

UMSEBENZI ONLINE

Umsebenzi Online Volume 21, No. 01, 20 January 2022

Online voice of the South African working-class

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Red Alert

Protect the independence of the national prosecuting authority from profit-driven interests, advance revolutionary reconstitution of our society



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The handover of Part 1 of the State Capture Inquiry Report to President Cyril Ramaphosa in the first week of January by Deputy Chief Justice Raymond Zondo, and the President's decision to release it immediately, marked an important development. This spelt out the strategic tasks facing our country. We must continue where the commission has concluded its work, to dismantle state capture networks and clamp down on other forms of corruption. But we also need to deal with hypocritical reactions to the report and protect sincere responses.

While we preferred the commission to complete its entire report and hand it over to the President all at once, we welcomed the first part, appreciating the challenges that the commission faced in carrying out its work. We welcomed the President's decision to release the report publicly immediately after receiving it.

Deeply concerned by the systematised industrial scale corruption and governance decay that had gained momentum and became bolder and bolder, we became the first as the SACP to expose the class project for what it was, "corporate state capture", or more broadly "corporate-capture". Our analysis pointed to the capture occurring in the broader political spectrum where certain structures or individual leaders were first captured by corporate or private wealth accumulation interests as their launching pad for "state capture" (shorthand).

In reaction, others dismissed our analysis that there was state capture and went further to challenge us to give them evidence. In response, we became the first to call for the establishment of the judicial commission of inquiry. Parliamentary political parties, and others including certain "civil society" and non-governmental organisations, rejected the call for the commission that we consistently advanced. Six months later, to be specific on 14 October 2016, the former Public Protector prescribed the establishment of the commission as a remedial action.

Only then did those who rejected our call, one after another, started supporting the commission's establishment. What changed the minds of many of them was the provision in the remedial action for the former Chief Justice to be the one to identify the judge who the former President had to appoint to head the commission.

Welcoming them on board, in a principled stance aimed at forging a widest possible patriotic front, the SACP worked with various social formations in pursuit of the establishment of the commission and support for its work. We were, however, not aloof from the structural weakness or tendencies that were possibly existent in the ranks of some social formations. Which was why we had to take heed of such dangers at all times while forging maximum patriotic unity. For example, there were comprador interests possibly existing in the ranks of business as a social formation. Such interests are at least characterised by fronting or engaging in acts of agents for foreign private wealth accumulation and imperialist exploitation.

It therefore did not come as a surprise when in reaction to the first part of the commission's report the CEO of Business Leadership South Africa (BLSA) Busi Mavuso came out in defence of the United States multinational corporation, Bain & Company. Contradicting the report, which exposed Bain & Company in "clearest demonstrations of the patterns of state capture" and involvement in associated "procurement corruption", Mavuso said "the work the firm undertook to redeem itself ultimately satisfied the board that it qualified to be readmitted" in BLSA as member company.ⁱ While it did not take that long for Business Unity South Africa (BUSA) to assert a different message, contradictions within business as a social formation continued, with Mavuso advancing another controversial reaction.

This time around, she asserted that the National Prosecuting Authority (NPA) needs business's help. Mavuso made this assertion in contradiction to what she said three years ago when the then new National Director of Public Prosecutions Shamila Bathohi spurned offers of help from organised business. Bathohi's rejection of help from business, Mavuso further claimed, was an attitude the country could no longer afford.ⁱⁱ This was regarding business making its offer to "help" the National Director of Public Prosecutions in state capture prosecutions.

Instead of patronage and entryism targeting the NPA, and also the Directorate for Priority Crime Investigation also known as the Hawks, or any other state institution through the so-called "help", it would make sense, and principled, for business to support a positive corporate tax adjustment to boost state revenue and financial capacity to fulfil national priorities and development imperatives.

Democratic South Africans must reject such manoeuvres, which are nothing but actions that will inevitably lay the basis for State Capture 2.0. South Africans, especially the overwhelming majority, the working-class and poor, need to come out overwhelmingly to support the NPA's rejection of the so-called offers from the profit-driven interests that apparently seek to "help" in what MUST, in terms of our rule of law, be independent public prosecutions.

How can we forget that the roots of state capture lay in the so-called help offered by profit-driven interests? Many did so, as the testimonies made to the commission show,

while in fact they were conflicted, while they were interested in or eyeing making profits from the public sector through tenders, contracts, consultancy, mining and other business licences, to mention but a few.

Globally, it was monopoly capital, mainly from the United States and Western Europe, in fiercely driving neo-liberal globalisation that aggressively pursued the conversion of the public sector in every country into a field of private wealth accumulation, through liberalisation, privatisation, outsourcing, and related tenders. The results included tenderisation of the state, state entities, and other public institutions. This included the so-called consultancy work, among others involving rogue investigations.

According to the testimonies at the state capture inquiry commission, for example, the “investigation” carried out by the British-Dutch multinational corporation, KPMG, at the South African Revenue Services (SARS), falls in that category. Sections of business opposed to compradorism, and other forms of fronting either for foreign or established domestic capital, should also come out and join the working-class and poor against the attack on the head of the NPA and its independence.

South Africans need to study the State Capture Inquiry Report in its entirety once completed to produce a comprehensive response. That must lead to a revolutionary reconstitution of our state, and, by extension, of our society at large, including the economy. Not only do we need to see consistency, for example, prosecutions covering not just those implicated in the public sector but also in the private sector, and both domestic and foreign-controlled private companies and monopoly-capital, and all with equal force.

We need to eliminate the material basis upon which state capture took place. This must result in dismantling state capture networks and putting measures in place to prevent state capture from rearing its ugly head again. To achieve this outcome, we need thoroughgoing changes to our state system, not least in procurement to eliminate tenderisation of the state, its entities and other public institutions, and to build a capable developmental state with organic capacity to serve the people diligently and capably.

Politically our movement, for instance, cannot be the same after a comprehensive response to the State Capture Inquiry Report. A revolutionary reconstitution of our state and society at large requires a movement that is not in ruins. This can only be a revolutionary movement committed to moving our national democratic revolution into its second radical phase to heighten and widen our democracy, and to rid our economy of colonial features and imperialist subordination, to overcome unemployment, poverty, inequality, the crisis of social reproduction facing many working-class and poor households that are struggling to support their lives.

Such can only be a movement demonstrably characterised by revolutionary moral high ground, a movement capable of building and ensuring revolutionary superiority and discipline. It is a movement that decisively acts against ill-discipline and builds maximum principled unity based upon a revolutionary programme. To this unity we say a resounding YES! For such a unity cannot be possible, however, with corrupt elements, with elements engaging in factional conduct, dividing our movement,

causing its destruction, and attacking the development and expansion of our democratic gains.

ⁱ See “Why is BLSA defending Bain despite Zondo inquiry’s findings?” BY Athol Williams’s (*Business Day*, 10 January 2022)

ⁱⁱ See “Mavuso: NPA needs business’s help: Business renews offer to Bathohi to assist in state capture prosecutions” (*Sunday Time*, 16 January 2022)

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EST. 1921 AS THE COMMUNIST PARTY OF SOUTH AFRICA | CPSA

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