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CBE Focus

SONA 2023 - Ramaphosa lost another chance...

to address any concrete solutions to deal with amongst others Crime, electricity crisis, unemployment and the economic downturn says ***Yusuf Moosajee****– Executive Director of the CBE*

An opportunity presented itself on the 9th of February 2023 for President Ramaphosa to inspire the embattled citizens of our country. Instead we were meted out the usual rhetoric without any concrete solutions to deal with amongst others crime, the electricity crisis, unemployment and the economic downturn.

The President concentrated largely on the electricity crisis, which resulted in the creation of an additional Ministry, namely a Minister of Electricity who would be responsible for energy recovery. This begs the question: what exactly have been the roles of Mantashe and Gordhan, the ministers of minerals & energy and public enterprises respectively on the Eskom issue?

It is no secret that the heads of these two ministries are at loggerheads over how to ensure the stability of the country's energy supply. Instead of sorting out the differences between the two ministries, the President decided to throw in an additional portfolio.

What exactly is the Minister of Electricity's scope of activities? Last year at the SONA the President announced the creation of a team headed by Mr Sipho Nkosi in his Presidency for "red tape reduction", which was subsequently created. To date we have not heard of any tangible difference to business on red tape reduction. The President seems to be fond of creating unnecessary bureaucracy and bloating an already expansive cabinet.

The imposed national state of disaster on the energy crisis opens a whole new chapter. During the 750 days of the Covid- 19 national state of disaster, a National Command Council was formed – essentially a committee of ministers - who ran the country and passed regulations. The sweeping powers of a national state of disaster could lead to more corruption, with less scrutiny on the tendering.

The real issue is whether a state of disaster on the power situation is necessary? Unlike the Covid-19 pandemic, the power issues in South Africa are self-inflected by the Government. The issues at the parastatal run deeper than simply not being able to generate enough electricity. The poisoning of CEO Andre de Ruyter points to an infiltration of people bent on making Eskom ungovernable.

The mismanagement of resources is also an area that Government should be concentrating on. E.g.- the conveyor belt transporting coal directly from the mine to the power station was dismantled, in order to give trucking contracts to comrades. Eskom should request an exemption on fuel taxes as well as apply to purchase fuel at wholesale prices. The theft of diesel and equipment as well as vandalism from Eskom must be addressed. In some cases the theft of equipment is allegedly not through a hole in the fence but directly out the front door with signed documentation.

The President highlighted the shortcomings of law enforcement agencies which has led to a rising level of lawlessness. Not enough was said on the Government's plan to tackle the high levels of crime and corruption.

The acknowledgement of poor service delivery from defunct and weak municipalities has to be tackled more vigorously. As long as the Government continues with cadre deployment, our municipalities will be hamstrung without proper and professional management.

The social compact that the President speaks about is long overdue. This however needs to be initiated by Government, which is not listening to Business to its own detriment. Government needs to seriously show its commitment to work with Business and not mere rhetoric, and plans without implementation which become meaningless.

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Obituary: Freedom struggle veteran and CBE Awardee Frene Ginwalla



In this historic picture, Dr Ginwalla is seen with other notable freedom fighters and activists

Pioneering South African Indian-origin freedom struggle veteran and National Orders awardee Dr Frene Noshir Ginwala passed away on 13 January 2023 aged 90 after suffering a stroke two weeks earlier.

A grandchild of one of the very few Parsi families who had emigrated from India, Ginwala's parents sent her to study in the UK before they left South Africa to settle in Mozambique.

After the ANC was banned and its High Command leaders arrested by the apartheid government in 1963, Ginwala helped many prominent members of the ANC. Among them were Nelson Mandela and others who would later become leaders in the post-apartheid government. She also helped set up the ANC in exile in Tanzania.

Ginwala was South Africa's first Parliamentary speaker after Nelson Mandela became the first democratically-elected President of the country in 1994.

"On behalf of the nation and of the legislative, executive and judicial components of the State, (I offer my) sincere condolences to Dr Ginwala's family, her nephews Cyrus, Sohrab and Zavareh, and their families," President Cyril Ramaphosa said.

Born on April 25, 1932, Frene Noshir Ginwala served the anti-apartheid struggle and South Africa's democratic dispensation in a diversity of roles as a lawyer, academic, political leader, activist and journalist.

