



EDITORIAL

YEAR SINCE FIRST CASE OF COVID-19 IN SOUTH AFRICA

THIS month marks a year since the first case of Covid-19 was reported in KwaZulu-Natal from a man who had travelled to Italy.

Since then the government has been battling the virus and has started a vaccination programme.

Health Minister Zweli Mkhize said this week that more than 83 000 health-care workers had been inoculated and more doses were on the way.

The vaccines have remained one of the major mechanisms to fight the virus that continues to mutate.

They have become, and will continue to be, the shield against Covid-19 until the virus is defeated.

Studies done have shown this and the government wants to ramp up efforts to contain its spread.

The government has targeted the end of the year to reach herd immunity. However, the fight is far from over, with scientists across the country continuing to work hard.

Minister of Higher Education, Science and Innovation, Blade Nzimande, has committed that the department will pull out all the stops to build capacity for the country to develop its own vaccine for future pandemics.

With it being one year since the virus arrived, the work must now be on building the capacity of public facilities.

There have been many lessons learnt in the past year, and the government must not repeat them, including the looting of public funds meant for the poor.

But a lesson has also been how we have managed the virus by sticking to the health protocols.

Despite the increasing number of deaths, the first and second waves have enabled South Africans to learn and understand that the worst is not yet over.

This has been a year of tough choices, and the government must not shy away from investing more resources into health to fight future pandemics.

In all the lessons learnt, the key has been to obey health protocols. This will continue until the virus has been defeated.

But another tough year awaits with the future uncertain as the virus continues to wreak havoc.

The vaccines will continue to be our shield against Covid-19 until the virus has gone.

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opinion



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OPINION



ANSIE MARITZ

BERTUS VAN ROOY

ZUMA'S POLITICAL STRATEGY: THE WARFARE NARRATIVE

EARLY last month, former president Jacob Zuma issued a statement defying a Constitutional Court decision that compelled him to appear before the judicial commission probing grand corruption in South Africa. He used a war metaphor to explain why he would be a victim if he adhered to the court's decision.

The commission had asked the court to issue an order forcing him to testify before it. Zuma is central to the work of the commission, as the allegations that the state had been captured for private benefit happened during his tenure, from May 2009 to January 2018. He has also been implicated by witnesses as being complicit in the corruption.

The commission sought the apex court's intervention after Zuma walked out because his application that chairperson Deputy Chief Justice Raymond Zondo recuse himself was dismissed in November last year. The court ruled he should co-operate with the probe.

Zuma's defence against the commission is based on metaphorical reasoning. Understanding his key metaphor provides insight into his rhetorical strategy. He has complained that the Constitutional Court also mimics the posture of the commission, "by suspending my Constitutional rights, rendering me completely defenceless against the commission".

To be defenceless presupposes that someone is waging war against you.

Metaphors are not used for their own sake in politics, but as part of a strategy to persuade a particular audience to accept a point of view, and act accordingly. Zuma clearly succeeds in persuading his loyalists to continue to "defend" him. Simultaneously, he uses it as a shield against being held accountable.

The metaphorical language is key to understanding these two contradictory consequences.

He uses warfare metaphors to defend himself and persuade his supporters to continue supporting him. He presents himself as the ultimate warrior for the economic liberation of the poor. In his oral presentation to the commission in 2019, and his public statement on February 1 this year, he identifies his "stance on the transformation of this country and its economy" as the reason why he is the "target" of a campaign of "propaganda, vilification and falsified claims".

The metaphor of warfare allows the former president to construct a version of reality that suits his purposes. He highlights incidents that make sense to him and his supporters as evidence of his opponents' activities. Just like the apartheid security apparatus targeted him and other ANC operatives, his modern-day "enemies" – security agencies, "white monopoly capital", the commission and Constitutional Court – also target him.

At the same time, the warfare metaphor allows Zuma to evade the aspects of reality that do not fit the narrative. Like the lonely hero on stage at the end of a Shakespearean tragedy, Zuma told Justice Zondo in July 2019: "Zuma must go. What has he done? Nobody can tell. He's corrupt. What has he done? Nothing."

