

**Analysing South Africa's State Capture Controversy: an economic monopoly
battle or not?**

By

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Declaration

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I *Abel Semosa*, declare that **Analysing South Africa’s State Capture Controversy: An economic monopoly battle or not?** dissertation hereby submitted to the University of Limpopo, for the degree of Master of Arts (Political Science) has not previously been submitted by me for a degree at this or any University; that is my work in design and in execution, and that all material contained herein has been duly acknowledged by means of complete references.

.....
.....

Signature

Date

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Abstract

State capture in South Africa became the talk of the day in the mainstream media and social media alike. This was the case following state capture report (herein after referred to as “the report”) released by former public protector Thuli Madonsela which shed a light about the close relationship between former president Jacob Zuma and the Gupta family. The report alleged that the Gupta family played a role in appointing and offering ministerial positions to those who would bid for them in government procurements and tender awarding. This study seeks to analyse whether or not the state capture controversy in the context of the Zuma-Gupta family is a political manoeuvrings or economic contestations between the business competitors (White establishments and the Gupta family). The existing literature on the state capture narrative looks more at the Gupta family’s ties with former President Jacob Zuma, highlighting their tumultuous relationship. The dissertation does not justify the Guptas’ wrongdoings or nepotism, but it showcases that the State Capture narratives has been bolstered by those opposed to economic development. In terms of methodology, the study used qualitative and content analysis to examine the South African state capture debate.

Keywords: State capture, State-owned enterprises, Corruption, Marxism, South Africa

List of Abbreviations

AFU	Asset Forfeiture Unit
ANC	African National Congress
ANN7	Africa News Network 7
B-BBEE	Broad-Based Black Economic Empowerment
BEE	Black Economic Empowerment
BRICS	Brazil, Russia, India, China and South Africa
CASAC	Council for the Advancement of the South African Constitution
CEO	Chief Executive Officer
ConCourt	Constitutional Court
COO	Chief Operating Officer
DA	Democratic Alliance
EFF	Economic Freedom Fighter
ELA	Earthlife Africa
EPPF	Eskom Pension and Provident Fund
GCIS	Government Communications and Information System
HEU	High Enrichment Uranium
HRIU	High-Risk Investigations Unit
JSC	Judicial Service Commission
JSE	Johannesburg Stock Exchange
LEU	Low Enrichment Uranium
MKMVA	uMkhonto we Sizwe Military Veterans Association
MPs	Members of the Parliament
MVC	My Votes Counts

NATO	North Atlantic Treaty Organisation
NDPP	National Director of Public Prosecutions
NGO	Non-Governmental Organisation
NP	National Party
NPA	National Prosecuting Authority
RET	Radical Economic Transformation
SAA	South African Airways
SAAPA	SAA Pilot's Association
SABC	South African Broadcasting Commission
SACCA	South African Cabin Crew Association
SAFCEI	Southern African Faith Communities' Environment Institute
SARS	South African Revenue Service
SCOPA	Parliament's Standing Committee of Public Accounts
SOEs	State-owned Enterprises
TEC	Transitional Executive Committee
TNA	The New Age
UAE	United Arab Emirates
UF	Urban Foundation
US	United States
USAID	United States Agency for International Development
WMC	White Monopoly Capital

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Chapter 1: Background and Motivation

1.1. Introduction

State capture has been explained by scholars such as Hellman, Jones and Kaufmann (2003) as an attempt by companies or corporations to interfere in the development of government policies through illegal and non-transparent private payments to government officials. The influence may occur at various series of state departments, together with the ministries, executive, legislature, and the judiciary. Public institutions such as the judiciary, the executive, the legislature, and regulatory agencies both at the federal and local levels are subject to capture (Duane, 2017). On the other hand, the term "monopoly" is frequently used in economics to refer to corporations that have adequate market supremacy to influence an industry's investment and price, thereby exercising monopoly power, and prohibiting new entrants' competitors entering the industry, even if the profits are high (Bowles & Edwards 1985). Bagashka (2018:168) maintains that "Captor firms could use their relationships with public officials to erect barriers to entry or impose harsh regulatory burdens on their competitors".

Flowing from the above, since the year 2016, the idea of state capture has received a whole lot of attention and has emerged as a well-known narrative in the economic and political space of South Africa. This was due to the former President of South Africa, Jacob Zuma's close association with the Gupta family that added up a super alarm about the South African state likely to face a possible state capture. The Guptas and former president Zuma first encountered each at Sahara Estate function held by the Guptas in the year 2003 (BBC News, 2018). Since then, the Gupta family and Jacob Zuma developed strong ties and the Guptas have attended numerous functions involving Jacob Zuma and his family. It is also argued that the Gupta family are identified as the big supporters of Jacob Zuma during the 2007 African National Congress (ANC)'s conference in Polokwane (BBC News, 2018).

In portraying the close association between the Gupta family and former president Zuma, it is said that Bongzi Ngema-Zuma who is one of former president's wives has been hired by the Gupta family in the JIC Mining Services (Mckune, 2012). One of Zuma's son namely as Duduzane Zuma was also being hired as a director in several

companies and businesses owned by the Gupta family, and Duduzile Zuma the daughter of Jacob Zuma was also made a director of the Gupta owned Sahara computers company shortly after Jacob Zuma won the 2008 national and provincial elections. Zuma's close affiliation with the Gupta family is said to be the cause of tension within the ANC during Zuma's tenure. The Guptas have repudiated this accusation, articulating that they have never benefited from the relationship with Jacob Zuma (Parkinson & Steinhauser, 2016). Similarly, Zuma denies granting undue influence on the family (BBC news, 2018).

Events that led to the narrative that South African state faces a possibility of state capture was due to several complaints from the Member of the Parliament (MPs) and news medias that compelled former Public Protector, Advocate Thuli Madonsela to investigate possible violations of the Executive Ethics Act (1998) regarding the provision of government contracts to the companies that are linked to the Guptas as well as the appointments of Ministers and State-owned entities (SOEs) directors. In addition, the narratives of state capture were intensified by the cabinet reshuffles carried out by former President Jacob Zuma in consecutive weeks. For instance, Pravin Gordhan and Mcebisi Jonas were removed and substituted by Sifiso Buthelezi and Malusi Gigaba as Minister of finance and Deputy Minister of finance in 2017. The 'Nenegate' furore of March 2016 revealed a lack of comprehension of state capture among the public and politicians (Georg, 2016). In an exclusive interview with Africa News Network 7 (ANN7), former President Jacob Zuma said that the state is made up of three institutions, so it is impossible to capture the state unless all three branches of the state, legislation, executive and judiciary, are captured (Africa News Network 7 TV, 2017).

The Guptas family also had close ties with Jacob Zuma's predecessor, but the relationship between former President Thabo Mbeki with the Guptas did not go far and this was well guarded from being put on public display. The former Democratic Alliance (DA) leader Helen Zille also visited the Guptas' compound for a delicious meal, and they also awarded her with a donation for the party (TagDiv, 2013). Shai (2017:68) asserts that "it is then safe to aver that there is nothing extraordinary about the activities of the Guptas in South Africa. Naturally, it is expected that businessmen ought to wield influence in government decision-making". In other words, it is a well-known move that in politics, politicians always seek out for funders (businessmen) to

back them financial during elections and in return the politicians will push for policies that are conducive for the funders' businesses when they assume offices.

Following the resignation of Jacob Zuma in 2018, President Cyril Ramaphosa took over as the President of Republic of South Africa. Ramaphosa Presidency resulted in what he called the "New Dawn". Even though corruption took place while he was also under the administration of Jacob Zuma, he vowed to reverse and dismantle state capture and revive the State-Owned Entities (SOEs). The anti-corruption stance has been used as his political campaign in 2017 Nasrec conference against Nkozasana Dlamini-zuma. Ramaphosa reinstated Nene as Finance Minister and Gordan as Public Enterprises Minister as measure to regain investors' confidence and dismantled Ministers to be involved in the state capture, Tom Moyane is the example (De Klerk & Solomon 2019).

The Guptas are known to be the biggest supporters of Jacob Zuma during 2007 Polokwane conference, it was their turn to yield influence over the government policies under Jacob Zuma's administration and sideline other businesses which were mainly owned by white cartels. The study seeks to analyse whether the state capture narrative in South Africa is a political maneuvering for economic contestations among rival business competitors or not.

1.2. Research Problem

State capture has become such a huge issue in SA that a judicial commission of inquiry under Judge Raymond Zondo was appointed by for President Jacob Zuma in 2018 to investigate, fraud and corruption in the public service and in the organs of the state. The Gupta family's solid bonds with former South African president Jacob Zuma caused a great political controversy in the country. Former Public Protector Thuli Madonsela investigated Zuma and his association with the Gupta family following the allegations on the Guptas and their wielding influence over the government officials to secure government tenders illegally. It is worth noting that following such allegations the Guptas ridiculed the affidavits of the whistleblowers in the report (Lekabe, 2016). The Gupta brothers (Ajay, Atul and Rajesh) have further repudiated doing anything wrong or breaking the law and welcomed the chance to test the state capture report's findings in Zondo commission of Inquiry.

Jacob Zuma Presidency was marked by policies that were meant to transform the economy (Chipkin 2017). Nelson Mandela and Thabo Mbeki both adopted economic policies considered favorable to the businesses of white monopoly capital (WMC). For instance, lowering of corporate tax rate, dropping crucial exchange controls and casualising the labour market (Bond, 2020). The Gupta patronage pursued their business interests through traditional black economic empowerment which intended at restructuring the white-dominated economy. The study will indicate how the state and the economy cannot be considered as two distinct bodies, economic and political power are therefore being joined together (Martin & Solomon, 2018). Explaining how state capture can take place in South Africa and it will further seek to answer the following questions:

- What is the relationship between former President Jacob Zuma and the Gupta family?
- How did the white monopoly capital capture the state?
- Is the state capture narrative in South Africa a political maneuvering for economic contestations among rival business competitors?

1.3. Role of the Theory

This research employed the Marxist theory to analyse the South African state capture controversy. The Marxist theory of the state presents two models which explains state capture. One model is the instrumentalist model, and the other is relative autonomy model, which is the opposite of the instrumentalist. The study will use instrumentalist model. The central argument of the instrumentalist view is that the state has been used as the instrument to secure the objectives of the ruling class. The state is continuously captured by the dominant class or group, and it acts as the instrument that serves their interests (Srouji 2005). Instrumentalist theory reveals how capitalists control the state to promote their own common and/or special interests

According to Miliband as cited by Das (2006:65), in the instrumentalist theory, personnel at the height of the state system (including the government, bureaucracy, legislature, judiciary and the army) "usually belongs to the economically dominant class". However, the South African economy has been dominated by white minority, known as the white monopoly capital (WMC) since the arrival of Jan Van Riebeeck in

1652. In other words, the dominant class directly controls the state: they have seats in the legislature, they sit on commissions, they advise the government, and make decisions on behalf of the state, submit actual bills to the legislature (even write them) and also, they fund political parties (Das, 2006). Prior 1994, Nelson Mandela said, "The system of white supremacy has its roots in the cheap labour needs of the major economic groups in the country. South Africa's economy is dominated by giant monopolies in the gold mining industry linked with big financial and farming interests whose tentacles reach also into secondary industry. These groups have been responsible for the reserve system, migratory labour, the low wage policy. These groups own and control the national wealth of our country and determine the basic structure of the South African state" (Bunting, 1975).

According to Das (2006:65), "a special form of the instrumentalist theory is the theory of State Monopoly Capitalism". According to this theory, competition between capitalists leads to monopolization and concentration of capital, and consequently to the development of monopoly capital. In a class society, this special role of the state can be predicted, and it can be explained as follows: There are two main classes in any state or society, and since these two main classes interests are differing, a clash among them is bound to happen (Civic Service India, 2020). In the wake of new democratic South Africa, emerged two forms of structurally capitalists' groups, namely the White Monopoly capital (WMC) business elites whom they wisely combined old and new money without dismantling their apartheid status quo or disrupting accumulation process, and the new upstart network patronage camp which was led by the Gupta brothers (Bond, 2020).

The conflict between the capitalist camps in South Africa commenced when the Gupta wanted to enjoy the monopoly of government tenders with the exclusion of white-owned business cartels during former President Jacob Zuma's tenure. The phrase WMC was present in South African leftist and nationalist traditions, but at a very low level of public awareness. The Gupta and Zuma's son Duduzane called Bell Pottinger, a London-based public relations consultancy, to form a public opinion against the WMC (Bond, 2020). Marx further claims that the bourgeoisie also controls the media, such as newspapers and television. This makes it easier for the bourgeoisie to enter politics and flourish in politics (Civic Service India, 2020).

Marx and Engels argued that the state was created to protect the economic interests. For them, state capture stems from an ongoing conflict among rival capitalists to wield influence over social and economic policy within state government departments. This results in several outcomes like the parliament formulating policies that make sure that the capitalists amass wealth and manipulating the state institutions for their personal benefits in maximizing profits (Srouji 2005). For instance, the South African nation have been divided by politics, particularly on the state capture discourse as different views emerged among the ordinary citizens. Marx further emphasizes that state action is under the direct control of the capitalists, and it is used to maximize their general and long-term (Oilman, 1982).

Marx and Engels demonstrated that only organized power of one class to dominate another is by having a political power and property. Marx and Engels have demonstrated that political power and property are only the organised power of one class for oppressing another. It is evaluated that the main aim of the bourgeoisie is to control all the divisions of government and the economy. Marx had firmly said that the bourgeoisie has performed these tasks through state and in this way the state acts as an instrument (Civic Service India, 2020).

1.4. Purpose of the Study

1.4.1. Aim of the Study

The study aims to analyse the contemporary South African state capture controversy seeking to find if it is an economic monopoly battle or not.

1.4.2. Objectives of the study

- To explain how state capture can take place in South Africa.
- To give an overview of the South Africa's state capture in the context of former President Jacob Zuma and the Gupta family.
- To indicate how the activities of white monopoly capital constitute state capture in Post-Apartheid South Africa, and

- To find out if the exposure of state capture in South Africa is a political maneuvering or an economic contestation.

1.5. Research Methodology

Mouton (1996) describes methodology as a set of methods and principles used to perform a particular activity. According to Burns and Grooves, (2003: 488) methodology includes the design, setting, sample, methodologically limitations, data collection, and analysis techniques in a study. Methodology and research can be the theory of correct scientific decisions (Karfman as cited in Mouton & Marais 1996: 16). This study has adopted a qualitative method to analyse the South African state capture controversy.

Young and Hren (2017) defined qualitative research methodology as a systematic collection, organisation and interpretation of textual information. This is a qualitative study. As such, it is descriptive and is concerned with understanding and establishing how other scholars went about with a similar research problem (Gibson & Brown, 2009).

1.5.1. Research Design

The research design refers to a plan and structure utilised to acquire evidence to answer a research question. It guides both data collection and analysis to achieve research purpose/s and economy in the procedure (Gough, Oliver & Thomas, 2012). According to Yin (1994) and Winston (1994) as cited in Mouton, there are several research designs, but this study adopted the descriptive design to analyse and interpret the South African state capture controversy. The descriptive design can collect a greater quantity of data for comprehensive analysis and produce rich data that lead to important recommendations.

1.5.2. Data collection

Data collection is the process of gathering data from all the appropriate sources to find answers to the research problem and evaluate outcomes. In qualitative research there are various approaches of data collection to be employed (Gill, Stewart, Treasure & Chadwick 2008). This study used secondary materials such as published

articles, document analysis, journals, books, media archives and conference papers. These documents can be found at websites and public libraries.

1.5.3. Data analysis

For the study, the researcher used content analysis to complete the study. According to Berg (2007), content analysis is a deliberate, detailed, systematic examination and analysis of a specific form of material to identify patterns, meanings, bias and themes. This may include motion pictures, photographs, written documents or videotapes and audiotapes. The study utilised content analysis because a lot of books, newspapers, and journals has been used to conduct this research.

1.5.4. Quality criteria

Given that the study will depend on secondary, all sources used will be correctly acknowledged to avoid plagiarism

1.5.5. Credibility

For Korstjens & Moser (2018), credibility refers to the truth of the research findings. It establishes whether the research findings could be trusted by others. Shenton (2004) further stipulates that one of the key criteria for credibility is that of internal validity. Denscombe (2002) indicates that validity is regarding the accuracy of the information collected and the rationalisation offered. The researcher, therefore, collected documented data from multiple seminal sources on state capture. The study depended more on the richness of the information gathered, rather than the amount of data gathered.

1.5.6. Transferability

Shenton (2004) maintains that transferability has got to do with the degree to which the findings of a study could be utilised to other situations. In this study, the researcher will describe the processes to be followed in investigating the research problem with the hope of inspiring similar future research.

1.5.7. Dependability

Dependability refers to the consistency and reliability of the research findings and the degree to which research procedures are documented. The researcher explained the research methodology and design followed. This was done to ensure a coherent linkage between the data collection and study findings (Shenton, 2004).

1.5.8. Confirmability

Conformability is the degree to which the findings of the research study could be confirmed by other researchers (Shenton, 2004). It is concerned with establishing that data and its analysis is not the figment of a researcher's imagination. To ensure conformability in this study, the researcher acknowledged and kept a detailed record of all literature reviewed and consulted.

1.6. Significance of the Study

The study provides a greater understanding and extend the literature around the notion of state capture controversy in the context of South Africa. Akanoh (2015) explains the aim significant of study as to show at glance the contribution of the researcher to the body of existing or non-existing knowledge or how it will be beneficial to the reader. The research gives an insightful detail around the state capture saga. In addition, the study provides a clear picture on the controversy revolving around the state capture and give a better understanding of how the economy and the politics are fused. The narrative of state capture in South Africa has been biased and other aspects have not been covered by news media and scholars at large. This study adds to the existing body of knowledge and also pave a way for the upcoming researchers.

1.7. Ethical clearance

Before the commencement of the study, the researcher applied for ethical clearance certificate from Turfloop Research Ethics Committee (TREC) and it was granted. To avoid academic fraud and plagiarism the researcher cited every source used during this research and will follow rules and regulation of the academic research principles. To avoid biasness in the study, the researcher did extensive research on the veto players on the state capture and found other sources of data that support the

conclusions of the study. The researcher reviewed findings with peers to detect errors if any, that the researcher might have failed to recognise.

The next chapter gives a literature review on existing articles related to the topic at hand and analyses the State capture report released by former public Thuli Madonsela in 2016.