In 2005, she was honoured with the Order of Luthuli in Silver for her excellent contribution to the struggle against gender oppression and her tireless contribution to the struggle for a non-sexist, non-racial, just and democratic South Africa.

In 2013, Ginwala joined several other veterans of the fight against apartheid to receive the 'Distinguished Service to Society' award from the Congress of Business and Economics.

Ramaphosa said that many of the rights and material benefits South Africans enjoy today have their origins in the legislative programme of the inaugural democratic Parliament under Dr Ginwala's leadership.

"Frene Ginwala epitomised the ethos and expectations of our then fledgling Constitution and played an important role in building the capacity of Parliament through the transformation of activists and leaders into lawmakers who were, in turn, able to transform our country," he said.

Ramaphosa also commended Ginwala's role internationally. "Beyond African shores, she positioned our young democracy both as one that had as much to contribute to as it had to learn from global precedents and experience," he said. Among her diverse activities was serving on the Board of Directors of the Inter-Parliamentary Union.

South Africa and Nigeria grey listed due to insufficient money laundering and terrorist financing action

South Africa and Nigeria have been grey listed by the Financial Action Task Force (FATF), an intergovernmental body that sets global standards for anti-money laundering (AML) and combating financing terrorist activities (CFT).

The FATF decision, announced after its meeting in Paris, indicates to global banks, financial institutions and investors that these countries are not fully compliant with anti -money laundering and terrorist financing standards.

This was despite desperate attempts by South Africa to pass several relevant laws late last year, as well as a high-level delegation sent to the FATF recently to make representations.

The FATF conceded that there had been significant progress by South Africa on many of the recommendations previously made to the country, but that more needed to be done in terms of increasing investigations and prosecutions related to cases of money laundering, as well as the seizure of assets which were the proceeds of criminal activities.

“When the FATF places a jurisdiction under increased monitoring, it means the country has committed to resolve swiftly the identified strategic deficiencies within agreed timeframes and is subject to increased monitoring. This list is often externally referred to as the “grey list”.

“The FATF identifies additional jurisdictions, on an on-going basis, that have strategic deficiencies in their regimes to counter money laundering, terrorist financing, and proliferation financing,” the statement said.

“In February 2023, South Africa made a high-level political commitment to work with the FATF and to strengthen the effectiveness of its AML/CFT regime. Since the adoption of (the recommendations) in June 2021, South Africa has made significant progress on many of (them) to improve its system, including by developing national AML/CFT policies to address higher risks and newly amending the legal framework, among other,” the statement added.

The FATF listed eight areas that South Africa still needed to work on in order to have its grey listing removed. These include South African authorities applying effective, proportionate, and effective sanctions for non-compliance; showing a sustained increase in investigations and prosecutions of serious and complex money laundering; enhancing identification, seizure and confiscation of proceeds of crimes; and ensuring the effective implementation of targeted financial sanctions. South African police, prosecuting authorities and judicial system have been hamstrung in recent years by limited budget allocations to carry out these tasks.

Reacting to the FATF announcement, Finance Minister Enoch Godongwana pledged in a statement that South Africa would work “swiftly and effectively” to address all the issues listed by the FATF that were still outstanding.

"Government recognises that addressing the action items will be in the interest of South Africa, and that doing so is consistent with our existing commitment to rebuild the institutions that were weakened during the period of state capture, the effectiveness of which is essential to addressing crime and corruption," Godongwana said.

Analysts said the grey listing would affect foreign direct investment in South Africa and also make it more difficult for embattled state-owned entities such as national electricity supplier Eskom and public transport network Transnet to borrow funds abroad.

Government needs to enable a social compact with business, civil society and labour

Government needs to establish a Social Compact with business, civil society and labour in order to address the issues plaguing the country, concurred panelists on a post-State of the Nation (SONA) analysis on TV station INX.

The programme, co-hosted by the Congress of Business and Economics and moderated by Ayesha Kajee, was discussing the SONA address by President Cyril Ramaphosa in Parliament in Cape Town on 9 February 2023.

Pavlo Phitides , speaking on behalf of private business, said government needs to create a predictable, stable, safe and viable environment in which individuals who risk everything could do so with confidence in their future.

"Until we get those basic things right – crime, grime electricity and education - how do you ask people to invest into their future?" Phitides asked.

Advisor to the CBE Dr Ismail Vadi agreed.

