nothing. They even coined the phrase, “there is no such thing as free lunch”. So, when Americans spend such a huge sum of money, what do they hope to get in return? If this donation was just a purely innocent gift, would they prescribe how we should spend it? Can they allow us to spend this money to fund free tertiary education? After all, the best pill to fight HIV is quality education.

No. They want the South African government to spend this money on ARVs. And who are the dominant players in that market? American companies. So, in actual fact, they are helping themselves. It is a domestic investment, not a donation. In reality, it is much more than that. At its Polokwane conference, the ANC resolved that the government should establish a state-owned pharmaceutical company. This was informed by the fact that we import most of our medicines from abroad. But if we were to establish a state-owned company to manufacture all sorts of medicines that we need, not only will we be saving money, but we will be creating hundreds of thousands of sustainable jobs.

But if the cost of ARVs is artificially reduced through the “donation” of the loving US government, the ruling party may no longer actively think about implementing their Polokwane resolution. Well, like we stated, we do not mean to be party-poopers. This landed us in trouble in the past.

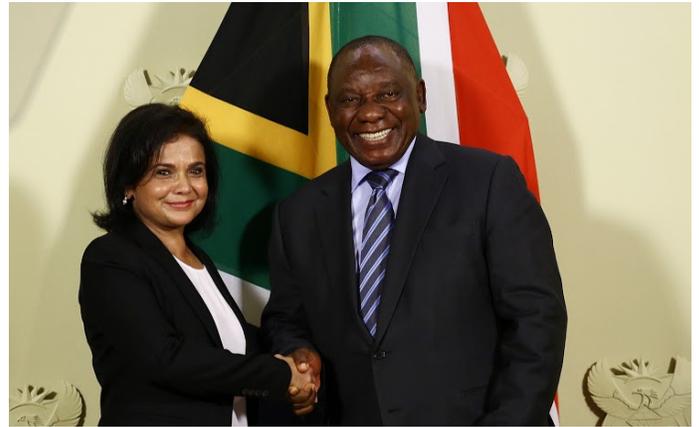
A NEW NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS WALKS IN

This week President Cyril Ramaphosa announced Adv Shamila Batohi as the new National Director of Public Prosecutions (NDPP). In a breath of fresh air, Ramaphosa deviated from the established practice and opened up the appointment process. There is no doubt that Adv Batohi is an experienced career prosecutor. AZAPO welcomes her appointment cautiously after the initially impressive Public Protector Adv Busisiwe Mkhwebane disappointed the public.

Sometimes we get carried away by the new and forget about how the old became old. The path to appoint a new NDPP was opened by the citizens and the opposition parties who took to the courts to stop the capture of the National Prosecution Authority (NPA) by the ANC-led government.

In August 2018 Justice Mbuyiseli Madlanga delivered the Constitutional Court majority judgement that upheld the removal of NDPP Adv Shaun Abrahams whose appointment was deemed invalid. Of im-

portance, the judge reminded the citizens that “at the centre of any functioning democracy is a well-functioning criminal justice system”. Justice Madlanga added, “If you subvert the criminal justice system, you subvert the rule of law and constitutional



democracy itself”.

That strong message was clearly direct to the ruling party, which had done all in its power to destroy the crime-busting institutions to protect a number of its corrupt leaders. The ruling party made sure that its leaders who were the Heads of State appointed into the NPA dubious candidates that were going to be controlled from Luthuli House – the headquarters of the ruling party. Any NPA leader who sought to be true to his profession by respecting the Constitution was removed.

NDPP Adv Vusi Pikoli lost his job in 2007 because he stood his ground and refused to drop corruption charges against the then Commissioner of Police Jacky Selebi. The ruling party went all out to protect its corrupt leader Selebi from facing the might of the law. The then Justice Department Adv Menzi Simeane even wrote a letter to Adv Pikoli directing him to drop the charges against Commissioner Selebi. President Thabo Mbeki suspended Pikoli when it became clear that Pikoli would not budge. All this was done by the ruling party to weaken the criminal justice system so that its corrupt leaders could be in a free festival of corruption in their bid to loot the state resources.

Contrary to the claims of Mbeki and the ruling party, a commission headed by Adv Frene Ginwala found Pikoli to be fit to execute his duties.

Despite that positive finding in favour of Pikoli, President Kgalema Motlanthe who replaced the fired Mbeki, went ahead and fired Pikoli who was a thorn in the flesh of the corrupt leaders of the ruling party. Why would Motlanthe remove a NDPP who was found to be fit and professional in the execution of his duties?



The worse was still to come for the institutions of criminal justice. The appointment of President Jacob Zuma dropped the subtlety of Mbeki and Motlanthe and moved with speed to destroy the crime-busting institutions like the scorpions, which were at the time considered to be doing a great job. The stinging Scorpions were replaced with the wingless Hawks. All the appointments were calculated to choose ANC cadres who were sure to serve the interests of Luthuli House as against those of the country.

In his capacity as the Acting NDPP, Adv Mokotedi Mpshe raised eyebrows when he dropped the corruption charges against Zuma in 2009 before the national elections with the result that Zuma who was President of the ANC at the time became cleared to stand and be elected the President of the country.