Chapter 2: Literature review

2.1. Introduction

Literature review is a critical evaluation, identification and syntheses of sources related to your research topic. Literature review analyses and summarises research topics and theories that are related to your study, highlight gaps that may exist in research and identify areas of controversy or conflict among different schools of thought (The University of Edinburgh, 2021). This chapter seeks to give a broader existing literature body of state capture in the context of South Africa. The following scholarly were also revisited to tighten the study as part of literature review: Sutch (2015), Mbaku (2018), Meirotti and Grant Masterson (2018), Hellman Jones & Kaufmann (2000), Duane (2017), Fazekas & Tóth (2016), Friedman (1962), Foster, McChesney & Jamil Jonna (2011), Bowles & Edwards (1985), Klerk & Solomon (2019), Dassah (2017), Bond (2020), State Capacity Research Project Report (2017), The state capture report (2016), Shai (2017), Desai (2018), Motsoeneng (2016), BBC News (2018), TMG Digital, 2016), Mngxitama (2017), Chipkin (2017), Bhorat, Buthelezi, Chipkin, Duma, Mondi, obo & Swilling, (2017), Bagashka (2018), Shivambu (2016) and Cronin (2016), Fakude (2016), Mdluli (2017), Kupferschmidt, (2009), Lee (2008), Monks (2012), Martini & Chene (2014).

2.2. Conceptual framework

2.2.1. State capture

The term state capture was developed by the World Bank as tool to measure the political instability in countries with emerging economies in the Eastern. The Wold Bank defined state capture as the actions of individuals both in the public and private sectors to exert influence in the formations of government policies, regulations and laws to benefit their private interests (Mbaku, 2018). According to Sutch (2015), State capture can be defined as the actions of individuals or groups both in public and in private sectors, influencing the formation of laws, regulations, decrees and other government policies to their advantage. State capture refers to the way formal procedures (such as laws and social norms) and private individuals and firms to influence state policies and laws in their favour manipulate government bureaucracies. Meirotti & Masterson (2018) mentions that aspirant state captors

might try to achieve such a goal by bribing parliamentarians, or by inducing political parties through donations to develop policies aligned with their needs.

Hellman Jones & Kaufmann (2000) conceptualise state capture as the efforts of firms or corporates to affect the formation of policies through illicit and non-transparent private payments to public officials. Through state capture, private sector intends to capture the state legislative, executive and judicial bodies, to further its private interests. State capture involves collusion by private actors with public officials for their mutual private benefit, they share rents at the expense of social welfare. Several negative externalities could be generated by the capacity of a small number of powerful firms or corporates to capture and obtain advantages from the developing legal and regulatory systems (Hellman Jones & Kaufmann 2000). It can occur in terms of an individual or family that exert control over both the state and the economy. The influence may be through a range of state institutions, including the legislature, executive, ministries and the judiciary, or a corrupt electoral process. Public institutions such as the legislature, the executive, the judiciary and regulatory agencies both at the federal and local levels are subject to capture (Duane 2017).

State capture differs from most other forms of corruption that instead seek selective enforcement of already existing (Ouzounov 2004). State capture is more extensive than normal corruption, but it is a network that involves a systematic corruption in the government level where individuals capture certain state apparatus to secure their private interests. State capture involves political and economic corruption happening at the same time (Fazekas & Tóth 2016). Bagashka (2018) Captor firms could use their relationships with public officials to erect barriers to entry or impose harsh regulatory burdens on their competitors. The Guptas were emerging businessmen in the South African economy and they were growing in rapid pace. Hellman (2000) argues that larger firms are more likely to engage in state capture than small firms, while smaller firms are more likely to become victims of bureaucratic corruption.

state capture became common in former Soviet Union blocs. State capture is not something new. Even in countries which businesses and politics have close ties, state capture took a place. Countries such as the United States (US), Singapore, and European Countries. There is not enough literature of state capture developed countries but according to a paper published by Transparency International (2014)

suggest that there is evidence where businesses and government have closed ties and economic interests are often intertwined (Martini & Chene 2014). In the US, corporations have emerged powerful, and they use lobbying, financing of elections to be able to control over the rules governing their operations, as well as over the allocation of public resources in several sectors (Monks 2012; Kupferschmidt 2009). Martini & Chene (2014:4) indicated that:

“In European countries, the risk of state capture is often debated due to extensive opaque lobbying practices and politicians’ dependence on private donations for financing of election campaigns. Important business groups often have direct access to politicians in many European countries. In addition, as the EU becomes a key policymaker, businesses have increasingly tried to influence officials both at the commission and the parliament to shape laws and regulations according to their interests”.

South Korea also had a problem of state capture. The so-called Chaebol, large conglomerate family-controlled firms, are characterised by their strong ties with government agencies. In addition to the control these conglomerates are said to have over politics, they also benefited from government bail outs on three different occasions (1974, 1987 and 1997) (Lee 2008).

2.2.2. Monopoly

The term "monopoly" is frequently used in economics to refer to corporations that have adequate market supremacy to influence an industry's investment and price, thereby exercising monopoly power, and prohibiting new infants’ competitors entering the industry, even if the profits are high (Bowles & Edwards, 1985). These corporations typically function in oligopolistic markets, they control the production and can regulate the prices for the products. Once a corporation attains economic concentration and monopoly power, it erects barriers for entry industries that makes it prohibitively expensive and risky for emerging competitors to successfully to invade an oligopolistic or monopolistic industry. Creating and maintaining barriers to entry is essential to work for any corporation (Foster, McChesney & Jamil Jonna 2011).

Friedman (1962) states that:

“Monopoly exists when a specific individual or enterprise has sufficient control over a particular product or service to determine significantly the terms on

which other individuals shall have access to it. In economic terms, a monopoly can be said to exist when firms have significant monopoly power, able to affect price, output, investment, and other factors in markets in which they operate, and thus achieve monopolistic returns. Such firms are more likely to be in rivalrous oligopolistic relations with other firms” (Foster, McChesney & Jamil Jonna, 2011).

The amount of discussion of cutthroat competition in media and business circles and among politicians and pundits, the greater the level of monopoly power in the economy (Foster, McChesney & Jamil Jonna, 2011).

2.3. Conceptualising state capture in the context of South Africa

Fakude (2016) demonstrate that state capture is not something new in the political economy of South Africa and that the whole contemporary South Africa’s economy depends on the undue influence of business over politics and vice versa. State and economic cannot be conceived as separate entities. Political power and economic power are merged, they cannot be conceived as separated (Martin & Solomon 2016). Klerk & Solomon (2019) stated that:

“the deeply rooted political patrimonial system contributed to state capture, since patrimonialism is based on the distribution of rewards, access to wealth and resources by the leader to beneficiaries in exchange for their loyalty and compliance. The oligopolistic structure created in state capture undermines the moral duty of government to protect the country’s resources and citizens. The oligopolistic, patrimonial systems are accompanied by the creation of a shadow state and economy, which is the space where extra-legal activities are executed by criminal networks and actors engage in activities that are contradictory to their constitutional state positions”.

The Notion of state capture in South Africa has been controversial. Two views have been presented to defined state capture in South Africa. The first view is that, the relationship between former President Jacob Zuma and the Gupta family has been used to define the notion of state capture in South Africa. The second view of state capture in South Africa focuses on the wealth of White families named as the White Monopoly Capital (WMC) that exert influence on government apparatus for their private interests to increase their wealth (Dassah 2017). Bond (2020) also allude that

the South Africa's state capture has been viewed with narrative of two competing factions (the Zuma factions & WMC) within the African National Congress (ANC). Bond (2020) in his article titled "*Who really 'state-captured' South Africa? Revealing silences in poverty, inequality and structurally corrupt capitalism*" asserted that:

"During this period of political freedom, the extreme forms of structurally-corrupt capitalism consolidated in a fusion of two major political forces: the 'White Monopoly Capital' (WMC) business elite which carefully blended old and new money without disrupting accumulation processes; and a new upstart network centred on the Gupta brothers and their state allies, nicknamed the 'Zuptas' (with a second network of ANC leaders benefiting from bribes doled out by the parasitical, Watson-controlled Bosasa company). The latter entails a more explicitly disruptive agenda of patrimonial accumulation".

The latter statement is one of the motivations for the study. There is a gap of knowledge of the two camps competing to influence the state apparatus. South African Politicians and mainstream media have refused to recognise the state capture by the camp of WMC. Mark Swilling and Ivor Chipkin in 2017 led a group of academics that probe into the Gupta family relationship and political elites from Jacob Zuma camp. According to Bond (2020), they probed into the unholy alliances and corruption of the Gupta family and former President Jacob Zuma but left a broader context of WMC practitioners. This study seeks to reflect on the broader context that has been left behind by other academics.

According to Borat et al (2017) in the report titled "*Betrayal of the Promise: How South Africa is being captured*", they argue that South Africa has experienced a silent coup from the Gupta family (Bhorat et al 2017). Madonsela (2018) also pointed that during the cabinet reshuffle in 2017, it was clear that South Africa has been under the silent coup carried by the Gupta family. Chipkin (2017) argues that the silent coup became visible when cabinet Ministers and State-Owned Entities (SOEs) Board members were purged from their positions in an undemocratic way. And the country lost billions during this period, especially in 2015 when Jacob Zuma removed Nhlanhla Nene as the Minister of Finance, replaced him with Van Rooyen. The markets reacted negatively to this move and the Rand was weakened. Van Rooyen was

considered to be a close friend of the Gupta. Within four days of appointment of Van Rooyen, Zuma was pressured by bankers (from Goldman Sachs, ABSA, Investec and Standard Bank's Shanghai co-owners) to switch Van Rooyen with Pravin Gordhan (Bonds 2020). The appointment of Brian Molefe at Transnet was considered to be influenced by the Gupta family for the private gains in the state entity, and Malusi Gigaba, as the former Minister of Public Enterprises played a crucial role in the appointment (Madonsela 2018).

All allegations of state capture against Jacob Zuma and the Gupta family emerged or became well-known to the public after former Public Protector Advocate Thuli Madonsela released a state capture report that implicated the Gupta family and former President Jacob Zuma and other political elites of corruption. The aim of the report was to verify the allegations against Jacob Zuma and the Gupta family. The Gupta family have been accused of appointment and the removal of state Ministers and State-Owned entities (SOEs) and Grand corruption in the state apparatus (State Capture report 2016). The following individuals were central to state capture narrative in South Africa in the context of the Gupta family and Jacob Zuma's toxic relationship: Brian Molefe, Mosebenzi Zwane, Duduzane Zuma (Son of former President Jacob Zuma), Malusi Gigaba, Anoj Singh, Iqbal Sharma, Salim Essa, Eric Wood, and Ashok Narayan (Madonsela 2018). According to Martin and Solomon (2016), Jacob Zuma replaced Ngaoko Ramatlhodi with Gupta agent, Mosebenzi Zwane so that he can look after the family's interests in the mining sectors. The appointment of Zwane as the Minister of Mineral Resources was influenced by the Gupta family.

Shai (2017)'s paper titled: *South African State Capture: A Symbiotic Affair between Business and State Going Bad(?)* has developed a platform for the emergence for this study on *Analysing South African state capture controversy: An economic monopoly battle or not?* Understanding of the relationship between businesses and politicians developed the inception of the study. Shai points out that the narrative of State capture in South Africa have been perceived through the Euro-American perspectives. The study has also adopted Euro perspective of Marxism which seeks to understand the struggle between the elites and the working class, mainly understanding the political economy on how the business and politics cannot be conceived as separate entities. Shai (2017) further indicates that there is nothing

new what transpired between former president Jacob Zuma and the Gupta family, it is expected for the business estates to wield influence over the government for their private gains. Business estates pretend to be not exerting any influence over government whereas they do it so. The relationship between the Gupta family and Jacob Zuma was exposed because the Indian family were leading when it comes to businesses, and they used their relationship with Jacob Zuma to advance their business interest (Shai 2017). According to Shai (2017:68):

“The post-apartheid South Africa’s economy was previously dominated by the new companies led and owned by the emerging Black elite, whites and their Euro-American partners including the Oppenheimer, Ruperts and Rothchild families, the expanding and competitive edge of the Gupta family was concerning. It is in the best interests of traditional business corporates of South Africa’s economic landscape to criminalise, demonise and undermine the entrepreneurial efforts of their competitors.”

Former president Jacob Zuma as a face of Radical Economic Transformation (RET), his supporters believe that he was attacked because he was challenging the economic status quo of WMC (Desai 2018). Jacob Zuma sought for an economic restructuring by using the government’s procurement expenditure to favour black entrepreneurs and side-lining white-owned businesses. Chipkin (2017) demonstrated that following the ANC’s 2007 conference in Polokwane, the Jacob Zuma faction advocated for the policies that were aimed to transform the economy. They learned that the standing procurement policies or budgetary distributions were hindering for the creation of black entrepreneurs or capitalists in the mainstream economy, particularly in the State-owned entities (SOEs). Former minister of finance Malusi Gigaba immediately after he took the office, he specified that the fight against white monopoly capitalism is a struggle to relocate currently established businesses, many under largely white management replaced them with black-owned established businesses (Chipkin, 2017).

The Guptas are guilty of trying to exceed their weight in a national proxy war. Various politicians in the ruling party (ANC) and opposition are in the pockets of various private sector entities such as Remgro Naspers, and Steinhoff (Mdluli, 2017). Mngxitama (2017) contends that:

"The state capture device is a powerful tool to deceive our people into not seeing that the biggest capturers of the state are WMC which controls 90% of the economy including land. The Guptas are targeted because they wanted to enter the economy that is monopolized by whites. Any business that is not white will be destroyed in the same way they have destroyed the Gupta businesses. Lies and slander will be invented and fed our people so that the economy remains in white hands".

2.3.1. Public Protector's state capture report

The state capture investigation was carried out regarding whether former President Jacob Zuma improperly and violated the Executive Ethics Code by allowing the Gupta family to be involved in the appointments and removal of ministers and members of Cabinet. It alleged that the Gupta family played a crucial role in influencing the former president Zuma to carry out their mandate of securing their interests in government apparatus. The state capture report was published by former Public Protector Thuli Madonsela following media reports and complaints from the Members of the Parliament, former Democratic Alliance (DA) Mmusi Maimane, Vytjie Mentor and Mcebisi Jonas. The aim of the report was to test the veracity of allegations levelled by the complaints towards the Gupta family. The key allegations emerged from media reports about former Deputy Minister of Finance Mcebisi Jonas being offered the post as Minister of Finance before the removal of Nhlanhla Nene as the Minister of Finance on December 09, 2015, and Vytjie Mentor as the Minister of Public Enterprises (State capture report, 2016).

The state capture report (2016) pointed that:

"The media reports alleged that the relationship between the President and the Gupta family had evolved into "state capture" underpinned by the Gupta family having power to influence the appointment of Cabinet Ministers and Directors in Boards of SOEs and leveraging those relationships to get preferential treatment in state contracts, access to state provided business finance and in the award of business licenses".

In the report, Adv Madonsela through the testimonies of Vytjie Mentor and Mcebisi Jonas alleged that the Gupta family played a role in the appointment of ministers and state-owned entities board executives. Mentor and Mcebisi are considered as the

whistle-blowers to the state capture. They both claimed that in 2016 they were presented with cabinet positions by the Guptas at their home in Saxonwold, Johannesburg (Motsoeneng, 2016). The narrative of state capture grew bolder 2016 when former Mcebisi Jonas claimed that he was offered the position of Finance Minister by one of the Gupta brothers in 2015. Although both former president Zuma and the Guptas have denied the allegations against them, these controversial claims are one of the reasons the people in SA and beyond wanted Zuma to step down as the president (BBC news, 2018).

Mentor who is argued to be one of the whistle-blowers said the Gupta family had presented the position of Minister of Public Enterprises to her in 2010, and in return the Guptas would like her to arrange for South African Airways (SAA) to abandon its route to India and allow Gupta-affiliated Jet Airways to switch to the route (BBC News, 2018). Mentor further said that she declined the offer which was presented to her by the Guptas at their residence in Saxonwold, and former president Jacob Zuma was in another room. Mcebisi Jonas additionally affirmed that he had been offered the post of Finance Minister by the Guptas before former Minister of Finance Nhlanhla Nene was fired in December 2015 in the state capture report conducted by Adv Madonsela. He said he had refused to accept the post of Finance Minister offer in reality as it makes a mockery of our tough-earned democracy (TMG Digital, 2016).

2.3.2. White Monopoly Capital (WMC)

According to Shivambu (2016) and Cronin (2016) the term state capture in the context of South Africa, it is used primarily to explain the influence wielded by white monopoly capital on the government apparatus, mainly by the Oppenheimer, Rupert, Kebble, and Menells families. WMC it is a phrase that has been used by politicians including Nelson Mandela referring to the dominance of white minority in the South African mainstream economy. The term has been controversial in the South African political discourse. Former minister of finance Trevor Manuel denied the existence of WMC in South Africa, and he was joined by Johan Rupert. In October 2007 at The National African Federated Chamber of Commerce and Industry (NAFCOC) Annual general meeting, South African Communist Party Secretary General Dr Blade Nzimande stated, "...we must together wage a struggle to have economic policies that must break the hold of this White Monopoly Capital over our economy" (Mbalula,2017).

The name WMC existed in the political economy history of South Africa but became more exposed and known to the public in 2016 when the Gupta family and Duduzane Zuma hired Bell Pottinger, a London based consultancy company to disseminate the WMC agenda (Bond 2020).

2.4. Conclusion

The chapter gave a highlight on the literature body that exist relating to the research topic at hand. As the literature review indicated, there is a gap of knowledge between the two ideological fractions: the WMC and the Gupta family. Media reports, Scholars and academics have focused their attention on Gupta family and Jacob Zuma's toxic relationship, leaving a broader context of WMC. Shai (2017) and Bond (2020) gave a life to the study as they deal with portion of the research problem in attempts to answer whether state capture in an economic monopoly battle or not?

The next chapter will provide an explanation how state capture can take place in South Africa and demonstrates how politics and businesses are naturally connected to form a state capture.

Chapter 3: How state capture can take place in South Africa?

3.1. Introduction

This chapter tends to scrutinise how state capture can take place in South Africa and further demonstrates how politics and businesses are naturally connected. In a country that is deeply rooted in liberal policies that allows competition among business, monopolisation of the economy is certain, and businesses use their power to influence government officials to erect barriers that deny entry to other businesses in the mainstream economy or using corruption as a tool to eliminate their competitors.