"The social compact of 1994, to all intents and purposes, has collapsed. We do need a new social compact, and the partners to that are government, the private sector, civil society and labour. The difficulty we have is that you can't have a multitude of social compacts in every little sphere of life. What the country needs is a basic plan around say five big things," Vadi said as he added job creation to address unemployment as the fifth one to the four cited by Phitides.

> ***"We don't hear the voice of labour. One of the things that labour has to do in this country is to make sure that public servants are working. Just the performance levels of public servant leaves a lot to be desired...***

"We don't hear the voice of labour. One of the things that labour has to do in this country is to make sure that public servants are working. Just the performance levels of public servant leaves a lot to be desired. The kind of slackers that you see when you just enter a government office! I'm not saying everybody is liable – there are pockets of excellence - but unless you have a public service that is motivated, morale is high and that believes in this plan, we are not going to achieve it," Vadi said.

Yusuf Moosajee, Executive Director of the CBE, agreed that a social compact was absolutely needed.

"The problem is that government cannot wait for labour or business to initiate that. The enabling environment needs to come from government. (The President) mentioned in his speech that he has spoken to business and labour and they are ready now for this social compact. Ready for what? Government must create that enabling environment for business to come on board. It's not the other way round. The problem is that government doesn't listen to business," Moosajee said.

> ***The President has used the word planned so many times in his speech and the difficulty is that we are not actually seeing a clear way forward. What's the implementation?***

Vadi, a former provincial MEC and long-time activist, said he was not hopeful that Ramaphosa's speech inspired hope.

"He has used the word planned so many times in his speech and the difficulty is that we are not actually seeing a clear way forward. What's the implementation?" he asked.

"Last year he announced a crisis plan around the electricity crisis that we are facing, but in the six months that have followed, the crisis has intensified. So is it believable, what he said today? I don't think so. I think what we are seeing is more bureaucracy (through the) appointment of yet another minister to coordinate.

"We have Minister Gwede Mantashe in terms of Minerals and Energy; we've got Pravin Gordhan in terms of the State -Owned Enterprises (SOEs); and now you're going to have perhaps a Super Minister within the Presidency to deal with the electricity crisis."

Vadi was commenting on Ramaphosa's announcement that a Minister of Electricity is to be appointed in the Presidency.

"The answer does not lie in that kind of political management The answer lies in actually making sure that you meet your targets, that you follow through, that the officials are being held accountable, etc. What we see is a disjuncture between what he wants to achieve and the ability of the public service and the bureaucracy and the administration to follow through.

"We have different forms of dysfunctionality within the state administration of the government itself. If you are putting this vision or this plan forward, but you have dysfunctionality in the administration or in the SOE's, you're not going to realise your dream," Vadi said.

CBE's Three-City workshop on Family Business a success



Dr Haluk (centre in front) with some CBE Board and Standing Committee Members at the JHB Event



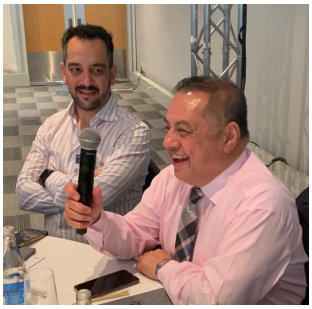
Delegates in Cape Town listening to Dr. Haluk's session on Family Governance.



Former Durban Deputy Mayor, Fawzia Peer, was among the Durban guests.



Dr Haluk listening to one of the delegates sharing his business experiences.



Hassen Kajie, co-sponsor of the CBE in Cape Town, welcoming guests.



One of the tables in Cape Town where the event was filled to capacity

Give us more quality workshops – that was the resounding message received by the Congress of Business and Economics (CBE) from participants who attended the successful three-city event presented by Dr Haluk Alacaklioglu, world-renowned expert in the field of Family Business.

The three cities tour took place in November 2022. The first event in Johannesburg was followed by one in Durban and the final one was in Cape Town. The Durban leg was co-hosted by the CBE and Vector Consulting, while the Cape Town leg was co-hosted by CBE, Legacy Fiduciary Services and Nexia SAB & T.

Dr Haluk has been working on five continents helping hundreds of family enterprises with their governance issues. His programme dealt with most of the issues facing family businesses the world over.