As one of many leaders of the ruling party facing charges of corruption, the new President Zuma quickly appointed a controllable Adv Menzi Simelane into the position of the NDPP. Simelane was important because he was the one that was expected to block any process to charge the corrupt leaders of the rul-

ing party. Simelane was the same person who, as the Justice Department Director General, wrote to NDPP Pikoli instructing him to drop the corruption charges against Police Commissioner Selebi. At the Ginwala Commission, Simelane questioned the principle of the NDPP's independence and insisted that NDPP Pikoli was accountable to him. However, in 2012 another court process found Zuma's appointment of Simelane who had lied under oath during the Ginwala Commission to be irrational and invalid.

During the same period, leaders of the ruling party were competing with one another in attacking and insulting members of the judiciary. Corrupt leaders of the ruling party were holding political rallies outside the courts in a move calculated to intimidate the judiciary.

With the controllable Simelane kicked out, Zuma had to quickly find a replacement that would tow the ruling party line in the protection of corrupt leaders. Adv Mxolisi Nxasana was thought to be that puppet and a tame replacement by Zuma. The picture soon changed when it turned out that NDPP Nxasana was considering to charge Zuma after the courts ruled in favour of invalidating the 2009 dropping of Zuma's corruption charges by Adv Mpshe. The courts effectively reinstated the charges against Zuma. Nxasana's exit was forced with a handshake of about R17 million to clear the way for a more amenable Adv Shaun Abrahams who was expected to find every available tactic to delay and frustrate the charging of Zuma.

This year yet another court process found Adv Abrahams' appointment to be invalid, while Adv Nxasana was ordered to pay back the R17 million. Adv Shami- la Batohi is inheriting such a rotten and stinking NPA administration. AZAPO hopes that she will clean the NPA and restore its independence to prosecute without fear or favour. Further, we expect that she will possess the courage to pursue and reinstate charges against the powerful politicians of the ruling party. The NPA has just dropped the charges against the Guptas and ruling party leaders implicated in the Free State Estina Dairy scandal.

LOAD SHEDDING HYPOCRISY – THE COUNTRY DESERVES BETTER

We thought it was a thing of the past and lessons learnt have stood the country in great stead. In the heat of the summer, when the demand for electricity is at its lowest, ESKOM has been subjecting AZANIA to unrelenting load shedding from mid-November until now. It is appalling that the reported problem of capacity shortage at ESKOM power stations is due to unplanned outages resulting in unavailable generated power to the magnitude of 9000MW to 11000MW, an equivalent of 3 of the 15 ESKOM power stations. At the same time, ESKOM has submitted an application for a 15% tariff increase to NERSA. Should this be seen as a mere coincidence?

Four years on since the last load shedding, ESKOM has since added 6000MW to its generating capacity with the introduction of Medupi, Kusile and Ingula. We now know that ESKOM has a generating capacity of 47000MW. Yet, it is struggling to support a load demand of 29000MW, requiring them to reduce it to about 27000MW through the rolling stage 2 load shedding, which enables ESKOM to reduce the demand by 2000MW to balance and stabilise the power system.

Load shedding is understood to be a measure of last resort to prevent the collapse of the power system country-wide. When there is insufficient power station capacity to supply the demand (load) from all the customers, the electricity system becomes unbalanced, which can cause it to trip out country-wide (a blackout), and which could take days to restore. When power is insufficient, ESKOM can thus either increase supply or reduce demand to bring the system back into balance. As the difference between supply and demand becomes small, action has to be taken to prevent the system from becoming unstable. With the number of power stations, understandably 9 of the 15 power stations, impacted by unplanned outages due to lack of maintenance, AZAPO is forced to wonder how did ESKOM and Department of Public Enterprises (DPE) allow the country to be at risk like this?

It was President Zuma who, in 2016 after having met ESKOM Power Station Managers and the rest of ESKOM leadership, declared that the country will never ever witness another load shedding again. Here we are, with 9 of the 15 ESKOM power stations without

permanent Power Station Managers, no Head of ESKOM Generation since the resignation of Thava Govender in mid-October 2018, no power generation experience within ESKOM board and EXCO. Worse still, no capacity within the Department of Public Enterprises to provide oversight on ESKOM as the department does not have the requisite skills for the role. Is it not hypocrisy to be told that ESKOM is on top of things and that we should expect a lit Christmas?



Minister Pravin Gordhan told the country that the problem has been on the horizon since 2010 as ESKOM has not been investing on maintenance of the generation fleet while fully aware that most of these power stations are in midlife and some closer to retirement. And there is a dire lack of skills that has led to the quality of maintenance done in the past to be questionable.

As part of the remediation of the current problem, ESKOM announced through the Minister of Public Enterprises and its Chairman, that they have cancelled all leave for senior managers and deployed them to the power stations to ensure that the country does not experience a black Christmas. These are the same ESKOM senior managers who are low on morale since being told that some of them may be subjected to the section 189 retrenchment process after the implementation of a strategy that they were barred from contributing to its development. Are they the people Minister Pravin Gordhan is suspecting for sabotaging the power system and country?

When the now old ESKOM board was announced, there was expectation of stability and a return to better days. President Ramaphosa's government must take full responsibility for this mess. Our country deserves better!