3.2. Understanding the difference between State and Government

The close relationship between former President Jacob Zuma and the Gupta family have been described as state capture, the Gupta family have been alleged to be exerting influence on government officials for their private gains. Before mentioning how the state can be captured, it is crucial to demonstrate the differences between government and the state for a better understanding of the narratives. Government and state are not the same thing. Government is an agency of the State, and the state also consists of three arms of the government (Ghai, 2016). The government acts for the state, the three arms of the government administer the affairs of the state. Government serves as an institution that create and formulate laws of the state, and make sure the state laws are of conformity. The government carries duties such as exercising power and authority to achieve the will of the state (Ghai, 2016).

Government and the state are separate institutions. Without a government to enforce laws, the state will be anarchical with no control. In government, elected representatives during elections are elected in a group to take part in controlling the state apparatus for a certain period of time. Government is the engine of the state and laws are adopted and implemented by the government to ensure and protect the state. A state is an organized political community that has a government (Saylor Academy, 2018). Governments come and go. After every national and provincial election, the government changes based on the political party that assumed power. Governments can also change through a revolution or elections. Contrary to government, State is permanent. It continuously lives so long as it continues to enjoy

sovereignty (Ghai, 2016). In most cases the state and government are conceived as one, they are treated as if there are no differences between them. In South Africa, the president is both the Head of the state and the government. He or she carries out the ceremonial and executive duties (South Africa Yearbook, 2018/19)

The notion of state capture in South Africa is minimized to the few individuals that are in government. The government cannot be entirely captured especially by non-dominant players economically; hence, it comprises three arms that regulate one another. Jacob Zuma addressing business community in 2015, mentioned that political freedom without economic power is futile because you can have your political freedom, but those who have economic power will run you with your political power. Political and economic power, we cannot separate these two. He further said those who have economic power got the power to influence; they have got the power to do everything (SABC News, 2015). Businesses are the major players in capturing individuals or government departments to fulfil their goals or maximise profits. As for the term state capture relation in relation to Jacob Zuma and the Guptas, it is exaggerated by a competing classis in the society to eliminate those who erected barriers and monopolizing government tender procurements and policy formulations. This study will also look into the judiciary system, if the judges can be neutral or be influenced to interpret laws the way in which it favours the captors. It is very crucial to understand the “state” and “government” how they differ.

3.3. The role of businesses in politics

Money has become a major necessity in politics and makes the world goes around. Politics requires money to in order for the mass to recognise a certain candidate. The emergence of money in politics has endorsed corporations to bargain for favours that alter the fabric of our economy. Beyond the funding of political campaigning and elections, money is also playing a crucial role in the lobbying industry. Corporations, banks and other businesses channel an enormous amount in political campaigns during elections and lobbying industries for politicians to push policies that associated with the corporates best interests. The idea of democracy in a capitalist system remains a pipeline dream, because the representatives elected by the mass do not get a chance to formulate policies that favour those that elected

them but of those who fill up their pockets with monies. The abuses of money in politics definitely tamper the smooth running of a democratic country and divert from the will of the people (Goodwin, 2021). Generally, those who have economic power, override those with political power and their ideas. Political power without economy (money) it's futile, you rely on corporations, banks and businesses that have money to fund your political campaigns and after assuming office, they impose their ideas for you to achieve them. Those who are in power economically are the ruling class, they decide on the fate of the country and the politicians are just representatives.

Even though there is no universally accepted explanation to describe the relationship between the politicians and businessmen, state capture will be the main term to be used in describing the close relationship between the government officials and businessmen in the study. The fundamental question that should be posed is that who funds political parties and what do the funders gain for injecting their capital in certain political parties? The funding of political parties has been declared one of the methods used by corporates or businessmen to influence policies, laws and regulations. In South Africa, most politicians in the parliament (legislature) are said to be in the pockets of various businessmen. The legislative body, which is the arm of the government, comprises of various Political parties' members. Some individual party members are funded individuals. For instances, a Member of the Parliament (MP) delegated by economic Freedom Fighters (EFF) received funds from Cyril Ramaphosa campaign funds account and this was confirmed by EFF spokesperson Ndlozi Mbuyiseni (Madisa, 2019). A major question is that does it mean that she was going to vote in favour of Ramaphosa (ANC) in parliament or spy for him? Because nothing is for free in politics. Former Democratic Alliance (DA) leader Mmusi Maimane was also alleged to be funded by businesspersons. His house in Cape Town Claremont belonged to a businessman called Wessel Jacobs and the car he drove was sponsored by Markus Jooste of Steinhoff (Madisa, 2019).

Political parties may obtain funds for their campaigns from sources, such as businesses (both local and foreign) and civil society groupings (Independent Electoral Commission, 1997). This enhances the chances of government being captured. South African political parties have been receiving donations in the form of money and properties for years from various sponsors such as corporations, individuals, foreign entities, governments and banks (Quintal, 2020). My Votes

Counts (MVC) which is a non-profit organisation released a report on private funding of political parties. The report focused on five major political parties that are privately funded by various businessmen or corporates. According to Zahira Grimwood, a political Researcher at MVC stated that “the Guptas for example also donated to the United Democratic Movement (UDM) and they have admitted they received R 100 000 from the Guptas. Sahara Computers for instance have allocated money to the Democratic Alliance (DA) on more than one occasion. The Economic Freedom Fighter (EFF) is also know be funded by Adriano Mazzotti” (Koza, 2020). These private funding of political parties make the government to be vulnerable hence the businesses that funded the political party that assumed state power will seek favour from government officials to formulate policies that aligned with their business interests.

According to Council of Europe (2003), restrictions of private funding for political parties can reduce the excessive influence of private money in politics. These restrictions may involve limits on private contributions or restrictions on the source of funding, anonymous or foreign contributions. South African mainstream media and politicians described the close relationship between the Gupta family and former president Jacob Zuma as state capture, another fundamental question that should be posed is whether former president Nelson Mandela’s close relationship with white owned business cartels constitute a state capture or not? Or former president Thabo Mbeki’s close relationship with the Gupta family before Jacob Zuma constitutes a state capture? Does Cyril Ramaphosa’s close relationship with white owned business cartels constitute state capture? Because definitely they received political campaigns funds for presidential from businesses. Unfortunately, the narrative of state capture in South Africa has received biasness, it is regarded a state capture when it is the Gupta family. If the state has been captured by the Guptas, drawing the conclusions based on the Jacob Zuma’s close relationship with the Guptas that simply means the state has always been under capture since in the 1994 by various businesses. Jacob Zuma did roll out political favours for the Gupta family, the commission of inquiry testimonies has highlighted that, but the question is who was benefiting before the Guptas?

The state capture inquiry shed a light about how companies such as Bosasa bribing politically connected individuals and the ANC, and it is an event that is not connected

to the controversial Gupta family that has been accused of state capture. The Bosasa saga has been linked with both President Cyril Ramaphosa and former president Thabo Mbeki's administration (Smit, 2009). The Public Protector Advocate Busisiwe Mkhwebane found out that an enormous amount of money was donated to Ramaphosa's 2017 election campaign fundraise and she further said the donations raises questions of state capture and money laundering. Among the Public Protector's findings into her investigation, was a R500 000 that was donated by Bosasa to Ramaphosa's campaign fund. She alleged that nearly a billion rand had been channelled through several accounts linked to Ramaphosa's Presidential campaign account (Bateman, 2019). President Ramaphosa denied the knowledge of the funds in the CR17 presidential account, as he was not directly involved, he stated that he distanced himself and let the campaign Manager Deal with funds. Mkhwebane said Ramaphosa misled the Parliament as some of the fundraising events were addressed by him (Madisa, 2019).

In 2018, President Ramaphosa was pressurized by several civil societies to pass the Political Funding Act that was passed by the legislation in the early 2019 and it became effective in 2021. The Act itself will force political parties to disclose their private donors and the political parties' audits to the Independent Electoral Commission (IEC). These private donors or sponsors buy political influence through their donations. The transparency about the private funders of political parties will assist in the fight against graft. It is the relationship between money and politics, secretive transactions that undermine fundamental constitutional principles of accountability and openness, that has allowed corruption and State Capture to flourish (Naidoo, 2021). The political party funding Act will prohibit private and foreign funding of political parties to halt private funders from seeking political favours from politicians (Richardson, 2021).

Lucien van der Walt (2015) assert that South Africa is controlled by a single ruling class, divided into two sectors: a (largely white) private sector elite, and a (largely black) state elite. The state black elites are the common politicians deployed in the government departments as the national executive and cabinet ministers, and almost every single cabinet minister are shareholders in one or more companies of the private sector elites (largely white owned business cartels). In the post-Apartheid, white owned businesses handed portion of their company shares to the ANC

comrades to represent their interests at state apparatus. Politicians have been awarded shares in various big companies by businesses in the private sector, in exchange of political favours in the government. That's how captures of the state happen. For instances, businessmen such as Patrice Motsepe, Cyril Ramaphosa, Tokyo Sexwale and Saki Maconza became at the centre of the mining industry and other big conglomerates that were dismantled in the 1990s, representing business interests of white owned businesses through Black Economic Empowerment (BEE) (Shivambu, 2014).

Both Matshela Koko and Brian Molefe at the commission of inquiry into alleged state capture stated that a global mining corporate Glencore sold their Optimum coal shares to President Cyril Ramaphosa to gain political favours, and he also became the chairperson of the optimum coal mine (Ngatane, 2021). That is how politicians get captured. Chief Justice Mogoeng Mogoeng in the case of the Public Protector vs President Cyril Ramaphosa, he did not agree with the Constitutional Court ruling. As part of the minority judgement, he asserted that Ramaphosa benefitted from his campaign funds and people who donated could come back to him for political favours from the state (Sidimba, 2021). The latter statement from Justice Mogoeng, support the notion that funders of political campaigns which are private businesses, do need favours in return when you assume state power.

3.4. Lobbying in South Africa

Do corporations and businesses have a moral right and duty to influence public policy through lobbying? With the history of corporate lobbying, their role has been perceived as institutions that plays a pivotal role in defending their status quo or their interests as a whole at the expenses of the society (AccountAbility, 2005: 17). Multi-National corporations (MNCs) through lobbying present them a chance to shape laws that seemed to be associated with their interests, mainly laws that could double their income profit. Weber (1997: 73) argues that lobbying by businesses is tantamount to “special interests” exercising an undue influence in policy processes, while the interests of ordinary citizens do not receive the same attention from policymakers “wealthy firms without any democratic mandate attempt to directly influence democratically-elected policy-makers,” (Bauer, 2014: 65).

What's the difference between state capture and Lobbying? A state capture has been described as way in which corporates or businesses use their economic power to wield influence over legislators or government officials to implement policies that are aligned with their private interests. Lobbying contrary to state capture, it is a legitimate practice, whereas state captured it is illegitimate due to the fact the captors are not transparent to the public. During the first wave of COVID-19 the government sought to ban the sale of alcohol and cigarettes as measures to halt the spread of the virus. A Non-Governmental Organization (NGO) called Fair Trade Independent Tobacco Association (FITA) contested the government's decision (African News Agency, 2020). Corporate lobbying legitimately pursues their private interests without regard for the public good (Scherer, 2014).

In South Africa Lobbying it is not regulated, although corporations are subject to the laws outlawing bribery and corruption. Lobbying is endemic to politics and the problem of influence peddling will not go away. The best way to deal with it, is to have clear and transparent rules, and independent oversight (Bartos, 2014). With increasing use of money in politics, NGOs undertake the work of lobbyists groups to achieve certain goals that are aligned with the interests of their sponsors. NGOs are the Lobbyists groups in South Africa even though the government does not regard them as a profession that need to be regulated in the eyes of the law. One of the reasons to regulate these lobbyists groups masquerading as NGOs is to let the public be aware of who sponsors these political campaigns pursued by lobbyist (Mathekga, 2019).

Even political parties such as Democratic alliance (DA) and civil groups like solidarity and AfriForum have taken lobbying path for groups in the private sector. Political Parties like DA have been involved in legal battles on behalf of individuals and businesses. One of the latest battles of DA in court was when the government prohibited the sale of alcohol and cigarettes (Tobacco). Instead of representing its constituency and prioritising people healthy, the DA urged President Cyril Ramaphosa to lift the ban of alcohol and tobacco (Macpherson, 2020). AfriForum also slapped Co-operative Governance Minister Dr Nkosazana Dlamini-Zuma with a letter threatening legal actions if they do not uplift the ban of alcohol and cigarettes. Firstly, DA and AfriForum are white dominated movements. Johan Rupert is an Afrikaner businessman who owns British American Tobacco plc (BAT), the world's

second-largest cigarette producer and also own several wines products (source). So, could it be a coincidence that all movements are threatening the government of legal actions for something where they do not benefit?

3.5. Scrutinising the independency of the Judiciary in South Africa

The Constitution of South Africa as the supreme law of the land has always maintained that the judicial system is independent from any political interference and no organ of the state can influence the decision of the courts. The South African state is underpinned by trias politica (separation of power) principles. The judicial independence refers to a degree in which the judges and the judiciary can operate without any improper influence by any actors. The judicial independence does not really mean the judges cannot be scrutinized and oversighted by the public hearings and be disciplined or suspended. The judicial independence comprises of two tenets, the institutional independence of courts and the individual independence of judges. Individual independence simply means that the judges can decide cases independently without interference, influences, improper and threats, the cases are decided impartially on basis of factuality and referring to the constitution. The notion of judiciary independence also mean that judges should present their views without influence from other Judges. Institutional independence refers to the independence of the Judiciary as a branch of government, resisting external influence from other branches of government and safeguarding the administration of Justice impartially and without being influenced by private actors or other government officials (International Bar Association Human Rights Institute Report, 2018).

According to Haines (1922), there are several factors that can affect the judicial decision. Political affiliation and opinions, legal and political experiences and family and personal associations are factors that can influence judicial decisions. Judges are human beings; they behave the same way ordinary people behave including having different opinions and political views. Just because they are not endorsed to the public that does not imply that they do not exist. For instances, Chief Justice Mogoeng over the Israel-Palestine's dispute comments. He endorsed pro-Israel views. What would have happened if Justice Mogoeng convened a case that involves Palestine-Israel? Was he going to be impartial and neutral to the case because it is precise that he is Israel sympathizer? (Sidimba, 2021).

3.5.1. Independence of Judges and the attack on the office of the public protector

It is important that the state allocate enough financial and other resources to the judiciary to prevent temptations that arise because of financial insecurity. During a press conference for Judiciary annual report in 2019, Chief justice Mogoeng Moegoeng claimed that he rejected R600 million fund from a certain person and his/her institution to modernise the judicial system. He further said he rejected the funds because that is how capture happens (Sihlangu, 2019). Judiciary should also be allocated enough funds to operate smoothly and never depend on external institutions for financial sponsors. Allocation of sufficient budget to the judicial system can make judges to be less vulnerable to external interferences by financial sponsors (Shany 2014). Financial independence plays an important role in establishing a judicial independence. It is very essential for Judges to be remunerated fairly to avoid the urge for them to take bribes and compromises decision making in the judicial process. If a judge has a financial interest in a case before them, they should reveal such interest and promptly recuse themselves from hearing such a case (Swart 2012).

There has been controversy revolving around the independence of judiciary and its institutions in South Africa. Former public Protector Advocate Thuli Madonsela when compiling the state capture report against former president Jacob Zuma, her office had insufficient budget to pursue with the report. It is alleged that she received \$5000 000 US Dollar funds from United States Agency for International Development (USAID) to complete her state capture report. The Current public protector Busisiwe Mkhwebane confirmed this in the Parliament's Justice Portfolio Committee on her office's annual report in 2016. Some concerns were raised about this as some Member of the Parliaments (MPs) pondered whether that might have compromised the independence of the organisation (Haden, 2016). Umkhonto We Sizwe Military Veteran Association (MKMVA) said the sponsorship from USAID brought Thuli Madonsela's integrity into question and threatened the independence of public protector's office. Kebby Maphatsoe former chairperson of the defunct MKMVA further said that the United States (US) cannot fund you without putting their interests first, and Thuli Madonsela must explain the conditionality of the grants she received from USAID (Gallens, 2016).

It is not only the office of the public protector whose conduct was brought into question of integrity and independence, judges of the courts and the office of the National Prosecuting Authority (NPA) has been brought into question. A Johannesburg lawyer Raymond Edward Chalom has been in the legal profession for over 50 years made explosive allegations against the judiciary and the Judicial Service Commission (JSC) of playing political battles, for lacking independence and corruption. According to Chalom, Public Protector Busisiwe Mkhwebane have been a victim of political battles that are played by the judiciary. Chalom's view on judiciary corruption were endorsed in his writing to the UN Security Council Division complaining about "corruption in the South African judiciary and Judicial Service Commission (JSC)" (Sibanda, 2020). Busisiwe was ordered to pay personal cost after she lost three cases from North Gauteng High Court and Constitutional court, according to Chalom the office of the public protector is losing the integrity because of the biasness of the courts. Asking the public protector to pay personal cost after losing a case instil a fear for her to pursue investigations against other prominent politicians. He further said Judges collide to rig court cases and tampering with evidence (Rampedi, Ngoepe & Wa Afrika, 2019).

Advocate Mkhwebane on her Rogue Unit, she stipulated that former SARS commissioner Pravin Gordhan and Ivan Pillay acted unlawfully by establishing an intelligence operation in 2007 which was in violation of section 3 of the National Strategic Intelligence Act and section 209 of the Constitution (Thamm, 2020). In the report, Mkhwebane found that for South African Revenue Service (SARS) commissioner Pravin Gordhan had lied to the parliament by not revealing that he also had meetings with the Gupta family members. The SARS Rogue Unit report had recommended that President Ramaphosa discipline Gordhan for corruption and maladministration. The court also said Mkhwebane relied on discredited information to compile her report and was biased against Gordhan and former SARS executive, Ivan Pillay and issued punitive cost against her (SABC News, 2020). Prior Mkhwebane's report on the existence of Rogue Unit at SARS, there were reports that were released in which they justified Mkhwebane's findings. Ivan Pillay also filed papers supporting the court to set aside the Public Protector report (Thamm, 2016).