"***The various generations of family-owned business are facing serious issues, survival and even closure, which needed addressing. These workshops re-energised them***"

Delegates were highly pleased with the workshops in all the cities.

"We saw that there was an overwhelming need for an international speaker like Dr Alacaklioglu, whose workshops have been attended by more than 300 people," said Ahmed Seedat, a CBE board member and CEO of co-sponsor Vector Consulting.

"The various generations of family-owned business are facing serious issues, survival and even closure, which needed addressing. These workshops re-energised them," Seedat added.

These were among the comments received at the events:

- The workshop was held at a time when our businesses needed guidance for a community that is lost in terms of next generations of their businesses.
- We were impressed with the speaker's knowledge and presentation style and the professional manner in which CBE hosted them.
- Many were looking at the CBE to provide leadership in the SA context.
- Compliments to the CBE for delivering quality workshops and bringing a knowledgeable speaker.
- The CBE is growing from strength to strength.
- We appreciated that the CBE had hosted a knowledgeable person of international repute.

Several accounting firms who were blown away with the content, teaching style and inputs from participants called on CBE to host similar events in 2023 so that their clients could also benefit.

CBE ANNUAL AWARDS DINNER











Annual CBE Awards return after a two-year hiatus due to Covid-19

Chief Justice Raymond Zondo and Ismail Momoniat, Director-General of the Treasury, headed a distinguished array of individuals and organisations who were honoured at the annual 'Congress of Business and Economics Ahmed Kathrada Excellence in Leadership Awards' made in Sandton on 26 November 2022.

A full house and tens of thousands of viewers on the live broadcast on INX on DSTV watched the two receive their awards alongside Gift of the Givers, Afrika Tikkun and Defend our Democracy.

"I hate getting awards, because I'm very clear that when we act in the public service, we do it as a service, not because we expect anything in return," Momoniat said as he accepted the award. Zondo expressed similar sentiments when he accepted his award on behalf of the many members of his team at the Commission of Inquiry into State Capture.

In the segment of the event called 'Celebrating Legendary Lives', struggle veterans Chris Hani, Prof Fatima Meer and Suliman 'Babla' Saloojee were acknowledged for their roles in the freedom struggle. Saloojee was allegedly thrown out of a high building in Johannesburg housing the apartheid-era security police. Meer spent her entire life fighting for the underprivileged, especially in education.









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S Africa enacts key anti-money laundering and combating of terror financing laws

FAKIR HASSEN

President Cyril Ramaphosa has signed into law two key Acts of Parliament, the result of desperate attempts over the past few months to meet a deadline to avoid a greylisting by the Financial Action Task Force (FATF). Unfortunately this was a little bit too late, as South Africa has now been greylisted by the FATF, as detailed in our story on page 2. South Africa now has until 2025 to implement all the other recommendations of the FATF.

The laws enacted will nonetheless strengthen the fight against corruption, fraud and terrorism, and also assist South Africa in meeting the international standards on money laundering and combating terrorism financing.

The Financial Action Task Force (FATF) is the inter-governmental watchdog that sets global money laundering and terrorist financing standards aimed at preventing these illegal activities and the harm they cause to society. With over 200 members, FATF monitors countries to ensure they implement the FATF Standards fully and effectively, and holds countries to account that do not comply.

The South African legal system was earlier deemed inadequate to implement the objectives of the FATF.

The changes to the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act and the Protection of Constitutional Democracy Against Terrorism and Related Activities Amendment Act are a significant step towards addressing the deficiencies that were identified in the 2021 Mutual Evaluation Report of the FATF.

The amended Acts now include aspects such as cyber-terrorism, which had been identified as a global threat, as well as provisions for the implementation of financial sanctions against supporters of terrorist organisations.

The General Laws Amendment Act amends five different Acts, including the Financial Intelligence Centre Act of 2001, by improving the provisions that require financial and other institutions to perform due diligence in respect of their customers.

This ensures that these institutions have more reliable information about their customers and are in a better position to manage money laundering and terrorist financing risks in their businesses, which was one of the key findings of the mutual evaluation.

Earlier concerns that South African NGO's were being exploited by facilitators and financiers of terrorist organisations to transfer funds overseas are also addressed by these amendments.

NGO's are now required to abide by standards of good governance and financial management and are supervised according to the requirements of the Non-profit Organisations Act.