This "nothing" is the point – in terms of the warfare metaphor – that paints him in the defenceless victim role. The former president's metaphorical interpretation of reality excludes the possibility that evidence of his alleged wrongdoing can be incorporated into the same narrative: such evidence must, therefore, be rejected, or be reinterpreted, as falsehoods concocted by his opponents.

Maritz is a lecturer in Afrikaans Linguistics at the University of Pretoria and Van Rooy is Professor of English at the University of Amsterdam

Proposed new electoral system passes muster

Idea allows independent candidates at constituency level, yet incorporates proportionality

COMMENT



DARYL SWANEPOEL

THE Constitutional Court, in June 2020, declared the current Electoral Act unconstitutional, since it does not allow for independent candidates to stand for election to national and provincial legislatures. It gave Parliament two years to remedy the defect.

To this end, the Inclusive Society Institute designed a proposed new electoral system that would respond to the court's ruling, but which would also remedy shortcomings under the existing pure proportional model.

It needed to:

- ◆ Accommodate independent candidates.
- ◆ Reflect, in general, proportionality.

- ◆ Require no amendments to the Constitution.

- ◆ Be simple for the Independent Electoral Commission to implement and for voters to understand.

- ◆ Promote gender parity, demographic and geographic inclusiveness, and representativity and improved accountability to the voter.

In essence, the institute needed to decide between:

- ◆ A winner-take-all, single-seat constituency approach.

- ◆ Simplistic proportional representation (PR).

- ◆ A hybrid model that accommodated constituencies, with a compensatory proportional list allowing for overall proportionality to be established.

The single-seat constituency approach was rejected as it would not make it possible for the outcome to reflect proportionality. It would also not accommodate sufficient diversity.

The simplistic PR model would, in turn, be impractical. Imagine the length of a ballot paper should, say, 100 independent candidates wish to stand nationally in addition to the 48 existing political parties. It would also not advance geographic representation and would do little to improve representativity and accountability to the voters.

Thus, the model proposed is a 400-seat National Assembly of which 300 are allocated to multi-member constituencies (MMCs) each comprising three to seven members. MMCs will be supplemented by a proportional list of 100 seats, which will be used to ensure overall proportionality in terms of the total number of votes cast for parties.

There will be two components to the establishment of the legislature.



A WOMAN gets her thumb marked to show that she has voted. South Africa's electoral system is in need of a thorough overhaul, says the writer. | BRENDAN MAGAAR African News Agency (ANA)

The first would be representatives elected via 66 MMCs. The second component will comprise representatives elected via the compensatory PR list.

It's necessary to have at least three members per MMC to promote diversity within each MMC. But too large a number would be counterproductive in terms of promoting geographic representativity, or for bringing representatives closer to the electorate.

Accountability is strengthened when representatives are closer to the electorate. Knowing one's representative, and thereby having greater access to him/her, strengthens the voter/representative nexus. Thus, the maximum number of seats per MMC is suggested as seven.

MMCs will be demarcated along current district and metropolitan municipal lines. Where the number of voters within a district is too few to warrant at least three representatives, two or more districts can be added together. Where the number of voters within a metropolitan council are too many, MMCs can be allocated along sub-council or metropolitan regional lines.

Each vote cast should carry equal weight. Therefore, in determining the borders of the MMCs, the total number of registered voters will be divided by 300 (the number of MMC seats), which results in a quota per seat.

There will be one ballot paper in each MMC, comprising the names of the parties, followed by the names of the independent candidates.

Parties will be permitted to nominate a number of candidates equal to the quota size of each MMC plus one. Prior to the election, the parties

and the IEC will publicise the names of all candidates so that the electorate will know the incumbents prior to exercising their votes.

The voter will cast a single vote for either the party or the independent candidate. Seats will be allocated proportionally, based on the number of votes received for each party or independent candidate.

Should an independent candidate receive enough votes to be elected, he or she will qualify. Party candidates are allocated in order of their appearance on the list for the party in the particular MMC.

Gender parity is promoted by requiring parties to alternate their candidates based on gender, that is man followed by woman, or vice versa, on the ballot paper. This will, however, be difficult to engineer among independent candidates, since they represent only themselves.