Gordhan and Pillay said Mkhwebane was perpetuating the narrative of a rogue unit in SARS, which was untrue, and they further said that the report is marked by

biasness and unreliability (Rabkin, 2020). Former commissioner Tom Moyane said an independent panel led by Muzi Sikhakhane had found that the unit, known as the National Research Group, had been trying to play an intelligence role (Benjamin, 2015). Besides the evidence from the three investigations conducted, the public protector's report was set aside by the High Court. The Gauteng High Court judges set the report aside also citing that Mkhwebane's conclusion in her report that Gordhan had established an illegal unit at SARS as being "without foundation, particularly as this conclusion is based on discredited reports and unsubstantiated facts" (Thamm, 2020). After years Pravin of Gordhan denying the existence and the Courts declared the Mkhwebane report as flawed, but Gordhan at the Commission of inquiry to alleged state capture and corruption he admitted that the Intelligence unit existed. In cross-examination with Dali Mpofu, the lawyer representing Tom Moyane, Gordhan mentioned that he had asked former finance minister Trevor Manuel to fund the formation of the unit and Mpofu responded by saying only the police, army and intelligence unit had powers to set up such a unit, and not SARS (Ndaba, 2020).

Justice Mbuyiseli Madlanga of the Constitutional Court (ConCourt) mentioned that the growing personal costs order against Busisiwe Mkhwebane issued by the High Court were worrisome and it has become a trend. The Pretoria high court ordered Mkhwebane to pay 15% of the SARS commissioner's legal costs out of her own pocket and the order was overturned by the Concourt after she appealed (Rabkin, 2020). Madlanga demonstrated that the recent punitive costs in the public protector versus Pravin Gordhan case were "most worrisome". There was no factual basis for the High Court in Pretoria to grant a personal costs order against public protector Busisiwe Mkhwebane in her legal battle with Pravin Gordhan. According to Justice Madlanga, the court had made it clear almost from the start that it would slap Mkhwebane with a personal costs order without any basis (Ndenze, 2020). According to Chalom, Thuli Madonsela was on the right side, so she became Queen. Mkhwebane is more perceptive about a deeper problem in society, and she is being punished for it (Rampedi, Ngoepe & Wa Afrika, 2019).

Busisiwe Mkhwebane on her report against Bankorp (Absa) she articulated that the money that was given to Bankorp amounting R1.12 billion by South African Reserve Bank (SARB) as lifeboats must be paid back. The report was challenged by both

SARB and Absa in the High Court, and they won. The High Court cited apprehension of bias in her report, stating that she failed to disclose her meeting with former Jacob Zuma before the release of the report (Lekabe, 2019). Surprisingly, Jacob Zuma claimed that Zondo had met him on several occasions when he was still the President to discuss his career aspirations and hopes of promotion, but the Constitutional Court ruled in favour of Zondo and the commission. Jacob Zuma stressed about the bias of deputy justice Zondo and he did not recuse himself even though they have history together. Justice Zondo failed to disclose his relationship with former President Jacob Zuma (Ferreira, 2021).

In 2018, Public Protector Advocate Busisiwe Mkhwebane released her report regarding the corruption and looting related to the Estina project. The North Gauteng High Court has declared the Public Protector's Estina dairy farm project as unconstitutional and invalid and set it aside. The Democratic Alliance (DA) brought the application forward for the report to be reviewed and the Council for the Advancement of the South African Constitution (CASAC) who stated that Advocate Busisiwe Mkhwebane's report was worthless as implicated politicians were never interviewed (Ngatane, 2019). Similarly, former Public Protector Advocate Thuli Madonsela also released a state capture report in 2016 without interviewing those who are implicated in the report, but it was never declared unconstitutional or invalid. Politicians and civil movements have accused Mkhwebane of being loyal to Jacob Zuma, who is doing dirty work for him and, despite the findings; they ignore and focus on individual. There has been no evidence of the allegations, but it has done enough to taint public perception of her.

Advocate Mkhwebane's woes began when she investigated President Cyril Ramaphosa on Bosasa donations in 2017. She uncovered that President Ramaphosa misled the parliament about the donations and later on Ramaphosa agreed and said he was uniformed about the donations then apologised. Misleading the parliament is a criminal offence, Tony Yengeni in 2005 was prosecuted for lying to the parliament about his luxurious cars (Carroll, 2003). Advocate Mkhwebane suffered the same fate with of former Democratic Alliance (DA) leader Mmusi Maimane. Maimane first questioned the Bosasa donations in parliament, and recommended it to Mkwhebane for investigation, which led to his political career downfall in the DA (Sidimba, 2019). Maimane said that he resigned from the DA

because of a “smear campaign” that was sprung by his adversaries in the DA through the media where they raised questions about the ownership of his house in Cape Town as well as his usage of a Steinhoff sponsored car. That was immediately after he exposed President Ramaphosa in parliament (Madisa, 2019).

ConCourt on the case of Public Protector vs. Cyril Ramaphosa ruled that Mkhwebane had no jurisdiction to probe into Cyril Ramaphosa campaign account because it was not a government institution. The majority of the Judgement also ruled that Ramaphosa did not lie to the parliament about the Bosasa donation. Despite having to acknowledge that he did give two Economic Freedom Fighters (EFF) money from his presidential campaign account, the Judges cited that he did not have a clue about the management of funds in his campaign account. Ramaphosa said they were in financial distress that is why he disbursed the funds to them and no string attached. Justice Mogoeng, as part of the minority Judgement of the ConCourt on the case Public Protector vs Cyril Ramaphosa he mentioned that despite being a personal campaign funds account, those who have funded his presidential election will come back and seek political favours from Ramphosa and lead to being captured. Mogoeng further mentioned that Ramaphosa lied about not being involved in the affairs of his campaign account affairs (Stone, 2021).

According to Jacque Pauw the author of *“President’s Keeper (2017)”* book, said Gauteng North High court did not just set Mkhwebane’s report on Pravin Gordhan and the “Rogue Unit” aside but said the following of Sikhakhane’s findings: “The authors deviated from their terms of reference and made factual findings of allegations concerning the so-called rogue unit without giving those implicated in the report to be interviewed” (Pauw, 2020). Most of Mkhwebane reports were set aside by courts just because implicated politicians were never given a chance to be interviewed, yet those who tried to challenge Advocate Madonsela reports in court were lambasted even though they were not given a chance to be interviewed. The law is interpreted differently on people; it depends on who is who. Advocate Mkhwebane said her office is under attack by people who do not want to be held accountable for their actions.

In response to the allegations that most members of the South African judiciary benefitted financially from Cyril Ramaphosa presidential campaign funds, Chief

Justice Mogoeng Mogoeng said the judiciary is not captured and those who have evidence that there is corruption in the judiciary should produce credible evidence for their allegations (Mabuza, 2019). Judge Kriegler said, “Judicial corruption is so often subtle and insidious. This is what makes it difficult to detect and more difficult to prove” (Kriegler, 2003). Even during Jacob Zuma’s tenure there was a controversy on the independence of the judiciary institutions especially the National Prosecuting Authority (NPA). Before he could become a President there were charges levelled against him but immediately, he became the president of the ANC, all the charges were scrapped. When the NPA was established, concerns were expressed not only that pressure might be brought to bear on a politically appointed National Director of Public Prosecution (NDPP) but also about the role the NDPP might play in exerting pressure on prosecutorial decisions. The first NDPP in the post 1994 was the chief whip of the ANC and yet was appointed as the NDPP (Omar, 2017). During his appointment, many questions were raised if the NPA would be independent from any political interference.

3.5.2. South African Judicial controversy

Independence of the judiciary is a constitutional requirement for the courts to apply the law impartially and without fear, favour or prejudice as well as dispelling any interference by a person or state organs (Section 165 of the Constitution of the Republic of South Africa, 1996). On paper sound true, the judicial appointment of judicial officers also tampers with the judicial independence of the country because politicians get involved. Chief Justice Mogoeng Mogoeng during Judicial Service Commission's (JSC) interview session in 2021 accused Minister of Public Enterprises Pravin Gordhan of trying to influence him back in 2016. Chief Justice Mogoeng said Pravin Gordhan approached him and ask about how his friend judge Dhaya Pillay has completed her interviews for the vacancy at Supreme Court of Appeal. This clearly shows that Judges as human beings they can also be influenced even though the constitution maintains Independence. Chief Justice Mogoeng during the JSC session, he stated, “He came (referring to Gordhan), and I took a break. I do not really know what the purpose of the meeting was... However, what stuck in my mind was he asked me a question: ‘How did my friend Dhaya Pillay perform?’” (Broughton, 2021).

Former President Jacob Zuma was said to have used the State Security Agency (SSA) to bribe judges that were hostile to him. The director of the University of Johannesburg's Centre for Public Policy and African Studies, Dr Sydney Mufamadi told the commission into alleged state capture that Jacob Zuma bribed Judges through SSA. He further said the operation was called "Project Justice" that was meant to neutralise the Judges that were hostile towards Jacob Zuma, and cash was hand delivered to the Judges. Dr Mufamadi, who directed a high-level review panel on the SSA appointed by President Cyril Ramaphosa in 2018, told the commission that project Justice was meant to recruit the Judges to influence the outcomes of cases against former President Jacob Zuma. Former State security minister Mahlobo was said to be the one handling everything according to Dr Mufamadi's testimony (Sidimba, 2021).

At the commission, Acting Director General of SSA Loyiso Jafta said that they have circumstantial evidence that money was moved to bribe Judge or Judges, but they do not have strong evidence yet. He said cash has been moved and handed to one member of the judiciary who is still unknown, in other words they have a trail (Sidimba, 2021). In contrast to the DG Jafta, Minister of State Security Ayanda Dlodlo said despite Jafta's circumstantial evidence, I have made several requests for the evidence to be brought forward. Minister Dlodlo during a question-and-answer session in parliament, she said several forensic investigations were carried out and there was no evidence that Project Justice ever existed, there was no trace of the operation. She further said Jafta disrespected her authority by going to the commission without letting her because she had to make sure the information was credible and verified before he can go to the commission to avoid giving a false narrative to the nation (Felix, 2021). In other words, Dr Mufamadi was rented to spread false narrative against Jacob Zuma, because according to the Minister of State security that is under President Ramaphosa administration ridiculed the claims and told the parliament that there no concrete evidence judges were bribed to favour Zuma.

Ever since Jacob Zuma became the president of South Africa, he never won any court case against his opponents or the state authorities, but they declare that he bribed Judges. Instead, Jacob Zuma he is the one been crying about the judicial biasness against him. Jacob Zuma in a letter said, "We have in South Africa today

the gradual entrenchment of the counter-majoritarian problem. Unfortunately, when people rise up against this judicial corruption, our young democracy will unravel, and many democratic gains will be lost in the ashes that will be left of what used to be our democratic state". This statement comes after Constitutional Court reserved a judgement for his contempt of the commission. Jacob Zuma said he won't attend the commission before Judge Raymond Recuse himself from the commission because according to Jacob Zuma, he is bias towards him (Ferreira, 2021).

3.6. Conclusion

Political parties continue to be dependent from business for campaigning funds and in return, they will push policies that are conducive for their businesses. The notion that the Guptas captured the state is misleading, capturing the state simply means that the Gupta family were in control of the entire ruling party. Most politicians in the ANC are in the pockets of various business cartels. Even if the Democratic Alliance (DA) or EFF wins national and provincial elections, there will always be a certain business individual who push the political party assumed the office to push their interests. In efforts to halt state from being captured, restrictions of private funding for political parties should be reduced to impede the excessive influence of private money in politics and manipulate tender process and policy formulation by businesses. Businesses also fund individuals to bid for them. Money plays a crucial role in politics and it is a bad move for a good running democratic state because will of the people are no longer taken into a consideration.

In order for the judiciary to perform its function, the courts must be independent of the legislature and the executive. A judicial officer who accepts a bribe or favour from one of these branches makes him or herself beholden to them. The judicial officer in such a case cannot be independent and therefore cannot properly perform his function. Not only the branches of the government can temper with the independence of the judiciary, but even business cartels also who are involved in tax evasions are capable of bribing judges, members of the parliament and executives to protect them from law agencies. In South Africa the independence of the judiciary

seems to be a fallacy. State capture is certain all over the world, business moguls continue to play part in bribing almost every government official to bid for them. In addition, the notion judicial independence sounds good on paper, Judges are human beings, and they can be tempted as well.

Former President Jacob Zuma has always maintained that there is a smear campaign against but Dr Mufamadi and Acting general of SSA Loyiso are proving Jacob Zuma's allegation right. Dr Mufamadi, who was appointed by Cyril Ramaphosa, told the commission that Jacob Zuma and these allegations were ridiculed by the Minister of state security Ayanda Dlodlo that there is no concrete against the allegations telling the parliament. Public Protector Mkhwebane has also been labelled as the Zuma loyalist, everyone who is associated with Jacob Zuma is either labelled incompetent, corrupt or Gupta stooges.

The next chapter provides an overview of the South African state capture in the context of former President Jacob Zuma and the Gupta family.

Chapter 4: An overview of the South African state capture in the context of former president Jacob Zuma and the Gupta family.

4.1. Introduction

Former public protector Thuli Madonsela state capture report was released without hearing the other side of the story of the accused ones; she did not give them a chance to defend themselves in the state capture report. Likewise, most of Public Protector Busisiwe Mkhwebane reports were declared invalid and unconstitutional due to the implicated politicians have not been interviewed. The implicated players or politicians in the state capture report were not interviewed by Thuli Madonsela. This chapter seeks to give an overall narrative on the South African state capture in the context of former president Jacob Zuma and the Gupta family given a reference to the commission of inquiry into alleged state capture testimonies. Seven testimonies have been selected to form part of this chapter. The seven selected testimonies from this chapter are from politicians that have been at the centre of media attention and face of the state capture narrative in the country. The chapter will also look in the role of media played in the removal of former President Jacob Zuma.

4.2. Jacob Zuma's testimony at the commission of Inquiry into alleged state capture

At the state capture commission, which is still ongoing, former President Jacob Zuma told the commission that there was a foreign backed conspiracy against him and that some of those testifying against him were apartheid era-spies. Jacob Zuma appeared at the Zondo commission to respond to the allegations that were levelled against him by other key witnesses at the commission. Among other allegations, former President Jacob Zuma was accused of using state funds to extravagantly upgrade his private home Nkandla homestead; awarding government contracts to the Gupta family and dismantling key state institutions to allow looting of the treasury through his designated appointed minister of finance. Jacob Zuma said that the three Gupta brothers are his friends, but he denies any influences by the Guptas in their relationship (De Greef, 2019).

At the commission, Jacob Zuma detailed how his relationship with the Gupta family aroused, describing how they became so close and further denied that there was

anything unlawful about his close relationship with the Gupta family or that they had exerted influence over the appointments of ministers when he was still the president. He further added that the former presidents Nelson Mandela and Thabo Mbeki had also been close to the family and there is absolutely nothing wrong about that. Jacob Zuma stated that “I never did any other thing to break the law with the family. They were businesspeople and successful. They knew a lot of people in the ANC” (Ngcobo, 2019). According to Norimitsu & Gebrekidan (2018) both Jacob Zuma’s predecessors Nelson Mandela and Thabo Mbeki publicly showered the Gupta brothers with praises.

The former president Jacob Zuma told the commission that at the centre of the campaign to remove him and assassinate his character, there were foreign intelligence agencies and one associated with the apartheid government, intending to remove him from the ANC because of the information he had in possession. Jacob Zuma said he became aware of the conspiracy against him back to the early 1990s, when he was handed an intelligence report that two foreign intelligence agencies “from big countries” and a branch of the apartheid government had come up with a strategy to get rid of him. Zuma claimed two foreign intelligence agencies had recruited spies within the ANC as part of a scheme to control South Africa and that the inquiry was designed to smear him (Burke, 2019).

Jacob Zuma’s claims that he has been targeted since in the 1990s it is not something new and its well-known phenomenon within the ANC structures. Zuma soon also learnt that he was not the only one who should be killed by any means necessary. Chris Hani had a similar file with the one Zuma had. During that time of negotiations, Zuma warned Chris Hani to never leave his bodyguards behind wherever he goes (McKenzie, 2017). McKenzie demonstrated how Thabo Mbeki had just been removed as the leader of negotiations and replaced by Cyril Ramaphosa who was groomed by the Oppenheimers, the Menells and Ruperts, while Jacob Zuma was removed as the head of intelligence for the ANC (McKenzie, 2017).

The apartheid regime, big local businesses and imperialist foreign countries and corporations could not risk having Thabo Mbeki and Jacob Zuma as leaders in the ANC’s negotiating team. According to McKenzie (2017), their biggest fear derived from the analysis and intelligence work about these two leaders, with the conclusion

being that they were serious about economic liberation for black people but had also been too greatly influenced by the master negotiator and more radical thinker Oliver Tambo. Businesses, particularly those represented by the Oppenheimer, Menell and Rupert families, also was not comfortable with the idea of Mbeki and Zuma at the negotiating table, so they have groomed and vouched for Cyril Ramaphosa to take the lead in the negotiations (Ngoepe, 2018). In 2017, in the wake of a major cabinet reshuffle that we saw former finance minister Pravin Gordhan and deputy finance minister Jonas Mcebisi, it is said that there was a conspiracy to oust former President Jacob Zuma. An intelligence report named “Operation Checkmate” containing evidence emerged stipulating how Mcebisi and Gordhan went on international business drive to conspire with international banks to oust Jacob Zuma (Howes, 2017).

In 2018, Members of uMkhonto we Sizwe Military Veterans Association (MKMVA) also accused ANC President Cyril Ramaphosa of having an agenda against former President Jacob Zuma for many years. The group of MKMVA said Ramaphosa’s witch hunt started in 1991 when he was elected as the Secretary General of the ANC and removed Jacob Zuma as head of intelligence with the help of White Monopoly Capital (The Oppenheimer, Rupert, Menell and the Kebble families). Jacob Zuma told the commission that state capture term was coined and exaggerated to enhance the narrative in order to oust him as the president of South Africa before his term can come to end (Ngoepe, 2018).

4.3. Jonas Mcebisi’s testimony at the Commission of Inquiry into alleged state capture

According to former public protector Thuli Madonsela’s State capture report, Jonas Mcebisi claimed that in 2016 he was presented with a cabinet position at Saxonwold in, Johannesburg by the Guptas. The state capture report contains a detailed interview with former deputy minister of finance Mcebisi Jonas, who alleged that the Guptas have offered him the minister of finance post weeks before Jacob Zuma could reshuffle three finance ministers in one week. Jonas Mcebisi in the state capture report claimed that he was driven to the Guptas’ home by the former president’s son Duduzane Zuma, where they met Ajay Gupta in Saxonworld (Chutel & Kuo, 2016). In the cabinet reshuffle, Pravin Gordhan and Mcebisi Jonas were

removed as Minister of Finance and Deputy Minister in 2017 and replaced by Malusi Gigaba and Sifiso Buthelezi (Georg, 2016).