South Africa's National Treasury said that the latest Acts would address 15 of the 20 deficiencies relating to the adequacy of laws and legal frameworks related to the 40 FATF recommendations that were identified in the mutual evaluation report.

"The remaining five deficiencies will be or have been addressed through non-statutory initiatives. In addition, the South African authorities have completed a second round of assessments of money laundering and terrorist financing risks and developed a national strategy to address these," Treasury said.

The South African regulators have also developed policies and issued directives and guidance to further strengthen aspects of money laundering, terrorist financing and proliferation financing risk management by financial institutions.

Humour Time with CBE

HARRY'S HUMOUR AT THE OFFICE

- Harry says the biggest contribution he can make to keeping the office clean and tidy is by working from home.
- The boss saw Harry sitting at his desk doing nothing so he asked him what he was doing. Harry replied that he was just finishing what he had done the day before, which was nothing.
- When Harry was asked what steps he would take in case of a fire at the office, he replied: "Very big ones with my shoes off!"
- Harry's boss wanted to place him in charge of researching Artificial Intelligence, but changed his mind because the machines would learn to be naturally unintelligent.
- Harry's wise words: You can't celebrate Friday being the start of the weekend when it is still Monday morning at the office.
- Harry believes that stress balls are made of soft material so that they don't hurt the people you throw them at who cause your stress.
- Harry firmly believes in teamwork because then there will always be someone else he can blame for his failure.
- Harry was thrilled that the boss said he was just like a computer, until he found out that a computer goes to sleep if left unattended for ten minutes.
- Harry keeps a pack of cards in his drawer just in case his computer crashes and he has to stop playing Solitaire.

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Will Coalition Politics Work in South Africa?

Since 2016, South Africa has experienced selected cases of multi-party coalition governments at municipal level. This is likely to become a feature of the political landscape after the 2024 provincial and national elections. Is this a good thing for our country? Have coalition governments worked well in the democratic dispensation?

Coalition governments at municipal level have tended to be fragile, unstable and unworkable. Most of them have collapsed after a short period. For example, after the recent municipal election on 5 November 2021, the coalition governments in Johannesburg and Gqeberha (formerly Port Elizabeth) have collapsed. On 4 October 2022, the former Mayor of Johannesburg had asked the High Court to set aside the appointment of the new mayor after the former mayor and other council functionaries were removed from office.

What are the underlying problems of coalition politics in South Africa? The coalition talks are hastily convened and shrouded in secrecy. The coalition agreements among parties are not made public. There is no transparency and openness in the process. Voters and citizens are simply left out of the process.

The coalition agreements are not based on clear political principles. They are more about trading of political posts and personality appointments. There are too many tiny parties with very limited public support to be accommodated to structure a majority coalition. The net result is that coalition governments have not proved to be in the public interest but rather in the interests of political elites.

How can coalition governments become more durable? There must be defined agreements that are negotiated transparently. Coalition agreements must be made public, preferably before elections, so that voters know who they're supporting. Coalition agreements must be based on clear-cut political principles, rather than on personalities.

They should result in good governance, government stability, proper rendering of public goods and services and democratic order. Coalition agreements must be based on a defined programme that the parties will work to achieve.

What are the public concerns of voters as we approach 2024? If coalition agreements are to be concluded, what should the basic programme entail?

- economic growth and creating jobs
- addressing poverty and hunger through a review of all social packages
- introducing a basic income grant
- energy security
- water security and supply, particularly to local communities
- restoring public transport infrastructure
- rule of law and fighting crime
- creating an effective, non-partisan intelligence service
- clean governance and tackling corruption
- creating a professional and responsive public service that works
- ending cadre deployment
- ensuring public accountability of MPs, MPLs and Councillors
- ensure political stability and respect for constitutional order.

What needs to be done? There should be legal and electoral reforms which recognise, and institutionalise, coalition governments. Coalition agreements should be legally binding and enforceable.

What should political parties do? The time has come for political parties to put the people and the country first. Only in this way will they regain public trust.

The time has come to keep out political opportunists, looters, hustlers, thugs and clowns from political office and power. The people deserve a change in political culture and respect for democratic legal order.

Dr Ismail Vadi—*Talk presented at public discussion hosted by LenzPolitics, Defend our Democracy, Radio Islam, Nurul-Islam Centre and Eastwave 92.2FM*

..... CBE Awards continued

A panel discussion titled 'Is South Africa a Failed State?' saw Shan Balton lead Tessa Dooms, Prof William Gumede and Prof Stephen Friedman in a discussion on the theme. The consensus was that failing political parties did not mean a failed state.