If independent candidates obtain more votes than required for election, the surplus votes are discarded, in that a single individual cannot be more than a single individual.

Thus, only parties will compete for seats on the compensatory PR lists. The combined number of votes received by a party, across all MMCs, determine its proportional share of the 400 parliamentary seats. This implies that parties receive an additional proportion of the excess votes forfeited by the independents. Parties could, therefore, be marginally advantaged. This is justified, in that absolute proportionality is not possible with the introduction of independent candidates, and thus a higher reliance will, by necessity, have to be placed on the notion of

general proportionality. Furthermore, it does not come at the expense of the independents, in that it does not diminish the legitimate claim that any one independent candidate may have, that is, him or herself represented in Parliament. Also, alternative remedies are available. Should the independent candidates wish to lay claim to the additional votes cast over and above that required to secure a single seat in the legislature, they could arrange themselves as a group, in reality a party, and register at the IEC as such.

The modelling exercise undertaken by the institute found that the proposed system does not negatively (or positively) impact any party. It shows that the existing power ratios between parties would be maintained. It also shows the geographic spread of seats, continuing to reflect the strongholds of the individual parties.

The model being proposed by the institute, therefore, not only gives effect to the constitutional requirement of accommodating individual candidates, but it also goes some way to address clear voter desires to be able to hold their representatives more accountable. It also does so in a way that the benefits attached to a PR team are not diminished in any way.

The system is fair, it is simple, and it serves the voter.

Swanepoel is the CEO of the Inclusive Society Institute. This article is an extract of the institute's recently published report on a proposed new electoral system for SA. The report can be accessed at <https://drive.google.com/file/d/1EeTtWcxS4rONnXK2WuFhTfArsaoDwkyR/view>

Vaccine procurement raises questions

PROFESSOR GEO QUINOT

THE Covid-19 pandemic has again highlighted the challenges facing public procurement in South Africa.

The Auditor-General's reports on Covid-19-related procurement and media coverage have flagged opacity, corruption and mismanagement on a wide scale.

In this context, one is understandably apprehensive about the next major procurement episode in the country's response to Covid-19. That is, the procurement of vaccines and the services required to vaccinate the population.

There is much that the public has learned about this vaccine procurement process. This includes the centralised approach adopted by the national Department of Health. But there is much that is not known and much that should be known. Some of this vagueness may simply be because the relevant aspects have not yet been

finalised. Uncertainty remains around the exact role of South Africa's nine provinces in vaccine procurement.

In his briefing to the parliamentary portfolio committee on health on February 5, Health Minister Zweli Mkhize stated that the government was procuring the vaccines centrally and "then supplying both the private and the public sector for distribution". One can understand the move to centralise such procurement, especially after the challenges of the highly decentralised early procurement stage, such as the failure of many organs of state to follow prescribed pricing and specifications instructions.

But Western Cape Premier Alan Winde has stated that the province had established a "framework for provincial contingency vaccine acquisition (and procurement), to supplement the national acquisition plan".

Provinces have the power to procure vaccines on their own. The law

does not provide for mandatory participation in centralised procurement. If an organ of state can show that procuring vaccines falls within its legal mandate, it should be able to do so on its own.

That is largely due to the highly decentralised public finance framework under the Public Finance Management Act and Municipal Finance Management Act.

Another major area of uncertainty relates to the terms of the supply contracts under which the government will acquire the vaccines. While government leaders keep using phrases such as vaccines have been "secured", and manufacturers have "committed" doses, it is unclear whether any contracts have actually been signed, apart from the agreement to obtain the AstraZeneca vaccine through the Covax initiative.

At the very least, an agreement for 9 million Johnson & Johnson vaccine

doses seems to be either already signed or on the brink of being signed.

Of particular concern is the indication that such agreements may contain a no-fault compensation system for adverse events, as well as non-disclosure clauses. The latter would make it impossible to scrutinise the actual terms of the agreements. There are also concerning signs regarding the costs.

All these uncertainties raise questions about whether the agreements will meet the constitutional requirement that public contracts must be concluded in terms of "a system which is fair, equitable, transparent, competitive and cost-effective".

One hopes that the relevant information will be made public as soon as possible, as an important step to ensure public trust in this essential programme.

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