According to the testimony by former deputy finance minister Mcebisi Jonas at commission of inquiry, Hlongwane was present at a meeting held at the Gupta residence in Saxonwold where Jonas claims he was allegedly offered R600 million if he accepted the position of finance minister (Chabalala, 2019. Businessman Fana Hlongwane told the Zondo commission of inquiry into state capture that no ministerial post was offered to former finance deputy minister Mcebisi Jonas during a meeting he attended at the Gupta's home in Saxonwold, Johannesburg (Davis, 2019). Hlongwane said Duduzane Zuma, the son of former president Jacob Zuma, had informed him that there was a rumour that he was blackmailing Jonas and the meeting was to address rumours circulating that Hlongwane was blackmailing Jonas Mcebisi (Dlulane, 2019).

At the commission, Deputy Chief Justice Raymond Zondo said it was odd that a whole meeting was assembled by Duduzane Zuma with Fana Hlongwane and former Deputy Finance Minister Mcebisi Jonas but could hardly find any details about what they spoke about in there. Justice Zondo further said Hlongwane's testimony appeared to support some parts of Jacob Zuma's testimony, but to be so different with Mcebisi Jonas's version that the Guptas had promised to offer him R600 millions to take up the Finance Minister post and do their bidding (Dlulane, 2019).

During a cross-examination between Duduzane Zuma's lawyers and Mcebisi Jonas, Jonas told the Zondo commission that there were inaccuracies in one of his statements he submitted to former Public Protector Thuli Madonsela for her investigation into state capture (Mahlati, 2019). Advocate Piet Louw, who was representing Duduzane Zuma also asked about Jonas' interaction with the Hawks. Jonas Mcebisi told the commission that the Hawks were hostile towards him and General Zihle Mnonopi wanted him to sign an inaccurate statement. Jonas Mcebisi was also questioned by Advocate Philip Mokoena who asked him why he did not mention that he was threatened by Gupta in the same meeting at the family's Saxonwold compound. Jonas failed to mention that the Guptas threatened to kill him

when he was interviewed by Thuli Madonsela as part of the investigation but at the commission he brought it to the spotlight (Mahlati, 2019).

In affidavit submitted by Ajay Gupta to the commission, he refuted the claims that he has met Jonas Mcebisi and offered him R600 million if he would take the finance minister position. Ajay said that that on that day he was present at the office where he was witnessed by several staff members, including former Oakbay acting CEO Ronica Ragavan and as evidence, he also pointed to the cell phone records that he had provided to former Public Protector Thuli Madonsela at the time she was compiling her state capture report. Apparently, when Thuli Madonsela was compiling her state capture report she interviewed Ajay Gupta and he, Ajay provided cell phone records damning the Jonas Mcebisi allegations that he was present during the meeting at Saxonworld. Ajay has also criticised Jonas for telling the commission for the first time that he had threatened to kill him. Ajay said, "In his version to the Public Protector he never had such claims, even when he was specifically questioned about any threats he may have received," (Maughan, 2018).

4.4. Des van Rooyen's testimony at the commission of Inquiry into alleged state capture

According to reports and allegations at the Zondo commission, former finance minister Van Rooyen fed privileged treasury information to the Gupta associates through his advisers. Former National Treasury Director-General Lungisa Fuzile alleged that Van Rooyen came to the treasury with Gupta associates, Mohamed Bobat and Ian Whitely as his advisers and they overstepped their roles as they acted his superior. Van Rooyen at the commission, he indicated that it was his personal choice to choose Bobat as his advisor and was not influenced by anyone. According to Van Rooyen, Bobat used to assist him with tax assignments once or twice when he was still studying finance. Van Rooyen said that he informed Bobat about his decision to appoint him as his adviser on the day that he was sworn in as minister (Ngatane, 2020).

According to Fuzile, one of the advisers which is Bobat, had even shared confidential documents with Gupta-linked associate Eric Wood who headed-up Trillian Capital. Fuzile said this was a dangerous act as the information contained the department's strategy in turning around the economy (Mahlati, 2020). Advocate Mathipa argued

that there was no danger of a security breach when Van Rooyen's then adviser, Mohammed Bobat, sent a Cabinet document to the Guptas. Fuzile maintained that Bobat was already a danger to security even before his appointment was confirmed. He said that Bobat was in breach of protocol by sending the document to the Guptas (News24 Wire, 2020). Van Rooyen responded generally to Fuzile's allegations, claiming Fuzile's version was a political lie spurred by those resistant to change in the National Treasury. Van Rooyen emphasised on why did Fuzile go and join Standard Bank group, he believed that those who push resistant to the restructuring of SOEs and other government department get rewarded with high rank positions in the private sectors. For this reason, Van Rooyen advocated for a wider scope for the State Capture Inquiry and if the terms of reference state capture are extended, he said we will get to understand why these things are happening (Bates, 2020).

Van Rooyen requested that the commission of inquiry should expand its terms of reference to look into the influence of white monopoly capital on the South African democratic state to prove that those who really captured the state is white monopoly. Van Rooyen at the commission stated that "It is important for me to emphasise that the court of public opinion has long concluded that anyone associated with his Excellency President Jacob Zuma is corrupt. It is interesting but not surprising to note that this is the political narrative of media owned by white monopoly capital" (Amashabalala, 2020). Van Rooyen during his testimony at the commission, he accused former public protector Thuli Madonsela of not giving him a chance to defend himself in the state capture report released in 2016. Des van Rooyen said the allegations of state capture and corruption against him were false and made up by former Public Protector Thuli Madonsela, white-owned media and white-monopoly capital (Ngatane, 2020).

4.5. Vytjie Mentor testimony at the Commission of Inquiry into alleged state capture

Vytjie Mentor came out after Jonas with allegations of how the Gupta family tried to offer her the job of minister of public enterprises. At the commission of Inquiry into alleged state capture, Mentor she first revealed that the Guptas alleged to bribe her in a Facebook post back in 2016 in which she wrote: "But they had previously asked me to become Minister of Public Enterprises when Barbara Hogan got the chop, provided that I would drop the SAA flight-route to India and give to them" (Matwadia

& Letoaba, 20019). According to BBC News (2018), Mentor said that she also declined the second offer which occurred at the Guptas' Saxonwold residence, while President Zuma was in another room (BBC News, 2018). However, afterwards an inspection in loco by the commission's investigators found that her description of the house where they met did not corroborate with the facts. The inspection was conducted after Ajay Gupta claimed that Mentor's description of their home to the commission was incorrect (Lekabe, 2019).

Unfortunately, most of the Vytjie Mentor allegations against the former President Jacob Zuma and the Gupta family does not correspond with the findings of the commission investigators and were full of discrepancies. Mentor testified that former Jacob Zuma assistant Kaunda had called her one evening in October 2010 for a meeting with the former president Jacob Zuma in Johannesburg the following day. During cross-examination, Kaunda's legal representative ripped into Mentor's claim, saying she had provided three different versions about her communication with Kaunda. Kaunda provided the commission with her itemized bill for the month of October 2010 and there is no call to Mentor (Bezuidenhout, 2019).

Mentor told the Commission that when she arrived in Johannesburg, she was first taken to the Gupta's Sahara Computers offices in Midrand and then to their Saxonwold home where the offer to take up the Cabinet post was presented to her by one of the Gupta brothers. Investigators from the commission could not find SAA flight records that proved that Mentor had indeed travelled with the airline on the Monday. Mentor has suggested there might be some inconsistencies in the travel information, and she remains adamant that she flew to Joburg on a Monday morning via SAA to meet Zuma at his request (IOL, 2019). Advocate Mahlape Sello who led Mentor's evidence approved those records from Parliament show two flights taken by Mentor that are not reflected on the SAA record. Parliament's records revealed that Mentor had flown between Cape Town and Johannesburg on October 15, 2010, which was a Friday (Smit, 2019).

Mentor testified that Jacob Zuma's son Duduzane had introduced her to Rajesh Gupta during her 2010 flight to China. She further added that Duduzane Zuma was accompanied by Fana Hlongwane, but according to flight records the Zondo commission obtained from Emirates Airline, Hlongwane was not present during the

flight to China on Emirates via Dubai in August 2010 (Lekabe, 2019). Mentor alleged that she met Duduzane Zuma and Rajesh Gupta. However, an investigation by the commission's own investigators showed that she was not telling the truth as the Gupta brother was in the country and Mentor retracted that evidence. The Guptas' presence in the country was supported by immigration officials who showed that all his three passports show he was in the country (IOL, 2019). Fana Hlongwane said he has no reason to come to the commission to cross-examine Mentor because Mentor has already apologised for implicating him in her testimony (Ramphela, 2019).

In an affidavit, Ajay Gupta dismissed Mentor's testimony saying there were substantial disputes of fact, including several "glaring faults and weaknesses". Ajay in the affidavit said Vytjie Mentor did not tell the truth about her 2010 meeting with the Gupta family during her testimony at the state capture inquiry. According to Ajay's affidavit, he said Vytjie Mentor lied about meeting with the Gupta brothers in 2010 during her testimony at the Zondo commission because there is no way they could serve her chopped up sheep as they are the members of the Hindu faith, so they are vegetarians (Rupiah, 2018). Both the affidavits of Jonas Mcebisi and Vytjie Mentor as the whistle-blowers to the state capture report released in 2016 were full of discrepancies and were exposed at the commission. Ajay denied that Duduzane introduced Rajesh, as well as Fana Hlongwane to her on a flight to China. He added that during an interview with former public protector, Mentor had said Duduzane wore his hair in dreadlocks, but to Ajay's "certain knowledge Duduzane Zuma has never adopted that hairstyle and has never had his hair in dreadlocks" (Rupiah, 2018).

4.6. Vrede Dairy Farm Project and the Gupta family

The Vrede Dairy Farm Project, which was signed off in 2012, was promoted as a tool by the provincial Free State government to benefit small-scale Free State farmers, using their services to produce and sell milk on a large scale. The dairy was established as a public-private partnership with Estina, a Black Economic Empowerment company as part of the Free State provincial government's agricultural project (Umraw, 2019). According to Cowan (2018), Estina, the company that ran the Gupta-linked Vrede Dairy Farm Project, had only R9,000 in its bank

account before the first payment of R34 million was deposited into it by the Free State department of agriculture.

In 2018 the National Prosecuting Authority (NPA)'s Asset Forfeiture Unit (AFU) filled court's paper indicating that the Dairy project was allegedly a looting ground for the Gupta family and their associates. The Bloemfontein High Court granted the order to freeze assets that worth to R250 Million of the Gupta family (Business Day, 2018). The Hawks conducted several raids towards the Guptas and their political allies. The first raid was at both the office of Free State Premier Ace Magashule and the provincial office of the Department of Agriculture. Another raid was conducted at the infamous Gupta house in Saxonworld, where the NPA's Asset Forfeiture Unit obtained a preservation order which froze R250 million worth of assets belonging to the Gupta family's companies. But in May 2018 the Bloemfontein High Court ruled against the NPA and found that there was not enough evidence to prove that the assets seized had any links to the millions from the Estina dairy farm project (Mahlati, 2018).

The Bloemfontein High Court has ruled that the NPA failed to justify seizing assets linked to the politically-connected Gupta family because it had not proved they received funds illicitly diverted from a state-funded dairy project (Cohen and Bonorchi, 2018). Judge Philip Jacobus Loubser who ruled against the NPA stated that there were "no reasonable grounds" to believe that those implicated in the dairy farm matter would be convicted and so there were no grounds to freeze the assets. According to Kamal Vasram the sole director of Estina, she said "As far as the Gupta family's involvement in the dairy project is concerned, I wish to categorically state that they are not involved in any manner in this project" when she was asked about the Dairy project in 2013 (Holden, 2019).

In 2018, Public Protector Advocate Busisiwe Mkhwebane released her report highlighting procurement irregularities, gross negligence and maladministration related to the controversial Estina project. Unfortunately, the North Gauteng High Court has declared the Public Protector's report into the Estina dairy farm project in as unconstitutional and invalid and set it aside. The application was brought by the Democratic Alliance (DA) and the Council for the Advancement of the South African Constitution (CASAC) who stated that Advocate Busisiwe Mkhwebane's report was a

whitewash as implicated politicians were never interviewed (Ngatane, 2019). Similarly, former Public protector Advocate Thuli Madonsela also released a state capture report in 2016 without interviewing those who are implicated in the report, but it was never declared unconstitutional and invalid.

4.7. Tom Moyane and Pravin Gordhan testimonies at the Commission of Inquiry

Tom Moyane was appointed by the former president as the South African Revenue Service (SARS) commissioner in 2014, and he was dismissed by President Cyril Ramphosa. During Moyane's tenure as the SARS commissioner, he carried out investigations that led to the uncovering of intelligence Unit called "rogue unit" established by former SARS commissioner Pravin Gordhan and his ally, Ivan Pillay (Thamm, 2017). Even the Public Protector Busisiwe Mkhwebane probed into the allegations, and she found out that the allegations were genuine; she also found out that when Pravin Gordhan was still finance minister, he directed SARS officials to look into Economic Freedom Fighter (EFF) leader Julius Malema tax affairs. According Mkhwebane, Pravin Gordhan violated section 209 of the Constitution by establishing an Intelligence Unit and he also paid an early pension to his friend Ivan Pillay, who was hired without necessary qualifications at SARS (Public protector Busisiwe Mkhwebane report on Pravin Gordhan, 2019).

Pravin Gordhan told the commission into alleged state capture that there was a unit in the SARS to investigate the illegal smuggling of cigarettes and illicit trade but maintained it was legal, yet before he denied the existence of the unit and accused his opponents of attacking him for his efforts of resisting State capture. Pravin Gordhan came under attack from Dali Mpofu, a legal counsel of Tom Moyane who said only the police, army and intelligence unit had powers to set up such a unit and not SARS. "The establishment of the unit simply because the National Intelligence Agency (NIA) lost appetite was a contravention of the National Strategic Intelligence Act of 94. It was the finding of the Sikhakhane Report, it was the finding of the Public Protector," Mpofu said. Both Sikhakhane and Public Protector Mkhwebane report were discredited. Tom Moyane also accused Gordhan of being jealous of him because he was the first one to commissioner to collect R1 trillion taxes and that Pravin Gordhan was a racist towards African people. In response, Gordhan said the reports on rogue unit were dismissed of their existence by Nugent commission. This

is very strange because Nugent commission dismissed them, but Gordhan knew about the existence of the intelligence unit and admitted at the commission when he was cross examined by Dali Mpofo even though denied existence of the intelligence unit for more than five years (Ndaba, 2020).

In his testimony, Gordhan admitted that Moyane did not lay criminal charges against him but maintained his version that Moyane's tenure as the SARS commissioner was to further pursue the project state capture. According to Gordhan, he told the commission that the differences between him and Moyane began after he was appointed as finance minister in 2015. He said he organised a meeting with Moyane with the view of getting information from him about the new operating model at SARS. Gordhan added that the existing operating model for tax collection and custom duties was not enough, and thus, new operating model was required, and it was going to be introduced by Bain Consulting Agency. Gordhan said the model dismantled a lot of units which were responsible for the collection of duties. He also told the commission that a number of people, due to the introduction of the new model, had lost their jobs (Ndaba, 2020).

Pravin Gordhan also acted improperly for approving early retirement pay-out for his friend Ivan Pillay, besides that no step was taking by authorities to reprimand such behaviour. This portrays that, court of public opinion concluded that it is only those who are associated with Jacob Zuma can only be involved in corrupt activities. Brian Molefe, former CEO of Eskom also approved his early retirement pay-out and was crucified by mainstream media and politicians. Everyone associated with Jacob Zuma was crucified. The Constitutional Court ordered Molefe to pay back a portion of the money that was paid as The Eskom Pension and Provident Fund (EPPF) (Jooste, 2020). Former South African Broadcasting Commission (SABC) Chief Operating Officer (COO), now African Content Movement leader, Hlaudi Motsoeneng was ridiculed for not having a matric. Yet the mainstream media turned a blind eye on Ivan Pillay for holding senior position without having neither necessary qualifications nor matric. The deputy president of EFF, Floyd Shivambu in twitter, he spoke about the double standards of South Africa. Floyd Shivambu questioned the amount of privilege afforded to former deputy SARS commissioner Ivan Pillay who, according to Public Protector Busisiwe Mkhwebane, did not possess the necessary

qualifications to be appointed to the job (Moloko, 2019). Thuli Madonsela was praised for probing into Hlaudi Motsoeneng's qualifications.

An investigative journalist Jacque Pauw, the author of the book titled *"President's keeper"* said former president Jacob Zuma in 2014 parachuted Tom Moyane as the SARS commissioner without having knowledge of the role, whereas Ivan Pillay also occupied a senior position but he was never crucified for holding such a position without necessary qualifications. Even though Moyane did not have knowledge of tax records, he became the first SARS commissioner to collect R1 trillion in taxes. Despite his efforts, he is also treated as the architect of state capture at SARS (Pauw 2020). Through the Rogue Unit, it is argued that Mr Van Loggerenberg who was the Chief leader of the investigation operations in SARS bugged the offices of the NPA and other state authorities' offices. For that reason, Pravin Gordhan was charged by the NPA led by Shaun Abrahams, but the charges were later dropped. The unit also went after Jacob Zuma's son Duduzane Zuma and Jacob Zuma's brother Edward Zuma whom they suspected of hiding profits and tax evasion through illicit cigarettes operations. Ivan Pillay also accused Jacob Zuma of not scrutinizing his friends and family members tax files (Gebrekidan & Norimitsu, 2018).

Mpofu demonstrated that Gordhan perjured himself on three occasions. He said Gordhan relied on gossip about Moyane's alleged involvement in state capture, which got the minister fired from his job and established an intelligence-gathering unit at SARS in violation of the country's intelligence laws. Mpofu also told Gordhan that he violated the Prevention of Organised Crime Act (POCA) by failing to report to the police the crime of state capture allegedly committed by Moyane. In a submission to Parliament in March 2015 former SARS spokesperson Adrian Lackay said the so-called rogue unit existed and it was set up, managed and operated in a way no different from any other unit. The only difference was that members were allowed to work from home and their activities were kept discreet in order to ensure operational security and the safety of the officials and their families. Lackay also told Parliament that anyone within SARS who tried to counteract the narrative of the rogue unit were "suspended, threatened, bullied, muzzled, and their tenure at SARS made unbearable" (Myburgh & Serrao, 2017).