Nearly 400 guests who packed out the venue were also entertained by guitar maestro Gordon Franks and enjoyed a four-course dinner.

CBE Executive Director Yusuf Moosajee apologised to the many corporates and individuals who could not be accommodated due to the venue being filled up so quickly, with little planning time left to find an alternative venue. "We want to thank all our supporters, even those who could then only watch the live broadcast, and would like to assure them that we are already looking at alternative options for next year's event," Moosajee said.

‘Historic’ translocation of cheetah to India a measure of ‘goodwill’ between BRICS partners

A Memorandum of Understanding in terms of which 12 South African cheetah were sent to India in February has been described as being ‘historic’ and a measure of ‘goodwill’ between the two BRICS partners, senior officials from both countries said at a briefing before the departure of the animals.

"This is an MoU which is historic. It is a transcontinental location from wild to wild. Normally animals do move, but this has been a challenge for both countries,” said Dr Amit Mallick, Inspector-General of the National Tiger Conservation Authority.

Flora Mokgohloa, Deputy Director General for Biodiversity and Conservation in the South African Department of Forestry, Fishing and the Environment, said the financial value of the cheetahs being sent to India by South Africa was immeasurable.

“It is the amount of goodwill that is generated between two BRICS partners with a long shared history that should be considered rather. No value can be put on the public good of sharing the gene pool with other countries to ensure the survival of a species,” she said.

The officials were addressing the media amid preparations in South Africa's Limpopo province of the seven male and five female cheetahs for their translocation to India. They were transported to Gwalior Air Force base on an IAF carrier to be taken to Kuno National Park in India.

"This project is very important and very prestigious as far as India is concerned. The whole objective is the establishment of a meta population in a place where the cheetah is the only mega carnivore that India has lost since independence in 1947," Mallick said.

Mallick said Prime Minister Narendra Modi has been monitoring the process since eight cheetahs were brought to India from Namibia last year, adding that there had been a lot of learnings from the experience with the Namibian cats which would be applied to the ones being taken from South Africa now.

He said the Namibian cheetahs were behaving in a natural way after their acclimatisation process.

"In India we don’t have fenced perimeter areas. They are all free ranging. In ten days from now, the first two or three cats would go free ranging amid the monitoring processes. Training for staff and exchange of expertise and learning between veterinarians form both countries will also start to enable capacity building.

"India is home to more than 70% of the wild tiger population in the world, so we do have immense expertise on big cats in terms of active management, wilding and moving animals from low density to high density areas,” said Mallick, adding that Madhya Pradesh, where the new cheetahs are first going to, also has vast experience.

"We are very optimistic about the next phase, where we are going to lead the animals into free ranging,” he said.

"The habitat that we see in many parts of South Africa are absolutely similar to India. All that has been addressed in a very robust scientific action plan which has been done in consultation with the Wildlife institute of India,” said Mallick.

The two officials also commented on reports that in terms of a Memorandum of Understanding between the two countries, South Africa would send 10 more cheetahs to India annually.

“Africa has a very scientific system of assessing the number of cheetahs which can be exported or moved. Considering that and also the requirements in India, it does not mean that 10 has to go or 50 cheetahs has to reach (India from South Africa),” Mallick said.

“The MoU is very clear and there is not a specific number mentioned. It does not mean that there is a continuous process and (cheetahs) just go every year on the 1st of January,” he said.

Mokgohloa said South Africa plays a very active role in range expansion of species: "We believe that by expanding this range or this type of species we are able to increase the diversity and grow the populations, not only here at home, but in states where the animals are being translocated to."

Mokgohloa said that the scientists from South Africa would be involved in periodic assessments as to how well the cheetahs were established in India.

"Our own assessments indicate that these cheetahs will be able to adapt to conditions in India. We will be getting reports on a regular basis and discuss with our Indian counterparts at every stage in terms of what is the progress; what are we observing. Obviously for the next batch the decisions in terms of how many can be translocated will then be based on these assessments,” she said.

"The suitability of the areas where we are going to introduce the cheetah have also been assessed. The preparations on our side for receiving the 12 cheetahs are all in place,” Mallick added.

INX PRIME

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