



FW de Klerk
FOUNDATION

OUR BEARINGS HAVE COME UNDONE: THE DEATH OF ACCOUNTABLE LEADERSHIP

As we stare into the abyss as a nation the morning after the night before, we are asking ourselves, how can he, why did he, and could he really? A wholesale firing of a quarter of the Cabinet is a monumental act of confidence by the President as leader of SA Inc. Sadly, in this case, the act was not in the name of government or the electorate but driven by the antithesis of accountable leadership. The words of Howard Gardner, author and psychologist, *Leading Minds: An Anatomy of Leadership*, came to mind as the nation woke up this morning. He describes a leader “as a person who is responsible, trusted, consistent, honest, and faithful. Leadership therefore exemplifies integrity and willingness to make sacrifices for the good of the governed”.

The actions of the President over the last 24 hours belie the very values ascribed to accountable leaders as described above but more painfully, contravene the very moral and ethical basis of the struggle for freedom and democracy in South Africa.

The country has come a long way precisely because of an abundance of ethical and accountable leadership, in the persons of Nelson Mandela and also FW de Klerk, who risked power and reputation to put country first at the dawn of democracy. Said FW de Klerk: “I played an integral part in helping formulating that new vision...that we must abandon apartheid and accept one united South Africa with equal rights for all, with all forms of discrimination to be scrapped from the statute book”. These powerful words attest to a man who sacrificed interest and power that came with the highest office in the land to nurture a democratic future guided by the Constitution and Bill of Rights.

The fear we confront is that of whether these efforts have been squandered in the interest of what was so richly described by the previous Public Protector in her *State of Capture Report*.

The Constitutional Court, in *President of the Republic of South Africa and Others v South African Rugby Football Union and Others*, declared “The President must also act in good faith and must not misconstrue the nature of his or her powers”.

The same decision went on to state that “When contemplating the exercise of presidential powers, there can be no doubt that it is appropriate and desirable for the President to consult with and take the advice of Ministers and advisors.”

From this it is apparent that the exercise of public power, including that of the President as head of the Executive, is not without limits. It is always constrained by the Constitution and the Rule of Law. This requires the President, at all times - including the appointment of Cabinet and Deputy Ministers - to act rationally in making such a decision. The decision on whom to appoint remains a presidential prerogative, however, it does not mean that there is unfettered discretion in making such appointments. It means that the decision should be rationally connected to the purpose for which the power was conferred. It means that all relevant facts informing the decision should be considered. To use but just one example -



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the fact that Minister Bathabile Dlamini kept her job as Minister for Social Development - even after the Constitutional Court's view that she breached her constitutional duties in the SASSA debacle. Is this rational?

Consider the President's other decisions - the recent firing of the three of the most senior members of the Judicial Service Commission (JSC), coupled with the remark that "judges with a progressive philosophy and who advance judicial activism to give effect to social transformation [are] to be appointed to the Bench." Does this signal the intention to clip the wings of the Judiciary, who have in the past struck down and prohibited unconstitutional laws and conduct by the State?

The ramifications of a seriously compromised financial management system weighed heavily on the markets this morning. The crisis is bigger than the firing of the Finance Minister only - an unaccountable leader portends a more serious crisis of governance in South Africa. How much more damage can a single person, with the support of a few, continue to inflict on the nation?

According to the Constitution, when the National Assembly has lost confidence in the President, the Cabinet and Deputy Ministers, then all it takes is a simple majority vote for the latter to resign. It is time that the National Assembly placed the prosperity, economic wellbeing, task of nation building and the crucial dividends of democracy - so valued by all South Africans - ahead of the President's selfish personal interest.

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