It is also very strange that every time Pravin Gordhan the authorities try to hold him accountable or under investigation, the markets react negatively so that if charges are brought forward against him, they be dropped. Based on his affidavit to the commission, he mentioned that Markets reacted negatively to the announcement of Adv Shaun Abrahams that he was charged for fraud related to the early retirement of Ivan Pillay. He further said the Rand weakened by 3.9% against the US Dollar (Statement by Pravin Jamnadas Gordhan to the commission, 2018). Why is Pravin Gordhan so significant to the investors and international partners of local businesses in the country? What is Gordhan's contribution to the country to a point that markets need to react negatively every time when the authorities try to touch him? Chapter 6 of the study will be able to answer these questions.

4.8. Themba Maseko testimony at the commission of inquiry into alleged state capture

The Gupta family owned a several media outlets through The New Age (TNA) Media (Pty) Ltd, including The New Age national newspaper, and ANN7 (African News Network), a 24-hour news channel. Former president Jacob Zuma said he was the person who inspired the Gupta family to establish a "progressive media force" by starting The New Age newspaper and the ANN7 television station. According to Jacob Zuma at the commission inquiry into alleged state capture, he said he inspired the Guptas because South African media were negative and unfair (Maughan, 2019). Although he admitted to playing a major role in the establishment of The New Age and ANN7 news channel owned by the Gupta family, former president Jacob Zuma vehemently denied trying to facilitate a meeting between ex-government spin doctor Themba Maseko and the Guptas (African News Agency, 2019).

Themba Maseko, former CEO of the Government Communications and Information System (GCIS), told the commission that Jacob Zuma personally called him to ensure that he met the Gupta brothers at their Saxonwold compound in Johannesburg. Maseko told the commission that in late 2010, he received numerous requests from the Guptas for a meeting (Hunter & Shoba, 2018). During his testimony, Maseko detailed how he was fired shortly after he refused to abide by Jacob Zuma's instruction to assist the Guptas. He said the Guptas ordered him to allocate the R600 million GCIS budget for media to be spent on their newspaper, TNA, which went to print for the first time in December 2010. The former president

Jacob Zuma at the Zondo commission said that he does not recall making a call to former head of GCIS Themba Maseko giving him instructions to "help" the Gupta family and denied arranging the meeting between Gupta and Maseko (Chabalala, 2019).

The chief financial officer at the SABC, Yolande van Biljon told the Zondo commission that the Guptas TNA Media never paid the South African Broadcasting Corporation (SABC) for hosting the TNA and ANN7 breakfast briefing shows on Morning Live and for outside broadcasting services. Van Biljon said according to records, an agreement was concluded by the SABC and TNA Media which resulted in the latter supplying the national broadcaster with copies of the discontinued New Age newspaper on a weekly basis, and the corporation providing broadcasting services, particularly outside broadcasting services, to TNA Media (Zulu, 2019).

Former news editor Rajesh Sundaram of the now-defunct ANN7 news channel made claims at the Zondo commission of inquiry that the Gupta family used their friendship with the former president and Duduzane to get favours in government, including buying historic SABC archive footage worth millions of dollars for far less than the material's value. Duduzane Zuma at the Zondo commission, he stated that Gupta-owned TV channel ANN7, just like any media house, was entitled to government advertising despite him being the son of former President Jacob Zuma. Duduzane owned 30% of the shares of Infinity Media, a company that owned the station (Ntsabo and Mahlakoana, 2019)

The Gupta-owned companies have faced a financial crisis in the wake of local and international banks blacklisting the family over their involvement in state capture. Oakbay which is majority owned by the Guptas announced the sale of ANN7 (Infinity Media) for R300 million and The New Age (TNA Media) for R150 million to a firm owned by Mzwanele Manyi. According to Oakbay, the deal was an attempt to save over 7,500 jobs, and to save the inherent value of the businesses (BusinessTech, 2017). The Gupta family have been accused of fleeing the country to avoid prosecution of their actions in South Africa. According to the Gupta spokesman Gary Naidoo, mentioned that "The media made wild accusations of money leaving the country, of being taken out of the country in large amounts, which is physically

impossible, they're very much South Africans and they continue to stay South Africans" (Skynews, 2016).

4.9. Jacob Zuma's Nuclear energy deal with Russia

Former president Jacob Zuma proposed a nuclear deal with Russia stated-owned company Rosatom in 2014. There were allegations that the nuclear deal was as a factor behind the firing of two finance ministers and market turmoil during Jacob Zuma's tenure. Former deputy finance minister Mcebisi Jonas told the state capture commission that before he and Public Enterprises Minister Pravin Gordhan were fired, most of the hostility was centred on the proposed nuclear deal and issues of expenditure (Lindeque, 2019). Based on former Minister of Finance Nhlanhla Nene's affidavit to the commission, he indicated that he met the Guptas on several occasions before and after he was appointed as the minister of finance, but he was not asked to carry out any favours for the Gupta family by Zuma or anyone. In reference to his response to parliament questions after he was accused by Floyd Shivambu, deputy president of Economic Freedom Fighter (EFF) that he facilitated Guptas' access to the Private Investment Corporation (PIC), Nene argued that he never done such a thing, instead he was approached by numerous individuals and companies asking for his assistance in securing finance specifically from PIC and he told them to approach PIC directly (Statement by Nhlanhla Nene's to the commission, 2018).

Mainstream media and certain politicians misled South Africans that Jacob Zuma had concluded a secret nuclear deal with Russia and the deal was sealed off. According to Nene's statement to the commission, on 10 June 2015 Minister of Energy Ms Joematt Patterson tabled in five inter-governmental nuclear cooperation agreement that had been concluded with the Russian Federation, South Korea, France, United States of America (USA) and People's Republic of China in parliament for approval. This was also confirmed by Pravin Gordhan in his statement to the commission (2018) in which stated that shortly after my replacement as Minister of Finance, the Cape High Court ruled that the nuclear cooperation agreements with the USA, Russia and South Korea were unconstitutional and unlawful, not the Russian secret nuclear deal with South Africa as mentioned by medias. Based on Nene's affidavit to the commission, there is no clear evidence

that the nuclear deal was motivated by the Gupta family nor formed part of the state capture. There is no further proof that Nene's removal from Finance Minister was influenced by the Gupta family. Nene further confirmed that he believes that he was removed from the office for his insubordination for refusing to sign the letter that was presented to him by former minister of Energy Ms Joematt Patterson and also his colleagues attested to that (Statement by Nhlanhla Nene's to the commission, 2018).

Pravin Gordhan who was once a minister of finance told the Zondo commission that he advised Jacob Zuma that nuclear procurement would be a complex issue. He further said that "I indicated to the former president that it would be lawful to follow procurement processes for such an expensive process to avoid being marred in scandals such as the arms deal". Opposition and other interested parties had previously indicated that the Russia-South Africa deal alone was likely to cost well over a R1 trillion and would "bankrupt" the country in the process. Pravin Gordhan was reappointed to the Finance Ministry in late 2015 because of the turmoil in the markets caused by his predecessor Nhlanhla Nene's axing. Gordhan told the state capture inquiry that former President Jacob Zuma pushed hard for the contentious nuclear power deal to become a reality despite red flags being raised over how expensive the project would be (Manyathela, 2018). The African National Congress (ANC)'s Secretary-General Gwede Mantashe said that claims that South Africa cannot afford nuclear power are mischievous. Mantashe says the overall cost of nuclear energy, in comparison to how much is spent on running coal-powered stations, makes nuclear a viable option (Whittles, 2015).

The Earthlife Africa (ELA) Johannesburg and the Southern African Faith Communities' Environment Institute (SAFCEI) took the nuclear procurement deal with Russia to court arguing that former Energy Minister Tina Joemat Pettersen had not consulted the public nor Parliament (Dentlinger, 2017). The Cape High Court ruled that the nuclear cooperation agreements with the USA, Russia and South Korea were unconstitutional and unlawful, and that the ministerial determination for a 9.6 GW nuclear new build in South Africa was invalid (BusinessTech, 2017).

Former Minister of Finance, Malusi Gigaba said that:

"The truth is that there is a bitter struggle in South Africa between the former oppressors and those whom they oppressed, for the right and power to

determine the political direction of this country as well as ownership of its economic resource. Our extensive mineral wealth and the prospective nuclear power station in South Africa lie at the heart of the regime-change offensive we are subjected to. Accepting this agenda and not opposing it to the very death will be our biggest folly” (Thamm, 2016).

Delivering the OR Tambo Memorial Lecture in Kagiso, former President Jacob Zuma additionally mentioned that efforts to sink the plans to pursue nuclear energy are part of a western plot to control South Africa and geopolitical tussle for have an impact on in Africa is underway with South Africa being a key battleground (eNCA, 2017). Exploring the relationship between Vladimir Putin and Jacob Zuma, the western countries especially the United States (US) might have been threatened by their relationship.

4.10. The role of media channels on the State capture narrative

The media in the country has played a crucial role in the removal of Jacob Zuma as the president of South Africa, following the state capture allegations. Prior to Jacob Zuma’s inauguration as the leader of the ANC and President of South Africa, the media channels which included newspapers such City Press, Mail and Guardian, Sunday Times and Daily news, they had already started their negative and vilification of Jacob Zuma. Maseng, Koosentse, and Ani (2019) on their paper titled: *An Evaluation of Media’s role in de-popularizing and Influencing Political Attitudes towards Jacob Zuma: Collating Events Leading to His Removal*, they indicate that:

“Due to the fact that various editors and journalists’ articles revealed their bias media reporting on the #ZumaMustFall campaign, the bottom line is that the media had forced attention of the public towards Jacob Zuma’s political and social controversies which tarnished his political and social image. In addition, the negative thoughts, knowledge and feelings of the South African public towards Zuma throughout his entire term were significantly influenced by the media”.

The media became Jacob Zuma’s political opponent throughout his tenure, and they reported negative events that led to his downfall. The state capture narrative was enhanced by mainstream media.

According to Instrumentalist Marxists, the primary role of the media is to spread the ruling class ideology and maintain the status quo. Marxist instrumentalists see the audience as a mass of unthinking robots who are passive and easily manipulate. They essentially take what they see in the media at face value and believe what they see without questioning it (Thompson, 2019). According to the reporting of South African state capture narrative, the ordinary of citizens rely on media channels and political leaders to shape their thinking. The Gupta-email leaks and other allegations levelled against Jacob Zuma remain unproven or unverified, but the media channels hold a strong view that they exist, and they were never brought to the public domain to verify their legitimacy. A lot has been reported by mainstream media against Jacob Zuma, but no charges were opened by opposition parties. This takes us back to Shai (2017) who stipulated that “Western countries may be using local and international media to bring the South African government and Gupta business mogul (originate from the East) into disrepute”.

Few journalists belonging to *The Sundays Times* and *The Citizens* have come out confessing and apologising for their role in demonising former president Jacob Zuma and the reporting of negative events that are related to him. Sunday Times is one of the media houses has reported that the Gupta family had bought Former President Jacob Zuma a house in Dubai, in which Jacob Zuma denied the allegations and asked the media house to provide him with the title deed of the mansion bought by the Guptas. This was one of the narratives that gave rise to the political parties and civil rights to march against Jacob Zuma to resign as the President of South Africa. According to Jacob Zuma Foundation, they demonstrated that “On June 4, 2017, the Sunday Times published that the former president has a Dubai home. To date, the newspaper has failed to produce evidence of that non-existent property. On October 14, 2018, the Sunday Times admitted that it had published tainted scoops during the Zuma presidency”. The foundation further said that Sunday Times had joined the international cabals that were after Jacob Zuma (Mkhwanazi, 2019).

In 2017, the presidency denied the media reports that accused former President Jacob Zuma of owning a palace in Dubai in the United Arab Emirates (UAE). According to the Jacob Zuma’s spokesman Bongani Ngqulunga, he stipulated that the story in the Sunday Times newspaper published on 4 June 2017, that President Jacob Zuma owns a palace in Dubai is a fabrication (African News Agency, 2017).

Economic Freedom Fighter (EFF) leader Julius Malema also confirmed that he agrees with the allegation that President Jacob Zuma has a house in Dubai. The EFF said it was working on getting the street name and CCTV footage to prove the president does own a house in Dubai (The Citizen, 2017). The narrative that Jacob Zuma owns a place in Dubai has never been verified to the public even though if EFF promised to do so. Jacob Zuma stated that I'm still waiting for the title deed of then house they say I own in Dubai which I do not know nothing about.

According to Sunday Times editor Bongani Siqoko, he stated that they were manipulated by Jacob Zuma's political adversaries to write tainted scoops that led to him being removed from the office by force. Sunday Times acknowledged that they were manipulated by those who had other ulterior motives. Sunday Times further said, "While we were interrogating, investigating and reporting these stories, there was clearly a parallel political project aimed at undermining our democratic values and destroying state institutions, and removing individuals who were seen as obstacles to this project. We admit that our stories may have been used for this purpose". During Jacob Zuma's presidency the media outlets admitted having played a crucial role in disseminating false reporting to feed the agenda of those who wanted former President Jacob Zuma out of the office (Eyewitness News, 2018).

Former editor of The Citizen newspaper, Motale apologized for been part of the sinister agenda against Jacob Zuma, he further said that he is not saying he is a suddenly a biggest fan, but it was time for him to admit that he played a part to the unfairness to reporting negative stories along with many of his colleagues. In an interview with SABC News Morning Show, Motale gave examples to several stories were unfairness to Jacob Zuma. Steve then dared to once again remind South Africa that the judge had never, in fact, ever said there was a "generally corrupt relationship" between Shaik and Zuma. In 2006, after more than a year had passed, the judge made a public statement clarifying that he had indeed made no ruling or finding whatsoever on Zuma's corruption or lack of it, as Zuma had not been the one on trial. Motale said it all started in 2005 when Judge Hilary Squires handed down judgment to the financial adviser, Schabir Shaik. According to Motale, the media peddled lies that the Judge said Jacob Zuma and Schabir Shaik had corrupt relationship. It took the Judge in unprecedented manner to clear himself for the allegations made by the media. Motale demonstrated that after Judge Squires

cleared himself, the media began attacking him and calling him with sorts of names because he was telling them something they did not want to hear as Journalists. He also gave example to Nkandla security upgrades, where he stipulated that media reported unfairly because they acted as if Jacob Zuma was directly involved in the process and unlimited access to the National Treasury (SABC News, 2015).

Former Public Protector Thuli Madonsela published a report in March 2014 titled: *Secure in Comfort*, which found that Zuma had unduly benefited from the R246 million spent on non-security features at his home (MyBroadband, 2016). The Nkandla saga received media coverage everyday about how Jacob Zuma unduly benefited from the security upgrades until the matter was handed to the Constitutional Court. The Constitutional Court found that he acted in breach of his obligations in terms of Section 96 of the Constitution, when he failed to take any steps to stop the state-sponsored non-security related upgrades of his Nkandla home. He has since been ordered to pay back over R7 million for the upgrades (Manyathela, 2017). The ConCourt judgement did not receive the same media coverage same as the Former public protector Nkandla's report, the media continued to mislead public that Jacob Zuma stole R246 million to build his Nkandla Homestead instead of saying Jacob Zuma was involved in irregular expenditure of R7.8 million on the Nkandla security upgrades.

According to Motale in his letter apologizing to former President Jacob Zuma, he stated that "who can honestly say they know for a fact that Zuma knew what Public Works was doing and how it was dealing with the matter? Did he tell anyone what to charge and how much to pay? We do not know, but most of us assume he did. It is unprofessional reporting that would not stand up in a courtroom." This clearly indicates that the media has been number one nemesis against Jacob Zuma. Everyone who is pro-Jacob Zuma become crucified by the media but when you turn against him and vilify him public, you get praised by the same media. Examples can be given to Julius Malema when he was still Zuma supporter, the media vilified Malema and portrayed him as a fool but when he attacked Jacob Zuma as the Gupta puppet and Nkandla saga he was referred as hero. People who are pro-Zuma do not get same treatment as those who want to dig his grave (Motale, 2015).

According to John Swinton cited by McKenzie (2017):

“There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print. I am paid weekly for keeping my honest opinion out of the paper I am connected with. Others of you are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job.... The business of the journalists is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of mammon, and to sell his country and his race for his daily bread. You know it and I know it, and what folly is this toasting an independent press? We are the tools and vassals of rich men behind the scenes. We are the jumping jacks; they pull the strings, and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes” (Mckenzie, 2017).

According to an article published by Black Opinion (2017) titled: *Pravin Gordhan has no evidence against Zuma*, they articulated that Pravin Gordhan in an interview with CNN News channel journalist Christiane Amanpour, Gordhan was asked if there is any evidence that could implicate Jacob Zuma and he said there is no evidence of corruption against Jacob Zuma. The interview was projected in a 12-minute clip (Black Opinion, 2017). Pravin Gordhan further said that the matter to be cleared, it should be put before the Judge. The latter statement indicates that, former President Jacob Zuma has been labelled as the most corrupt president South Africa ever had without having evidence to back up their allegations. During the time of the interview between Pravin Gordhan and CNN Journalist, the state capture report was long published by Thuli Madonsela, then why he (Gordhan) did not refer to the report as evidence of corruption against Jacob Zuma? The narrative of state capture in South Africa was intensified by mainstream media (Morné, 2017). Pravin Gordhan has been praised by Media houses for resisting state capture and acting against it, yet he does not even have evidence to back up this narrative. The South African media has been framing, selecting, emphasising, and elaborating on negative reports of Zuma in order to exert negative political attitudes to some South African citizens as well as some members of the ANC towards the former president. In their consistent framing of news around Jacob Zuma, the media has attempted to exclude positive publicity of the former President (Maseng, Koosentse, & Ani, 2018).

Joseph Goebbels holds a saying of "If you tell a lie big enough and keep repeating it, people will eventually come to believe it." In politics, repeating misinformation and outright lies have been powerful tools to sway public opinion, that is what happened with the Gupta family and Jacob Zuma relationship (Pierre, 2020). Majority of South Africans welcomed false statements fabricated by politicians to fulfil their political motives and unverified information was disseminated by media channels. In 2015, media channels said former President Jacob destroyed the economy and the firing of former Finance minister Nhlanhla caused the markets to react negatively and panic. This led to a national criticism of Jacob Zuma's decision to dismiss Nene. What the media channels did was exaggerate the situation and cause an outrage among the people of south Africa but failed to demonstrate that South Africa's economy grew by 1,3% in 2015 even though it has dropped down from 1,5% in 2014 (Stats SA, 2016). In chapter four (4) the researcher gives a broad deliberation on what had transpired on the Nenegate market reactions. The same year in 2015, Competition commission found that local banks in collaboration with international banks were involved in manipulating the currency/Rand.

Former president Kgalema Motlanthe has cost South Africans close to R17 million in taxpayers since the start of the 2016/17 financial year. According to the report presented in parliament by late Minister in the presidency Jackson Mthembu, he added that the country had spent close to R60 million on former presidents and deputy presidents and their spouses for travel, security and accommodation from 2016/17 to present. The first one who spent lot of taxpayer's money was Kgalema Motlanthe, the second one was Thabo Mbeki then followed Jacob Zuma and FW de Klerk, but the media channels still depict Jacob Zuma as the worst president compared to his predecessors who extravagantly benefited from taxpayers. Former president Jacob Zuma has cost R6.5 million and the state had spent close to R14 million on former president Thabo Mbeki's travel and other expenses in the same period (Mabuza, 2019).

In 2016, the NPA declared the Gupta family as fugitives from the law. According to a media report by Eyewitness News, they said that they spoke with the OR Tambo international airport authorities, and they confirmed the departure of the Gupta family. The airport also told Eyewitness that their records show that Gupta left South Africa on a Dubai-bound Emirates flight 10 days ago. The spokesperson of the

airport, Gunkel-Keuler, said a video footage showing the Gupta's departure and their flight details would be handed over to investigators, as they cooperate with authorities to establish the whereabouts of the wanted Gupta family (Mumbere, 2019). Ajay Gupta's arrest warrant has been withdrawn meaning that he is no longer a fugitive from justice in South Africa. The charges levelled against the Gupta brother Ajay by the NPA were in regard to the claims that he (Ajay) tried to bribe former deputy Finance Minister Mcebisi Jonas during a meeting set up by Duduzane Zuma (Lindeque, 2018). Mcebisi Jonas testimony at the commission was not convincing that the Guptas tried to bribe him, as well as Vtyjie Mentor's testimony had many discrepancies, but the media channels went soft on them.

Media reports speculated that the Guptas had left the country for good, while news report accused the Guptas of taking money out of the country. The Guptas spokesperson, Gary Naidoo dismissed the media reports and stated that "the media made wild accusations of money leaving the country, of being taken out of the country in large amounts, which is physically impossible,". Naidoo further articulated that the reason behind the Guptas were out of the country is because One of the sons of the Gupta family was getting married. The wild accusations convinced South African people that indeed the Guptas were fugitives and running away from the authorities. Despite all these accusations levelled against the Gupta family, they have won all the cases against the Hawks and the NPA in court of law due to the lack of sufficient evidence to prosecute them (Hogg, 2016). In 2019, Guptas approached a court in South Africa in relations to the Home Affairs refusing to renew their passport. Despite the government in process to repatriate them in Dubai, they challenged the Home Affairs decision not to renew their passports (chabalala, 2021). Minister of Home Affairs Aaron Motsoaledi said "Obviously, there's no way I'm going to be stupid enough... with the Department of Justice looking for them. They can't travel to any part of the world because they are using a South African passport". Yet the NPA dropped all the charges against them, but they are still regarded fugitives (Daniel, 2019).

In 2017, an investigative journalist by the name of Jacques Pauw published a book titled "*All the President's Keepers*". Pauw's book had explosive claims about former president Jacob Zuma and former South African Revenue Service (SARS) commissioner Tom Moyane. Pauw in the book he claimed that SARS commissioner

Tom Moyane was shielding Zuma from his tax obligations. The book further alleged that Jacob Zuma, for the first four years of his presidency he had not filed his tax returns to SARS and that he had also received R1 million monthly salary for several months in 2009 from a Royal security company without declaring this to tax authorities (Mtyala & Mkhwanazi, 2017). The book was published during the time when everyone was calling for Jacob Zuma to step down as the president of South Africa to intensify the state capture narrative. In 2021, Pauw peddled lies in an article published by Daily Maverick about V&A Waterfront restaurant arrest. He said the restaurant had refused to allow him alternative means to pay for his R1 600 bill after his credit card declined several times while attempting pay and the waitress had called the police to arrest him while he was about walk to an ATM to withdraw money to settle his bill. Jacques Pauw had apologised and blamed intoxication and embarrassment for the false allegations he has made about his arrest at a V&A Waterfront restaurant. He had also accused the police of stealing his cash, before they could arrest him for an overnight and charging him with theft (Feketha, 2021).

Jacques Pauw's journalism credibility is very questionable. He wrote a book without evidence to back up his allegations. The same Pauw in his article *titled "Public Protector & 'rogue unit': How a big lie became a bigger and bigger lie"* (2020) accused Piet Rampedi, an investigative journalist of peddling lies against former SARS commissioner Pravin Gordhan and Ivan Pillay for establishing an unlawful Intelligence Unit within SARS without having credible evidence for the allegations. Yet, the same Pauw wrote and published dozens of articles against former President Jacob Zuma without credible evidence, none of the allegations were ever investigated by the authorities. In the commission of inquiry into alleged state capture, Pravin Gordhan admitted that Rogue unit, the intelligence unit was established but lawfully, yet before he denied its existence and Pauw in his article still defended him (Gordhan) even though the establishment it is in the violation of section 209 of the Constitution and section 3 of the National Strategic Intelligence Act (Rabkin, 2020). And he said "There were no "rogue" operations but the high-risk investigations unit (HRIU) established lawfully according to Pauw yet Pravin admitted the existence of the Intelligence Unit at the commission of inquiry into the alleged state capture (Pauw, 2020).

Public protector Advocate Busisiwe Mkhwebane approached SARS to revelation of Jacob Zuma's tax records as part of her investigation pertaining the allegations made by Pauw that the former president received monthly payment of R1 million, and he has not filled his tax returns. Unfortunately, SARS commissioner Edward Kieswetter argued that this information should remain within SARS's circle and approached the High court to halt the public Protector from accessing Jacob Zuma's tax records. The fundamental question that should be posed regarding Pauw's allegation against Jacob Zuma's tax records is, how did he get hold of the information because even the public protector did not have jurisdiction over SARS records but Pauw was able to access Jacob Zuma's tax records? Jacob Zuma said the Public Protector Advocate Mkhwebane should be given the records as requested and she must not be hindered in doing her work. In a thread of tweets, Jacob Zuma stated that "It must be known that I have nothing to hide. If the Public Protector wants to see my SARS records, she is free to do so. We should not make the job of the Public Protector difficult. If she wants my records, she must have them" (Mavuso, 2019).

Pravin Gordhan has been portrayed by the mainstream media, civil movements and certain politicians to be a resistant of state capture, fighting and exposing corruption within Jacob Zuma's administration but failed to detect or point out Jacob Zuma's tax filling debacle in his four years of presidency. Mkhwebane in her report against Pravin Gordhan, she demonstrated that SARS on the on the instructions of Pravin Gordhan when he was still the Minister of Finance in 2012, he gave instructions to SARS officials to uncover Julius Malema's tax records even though it was not on the legal basis. Why did he not pursue investigations or direct SARS to pursue after Jacob Zuma tax affairs? Nobody had no say about Jacob Zuma relationship with the Guptas until he dismissed Gordhan and Nhlanhla Nene, in which Johan Rupert once threatened to collapse the economy if Gordhan and Nene where fired. The media has been playing double standards, Gordhan also mislead the parliament by lying that he never met the Gupta family according to the Mkhwebane report but despite that he remains a hero to the media (Public Protector Busisiwe Mkhwebane report against Pravin Gordhan, 2019). Pravin Gordhan's tension with former president Jacob Zuma rose when he was sacked as the Minister of Finance because the trip,

he took to London was suspected to do with a conspiracy to remove Jacob Zuma (Howes, 2017).

Hlaudi Motsoeneng, former Chief Operating Officer (COO) of South African Broadcasting Commission (SABC) has been ridiculed for holding a higher position without necessary qualifications by the mainstream media and politicians, yet Ivan Pillay a friend of Gordhan never experienced such a ridiculing moment from the media. Former Public Protector Thuli Madonsela, she found out that Motsoeneng never possessed required qualifications to hold the position of COO and he increased his salary without following procedures (Letsoalo, 2016). Madonsela said her office will be taking legal action against the SABC board following the appointment of Motsoeneng to a senior executive position. Madonsela mentioned that "The starting point will be to find out what was the process of appointing him. Was that position vacant? What were the requirements before he was appointed to it?" (News24Wire, 2016). For such act, Hlaudi was being crucified and labelled as incompetent. Hlaudi's attack emerge after he introduced 90% local music, in which was going to be beneficially for the local artists and his efforts were reversed immediately he was recalled. Public Protector Mkhwebane also probed onto Ivan Pillay and Gordhan over holding a position without necessarily qualifications. According to Floyd Shivambu, Ivan Pillay was 'privileged' to head SARS with 'zero qualifications' – Shivambu (Moloko, 2019). Mkhwebane has recommended that President Cyril Ramaphosa act against Public Enterprises Minister Pravin Gordhan for having violated the Constitution for granting early retirement and a pension pay-out to Pillay. She found that Gordhan had acted improperly in authorising the pension pay-out (Moloko, 2019).

Despite the allegations brought forward by media channels, South African authorities have failed to find concrete evidence to prosecute Jacob Zuma and his associates on state capture allegations. If the media holds strong evidence against the former president, they were supposed to hand the evidence to the authorities to proceed with the prosecution and since the media reports state the Guptas are fugitives, they must start apprehending those who are accused of looting state resources with the Gupta family in South Africa. Why would South African authorities seek to apprehend the Guptas abroad whereas they haven't arrested anyone linked to the controversial family here in South Africa? It is very surprising to see the authorities going extra

miles to repatriate the Guptas to face the music in South Africa whereas none of their associates in South Africa is not arrested. The warrant of arrest has been withdrawn already, and it was related to the allegations levelled against them by Jonas Mcebisi. Journalists like Jacque Pauw, their credibility is questionable. On allegations like labelled towards Pravin Gordhan and his allies, he verifies the authenticity of the articles news but when it comes to Jacob Zuma and his allies, they just disseminate the info without verifications.

4.11. Conclusion

The South Africa state capture remains controversial to the majority of South Africans. From the above chapter, it is safe to state that the former public protector Adv Thuli Madonsela state capture report was compiled using media articles without analysing the biasness of the reporters. Madonsela referenced media articles as apart of investigation into alleged corruption and nepotism of the Gupta family. The testimonies above by Jonas Mcebisi and Vytjie Mentor as the key witnesses in the state capture report compiled by Adv Thuli Madonsela, were full of discrepancies and did not correspond with the findings of the Zondo commission investigators and

they retracted some of their statements from the State capture report which was released in 2016. However, the chapter does not defend any corrupt activities that might have transpired between the former president Jacob Zuma and the Guptas but uncover some aspects of the state capture narrative that have being ignored by both politicians and the media. The chapter also looked in the role of media played in the removal of former president Jacob Zuma, and it became a nemesis against Jacob Zuma as explained by Steve Motale, former editor of The Citizen News.

The next chapter explains how the activities of white monopoly capital constitute state capture in the Post-Apartheid South Africa

Chapter 5: How the activities of white monopoly capital constitute state capture in the Post-Apartheid South Africa.

5.1. Introduction

This chapter seeks to understand and demonstrate how the activities of the White Monopoly Capital (WMC) constitute a state capture in the post-apartheid era. The notion of state capture in South Africa has been narrowed to individuals, the Gupta family and their business allies. The media and Thuli Madonsela only dealt with a portion of the state capture narrative, shielding the biggest captures of the state since Apartheid, this chapter also argues that those who had captured the apartheid state they did not just surrender their power to the African National Congress (ANC) government but remained active behind closed doors. Fakude (2016) demonstrate that state capture is not something new in the political economy of South Africa and that the whole contemporary South Africa's economy depends on the undue influence of business over politics and vice versa. In the wake of democracy in 1994, many struggle activists who were exiled by the National Party (NP) government became rich overnight. This was the commencement of state capture in the post-apartheid.

According to Van Vuuren (as cited in Van der Westhuizen 2007), during Apartheid it was regarded as deep state. The deep state consisted of the military, or more precisely military intelligence, businesspeople and the international business sector. The establishment of the deep state aimed to promote the development of Afrikaners' commercial interests, while lurking beneath the surface was a money-laundering machine seeking to circumvent the sanctions imposed at the time. Van Vuuren assert that P. W Botha served as the leader of both the Deep state and Nationalists (Van der Westhuizen, 2007).

5.2. The commencement of state capture in the Post-Apartheid South Africa

The dealings of state capture have been part of the Apartheid government ruled by the National Party (NP). According to a News24 investigative journalist named Myburgh, he said the Apartheid government played a big role in perpetuating the level of corruption in the post-apartheid era and people should not be fooled to think that the corruption activities only began with ANC government. He further gave an

example with a book titled *Apartheid Guns and Money: A Tale of Profit by Hennie van Vuuren* and said that the book demonstrate how the NP government was captured and working with businessmen to carried out grand corruption to channel state resources to advance their interests (Petersen, 2017).

Lofgren (2016: 15) explains that 'the deep state thesis is that fundamental policy continuity exists regardless of which party controls the levers of government'. This means that people who were involved in the deep state during Apartheid, would not want to give away or give up their power to the ANC government voluntarily so. The deep state existed during apartheid, the captors continued with their activities and influenced government officials to secure their interests. Most of the captors and their institution played a pivotal role in shaping the post-apartheid policies to make them conducive for their businesses.

In 1962 former Prime Minister of South Africa, Hendrik Verwoerd, openly criticized the "monetary power of the Oppenheimer group", referring to Harry Oppenheimer and the powerful corporations that he controlled, De Beers and Anglo American. Oppenheimer's response was to recruit allies from within Afrikanerdom (Laurence, 2002). Then in 1966 Hendrik Verwoerd was assassinated for establishing a commission to investigate the influence of the monopolies in government. The one-person commission established by Verwoerd selected Dr Piet Hoek to investigate the role of influence exerted by the monopolies. Dr Hoek probed, and commission report was known as Dr Hoek report, but Verwoerd was assassinated before the report could be published (Ditshego, 2019).

Nelson Mandela in 1990 mentions that: "The nationalisation of mines, banks and monopoly industries is the policy of the ANC and a change or modification of our views in this regard is inconceivable" (Marais, 2011). In the early 1990s, Nelson Mandela is believed to have had £20 million on deposit with Barings Bank (Goodson, 2014). This can mean that those who were involved in a deep state captured and bought Nelson Mandela to protect their interests. According to the former right-hand man of Thabo Mbeki Mr. Essop Pahad, states that when Thabo Mbeki was preparing to become the president of the ANC government in the late 1990s, he was worried about the enduring power of white businessmen dominating the economy and the dependence on the Western countries. Immediately after Nelson Mandela was

released from prison in 1990, numerous businessmen including the Anglo-American executives visited him at his home in Soweto. Based on Nelson Mandela's biography, other businessmen followed for visits. The biography described how Nelson Mandela was staying at the estates of white moguls and accepted their gifts. Business moguls such as Harry Oppenheimer, Clive Menell and Anton Rupert who they are regarded as the White Monopoly Capital (WMC) faces (Terreblanche, 2018).

Wits University's Roger Southall explains that in the early days of democracy "individuals at the top of the corporate ladder struck up relationships with the incoming ANC leadership." Former president Nelson Mandela's close relationship with both Oppenheimer and Menell is a known secret (Hadebe, 2020). When Oppenheimer passed away in 2000, Mandela called him "monumentally instrumental in helping this country to be the economic leader it is today" (Mckenzie, 2017). The white establishment played a pivotal role in the shaping of South Africa's economy and political policies. ANC prior 1990s spewed revolutionary utterance that threatened the dominance of white establishments, to contain the threat the white establishments (white monopoly capital) had to capture certain leaders and prepare them for the new democratic South Africa to safeguards their business interests. ANC representatives in exile and Anglo-American executives they held their first meetings for negotiations at Zambia in 1985 to discuss the future of the country. Business communities were concerned more about the economic policies aspirations of the ANC. After the meeting with the representatives of big businesses in South Africa, the ANC produced a memorandum and they said, "With regard to certain specific questions ANC policy was outlined around certain specific problems that they had raised. They included: That our perspectives at the economic level were based on the Freedom Charter which requires the nationalisation of monopoly industries, banks and the mines and required a redistribution of the wealth of our country" (Gerhart & Glaser, 2013: 576).

In this study, chapter 4 has highlighted the power of money in politics and what usually leads to a state being captured. Both Padayachee and Fine (2013) attribute the rejection of the MERG report to the ANC's capitulation to pursuit of capitalist economic interests, mainly influenced by big business and the International Monetary Fund (IMF). Referring to Sampie Terreblanche's revelations, Kasrils

confirmed that South Africa's mineral and energy leaders and the bosses of United States (US) and British companies met regularly with young ANC economists schooled in western economics who were reporting to Mandela. He said they were either "outwitted or frightened into submission by hints of the dire consequences for South Africa should an ANC government prevail with what were considered ruinous economic policies". The failure to reach the Mining Charter's objectives on transformation were politically made insignificant because in the mining board are black people with very strong political connections and massive influence over the ANC and its government. Cyril Ramaphosa was also attracted by the Menell's family to join what is called Urban Foundation and the Menells also played a pivotal role in convening meetings in what called *Synthesis*. *Synthesis* was dominated by influential white Afrikaners businesspeople such as Anton Rupert, Anglo-American's Zach de Beer, Gavin Relly, Julian Ogilvie Thompson, and Bobby Godsell. All these people were the representatives of mining conglomerates. The Urban Foundation also encompassed black representatives such as Chief Mangosuthu Buthelezi, Ellen Khuzwayo, Nthato Montlana, Fikile Bam and Desmond Tutu (Butler, 2007).

Nelson Mandela after his release went to live with the Menells and that is when a group of business executives called the Brenthurst Group was formed to discuss the economic policies of the post-apartheid. This is the same family that recruited Cyril Ramaphosa and placed him under their wings. The Brenthurst Group had the most decisive influence on the economic policy content of the transition and did everything in their power to ensure that their interests are secured (Shivambu,2014). It should be noted that prior negotiations these businesses were associated and some funding the NP government for political favors (Open Secrets, 2017). By inviting the ANC representatives for secret negotiations meetings, they wanted to continue with what they did with NP government in the new democratic South Africa. The question that should posed is, would the White Afrikaner businesses give up all their power and influence or they continued influencing the ANC government? The secret meetings between the ANC representatives and businesses demonstrates that they were looking for new friends in the ANC, hence the NP government was losing support all over the world and it would be difficult for them to convene their business interests with political favors. The interests of mining fraction of capital far overweighed all other interests.

The white Afrikaner business moguls were concerned more about economic policies that could be conducive for their businesses in the new democratic South Africa. The same thing could also be referenced to under Jacob Zuma where economic policies were altered to benefit the historically disadvantaged black people under the banner of Radical Economic Transformation (RET). Jacob Zuma's stance with the Gupta family does not differ with what happened prior new democratic South Africa between ANC representatives in exile and white Afrikaner white businesses, everyone bid for economic policies that would be conducive for their businesses. According to Ho-Fung (2011):

“The political competition between China's private, export-oriented capital and its state-owned, domestic-oriented capital, therefore, is far from settled. The former's changing triangular relation with oligarchic state capital and global capital will continue to influence the debate over the People's Republic of China's development path in the years to come. All these fractions of capital, as well as their ideological representatives such as the nationalist left and the liberals, purport to act in the interests of the people” (Ho-Fung, 2011).

The latter statement can also be applied to South Africa's political landscape where the advent of Jacob Zuma and the Guptas close association interrupted the real state capture dismantling economic policies that historically favored white establishments.

On 11 February 1990, the day of Nelson Mandela's release from prison, he made the following statement: “The white monopoly of political power must be ended, and we need a fundamental restructuring of our political and economic systems to address the inequalities of apartheid and create a genuine democratic South Africa.” From the latter statement, Mandela's position on the economic and political system changed and embraced neoliberal policies. According to Sampie Terblanche (2020), ANC abandoned its historical mission as a vehicle of liberation fighting for a more socially just society to becoming a machinery for accumulation. In the post-apartheid era, the cornerstone policies were abandoned and adopted the liberal policies, with the influence of the mining moguls (Oppenheimers through Anglo-American).

ANC Leaders Ronnie Kasrils, Pallo Jordan, and Ben Turok acknowledge that there were secret negotiations, which although they cannot say where, are the ones that

happened in Brenthurst Estate. Shivambu (2014) argues that business communities played a pivotal role in influencing ANC leaders in adopting post-Apartheid policies. Some business communities were not impressed by Nelson Mandela's stance on the nationalization of resources in the country. In the transition of government to new democratic South Africa, businesses decided on the economic policies, and they still continue to do unnoticed. According to Castan Centre for Human Rights Law (2019), they assert that that Van Vuuren (2019)'s book in his book titled: *Apartheid, Guns and Money: A tale of Profit* demonstrated how in "twenty-five years after the end of apartheid - South Africa is today grappling with the scourge of state capture by contemporary political and economic elites. The book shows how the old corrupt networks which benefited from white nationalism quickly sought to corrupt the country's first democratic government".

Shivambu (2017) in an article titled "*State Capture: It's criminal, and it is nothing new*", he stated that businesses with differing business aspiring became united in the mining and other industries that were dominated by white minority. Before of unbanning political parties and releasing prisoners in the 1990s, Shivambu alleges that former president FW De Klerk consulted with the Rupert and Oppenheimer families in his decision. Not only that, even in the appointment of Derek Keys as the last Minister of Finance under apartheid and first in the new democratic South Africa, the suggestion was made by Rupert family. The successor to Derek Keys as Minister of Finance was Chris Liebenberg, who was seconded by the Oppenheimer family controlled Brenthurst Group (Shivambu, 2017).

5.3. The spider web project

The unexpected dismissal of the finance minister in December 2015 has been widely interpreted as an attempt by factional interests to seize control of the National Treasury (Pearson, Pillay and Chipkin: 2016). In an affidavit written by former Minister of Finance Nhlanhla Nene, he stated that he believed that the National Treasury was under attack by conspiracies who wanted to undermine the legitimacy of the institution. At the center of his removal from the National Treasury, he also believed that the Gupta family played a role and place their puppet who will abide to their instructions. He further stipulates that just because refused to approve certain

projects such as nuclear energy deal and he believed that they might have benefitted the Gupta family and close associates of the former President Jacob Zuma. Nene's affidavit did not indicate how his removal was associated or linked with the Gupta family, instead he only demonstrates his clashes and disagreement with the former president Jacob Zuma and that forms part of state capture according to Nene (Nhlanhla Nene statement at the State Capture Inquiry, 2018).

The notion that the Gupta family were after the National Treasury it was a narrative that was used by media outlets and those who were serving white monopoly capital to flush out the Guptas in the mainstream economy. Nene in his affidavit articulated that he visited the Gupta family several times, but they never requested favors from him. He further said his invites to their compounds were mainly to discuss the economy and they indicated to him (Nene) that they were in the mining and computer industries (Nhlanhla Nene statement at the State Capture Inquiry, 2018). In the previous chapter 5, the researcher has demonstrated how the Gupta family became a threat in the mining industry that was mainly dominated by few white families in the country and their international partners. In the affidavit, Nene also spoke about an intelligence dossier called spider web report that highlighted activities of the white monopoly capital aiming to capture (already deployed their stooges to National Treasury) and increasing their influence in the National Treasury. Mainstream Medias and implicated politicians including former minister Nene ridiculed the dossier and declared it baseless but that is not true, hence state capture by white monopoly is very broad, the chapter will focus on the intelligence dossier "spider web report" content and also demonstrate how other government financial institutions are captured by white monopoly capital to benefit their businesses (Nhlanhla Nene statement at the State Capture Inquiry, 2018).

5.3.1. White monopoly stooges and their rewards

According to Hadebe (2020), the deep state in South Africa plays a role in holding the country as a hostage and intimidates those who are opposing or resisting. The deep state also makes it possible for those who cooperate and hold no grudges against its dominance to be rewarded handsomely. Hadebe (2020) states that "The rewards come in the form of executive positions in both private and public sectors, undeserved senior positions in academia and other important social institutions, and

of course politics” (Hadebe, 2020). Certain individuals were hired to deal with former president Jacob Zuma and these individuals were rewarded with positions in the public and private for the great job. Among these individuals were Thuli Madonsela who published a state capture report with full of discrepancies and limited content that does not even fit to name the report a “state capture”. Jonas Mcebisi was also awarded a position at the MTN group and Fuzile Lungisa, former Director General at treasury who later joined Standard Bank Group. The list is endless, we also have Sipho Pityna who led the SaveSA Movement that compelled and carried out a soft coup against Jacob Zuma and Former Chief Executive Officer of Absa, Maria Ramos who also played a role in the crashing and manipulating Rand to convince the public that the removal of Minister Nene caused the country to lose billions. I will further be explained how this patronage is interconnected as the stooges of white monopoly capital.

All the stooges of the white monopoly capital are parachuted to the government financial institutions to administer the government’s finances and taxpayers. The control of financial institutions it is the main goal of the White Monopoly Capital (WMC). Baron Mayer Amschel Rothschild (1744-1812), who is the founder of the Rothschild banking dynasty, appropriately put it: "Give me control of a nation's money supply and I care not who makes their laws". During the negotiations of Convention for Democratic South Africa (CODESA), the CODESA appointed the “Transitional Executive Committee” (TEC) that took control of the South African government in this period as an interim government of some sorts. The TEC comprised of prominent politicians who also still play a vital role in the contemporary politics in South Africa. This TEC comprised of a few leading ANC leaders and the ruling National Party (Modisane, 2014).

The TEC subcommittee on finance included the likes of Maria Ramos (who went on to become the Director General of the National Treasury, left to be CEO of Transnet SOC, and later joined Barclays Group Africa as the CEO. Maria Ramos who is the wife of former Minister of finance Trevor Manuel (they both involved in the financial institutions both in private and public sector) bid for the white monopoly capital (Modisane, 2014). When Maria Ramos was still the CEO of Absa, Competition commission in their investigation found that Absa had played a role in the manipulation of Rand, and she endorsed her apology to the public. Former president

Jacob Zuma also pointed that at the commission of inquiry into alleged state capture. Despite all that, President Ramaphosa felt honored to still appoint her to lead Private Investment Corporation (PIC) to administer Government Employees Pension Fund (GEPF). Hadebe (2020) point out that “the PIC is by far a key driver for investment within the white-dominated South African economy”. At such, the white monopoly capital requires a trusted friend and puppet to lead the state entity called PIC.

Trevor Manuel was also part of the TEC subcommittee (who went on to become minister of finance and is now head of Rothschild Africa) (Modisane, 2014). Johann Rupert’s father created a wine brand called Rupert & Rothschild with the Rothschild family in France in 1997. They continue to share their “prestigious partnership” in wine production 20 years later. When Manuel joined the Rothschilds (a different company sharing the famous name) in 2014 as a senior advisor to the group worldwide and deputy chairman of Rothschild in South Africa, very few eyebrows were raised (Mckenzie, 2017). Trevor Manuel and Pravin Gordhan forms part of the patronage that wanted Jacob Zuma removed as the President. Pravin Gordhan (chairman of CODESA from 1991-1994 and went on to become Commissioner of SARS from 1999 to 2009, the year Jacob Zuma appointed him Minister of Finance; he served a second term in the ministry of Finance after Nenegate) (Modisane, 2014). According to Pravin Gordhan at the state capture commission, he described his role in the rogue unit, and in his evidence said he had asked former finance minister Trevor Manuel to fund the formation of the unit which it is said to have spied on Jacob Zuma and went after his family and business associates. At first, he denied the existence of the intelligence unit but after years of denying he agreed, and he said it was after cigarettes smugglers. (IOL, 2020). Former finance minister Trevor Manuel. When asked what he would do if he were still finance minister, Manuel tersely replied: “Fire Tom Moyane”. Pravin Gordhan and Trevor Manuel anti-Jacob Zuma agents. Gordhan and Manuel’s ties can be traced into Fikile Mbalula’s affidavits to the state capture commission where he stated that Manuel congratulated Pravin Gordhan to his appointment as Finance Minister while holding a pharmaceutical degree and lacking necessary skills but lambasted Mbalula for his appointment as the Minister of Sports because he does not have necessary skills (State capture commission, 2019).

People like Trevor Manuel have come out defending the “White Monopoly Capital” narrative and dismissing the existence of white monopolies in the country as he forms part of that faction. In an article published by Daily Malverick titled: *Fikile, do you remember the tears you shed over the Guptas?* (2017), Trevor Manuel argued that the term “white monopoly capital” was coined by Bell Pottinger on behalf of the Gupta family in the political discourse to serve their agenda. Manuel stated that “If you also took the trouble to read the Economics Resolutions of each ANC Conference since the 49th in 1994, you will not find the language of ‘White Monopoly Capital’ in any of them”. He went further saying that White Monopoly Capital is a term that it is used to distract the nation from the Gupta dealings and their patronage network (Manuel, 2017).

In response letter or an article by Fikile Mbalula to Trevor Manuel titled: *Trevor, Ithi Awazi* (2017), Mbalula said “Nelson Mandela’s own lips uttered the words “white monopoly capital” or “minority capital” more than I can count. Mandela embodied the ANC lexicon and Manuel has never been the authority on ANC policy; instead, he was always a spoiler”. Mbalula went on to say that Trevor Manuel shares the same ideology with Anton Rupert’s son Johan Rupert who accumulated his wealth through secret Afrikaner organization called Broerdebond that chose presidents and ministers from the National Party. “It is a fact that the Manuel-Ramos clan (referring to Trevor Manuel and Maria Ramos relationship) has amassed great wealth. This family business clearly started at Treasury and has worked itself at the financial institutions of this country” said Mbalula. In his letter, Mbalula stipulated that banks and Ruperts got richer under his watch by awarding tenders to his friends and through his neo-liberal stance, his current employers (referring to the Rothschild family) got richer. According to Mbalula, he Gupta family did not create the inequalities in South Africa, but Manuel sold policies of appeasing the very white monopoly capital he today defends so passionately. “I will not be drawn into the issues around the Gupta family except to reiterate that capitalists like them and Manuel do all sort of things we cannot agree with. This includes Manuel’s wife’s visit on (sic) the ANC in December 2015 to demand who their preferred Minister of Finance is. The Chamber of Mines does the same over the Minister of Mineral Resources. I have called for regulation of lobbyist like the Guptas, Manuel’s wife, Chamber of Mines, Bankers, and others like them” said Mbalula (Mbalula, 2017).

According to media reports, it is alleged that Johan Rupert flown from London to South Africa amid the removal of Nene as the Minister of Finance. This was due to Rupert's disapproval of David Van Rooyen as the finance minister. It is alleged that powerful business community including Trevor Manuel, Maria Ramos and Cyril Ramaphosa attended the meeting in 2015 December to oppose the appointment of Van Rooyen as the Minister of Finance. The meeting between President Ramaphosa and Rupert was pointed out by former President Zuma during the National Executive meeting. It is alleged that Zuma within the ANC there are people who are influenced by businesses. He further said that there was an individual who had engaged with Rupert, and he was instructed to oppose the appointment of Van Rooyen as the finance minister (News24, 2016).

Tito Mboweni (who was to become the first Minister of Labour in Mandela's cabinet, then from 1999 became Reserve Bank Governor until 2009; currently international advisor for Goldman Sachs International). Mboweni also formed part of the TEC subcommittee. All above-mentioned individuals formed part of the TEC subcommittee and they were chosen to achieve the same goals, which is protecting the economic interests of WMC in the post-apartheid. People like Fuzile Lungisa, former director of National Treasury, former deputy Minister of Finance Jonas Mcebisi and Siphos Pityana are also epitome of gatekeepers of WMC. Mcebisi after telling the country that Gupta family handpicked and offer him the position of Minister of Finance, he went to join the MTN group as the Board chairperson. Fuzile also went on to join Standard Bank as the group chief executive officer (CEO). Many officials who work for the National Treasury are absorbed by corporate SA when they leave government. Former Finance Minister Van Rooyen responded generally to Fuzile's allegations at the commission of inquiry into the alleged state capture, claiming Fuzile's version was a political lie spurred by those resistant to change in the National Treasury. Van Rooyen emphasized on why did Fuzile go and join Standard Bank group, he believed that those who push resistant to the restructuring of SOEs and other government department get rewarded with high rank positions in the private sectors (Bates, 2020).

President Cyril Ramaphosa have shares in Standard Bank and MTN group, and he also held positions in the mentioned above-mentioned groups. This cement the notion that Ramaphosa has been witch-hunting Jacob Zuma since in the 1990s,

those who acted against Jacob Zuma were awarded with strategic positions in companies he owned (My Broadband, 2021). Ramaphosa was elected General-Secretary of the ANC in July 1991 and became the head of the negotiation's commissions of the ANC at the Convention for a Democratic South Africa. Mckenzie (2017) stipulated that following the unbanning of political parties, Jacob Zuma was one of the first comrade to enter the county and upon his arrival he was handed a file with CIA logo but that did not come as a surprise because he saw many others prior the one titled "*Kill Zuma By Any Means Necessary*". And he was not targeted alone, even the late Chris Hani was the target of the Apartheid regime agents and he warned Hani to be cautious and never go around without his bodyguards. According to Mckenzie (2017), there was no need for Jacob Zuma to be shot to be removed in the picture, all was required was a man called Cyril Ramaphosa. After 1974 students protests led by Cyril Ramaphosa and his companions he was arrest and released after 11 months. During his release he was recruited by Harry Oppenheimer, Anton Rupert and Clive Menell into the Urban Foundation and they paid for his educational feels (Mckenzie, 2017).

Business, particularly those represented by the Oppenheimer, Menell and Rupert families, also was not comfortable with the idea of Mbeki and Zuma at the negotiating table. They had no leverage over or relationship with either of these men, and their biggest fear was that they were going to lose everything at the upcoming talks. They needed someone more pliable, who seemed credible but who wouldn't upset the status quo, and who they could later reward (Mckenzie, 2017). Siphos Pityana, the leader of "Zuma must Fall" movement also falls under the same patronage that sabotaged Jacob Zuma's presidency. He is one of the individuals who benefited from the Black Economic Empowerments (BEE) as the guardian of WMC economic interests. Siphos Pityana is part of a faction that has beneficiaries of CODESA, who still hold directorship mining companies, banks and other white monopoly capital entities - basically the people still with the original state captors.

The other faction, led by Jacob Zuma, is Brazil, Russia, India, China, and South Africa (BRICS) faction. Now the BRICS is a break away from white monopoly capital (your South African white companies and western companies) to making dealings with the Chinese, Indians, Russians. Zuma started to make this shift from the west when he came into presidency.

5.3.2. Steinhoff Saga: An epitome of WMC corruption

The example that the white monopoly has captured the state could be the Steinhoff scandal. The fundamental question posed by Mdluli (2017) is what are the differences between what Steinhoff's Chief Executive Officer (CEO) has done in contrast to what the Guptas has been accused of? Steinhoff's losses total R216 billion in 48 hours more than Guptas accused of plundering in 10 years. An investigation by PricewaterhouseCoopers (PWC) found that the payer recorded \$ 7.4 billion in fraudulent during fiscal years 2009 and 2017 (Motsoeneng and Rumney, 2019). Nobody was arrested or attacked for the Steinhoff saga; this indicate that the attack on the Gupta family had less to do with arresting and combating corruptions. The level of respond by media outlets after the saga, was not influential to the people of South Africa same way it was when the Guptas were accused of corruption. The Steinhoff saga is equivalent to 50 Nkandla homesteads, but the matter slipped away.

Question that should be posed is, why Markus Jooste of Steinhoff never held accountable? Markus Jooste is part of the white monopoly capital also known as the *Stellenbosch Mafia*. Shortly after the spectacular crash of the opaque behemoth Steinhoff in December 2017, the Mafia was described in City Press as '*the Afrikaner-industrial complex*', which included Johan Rupert, Jannie Durand (CEO of Remgro), Dr Edwin Hertzog (Mediclinic International), Jannie Mouton (PSG), Christo Wiese and Whitey Basson (Shoprite and Pepkor), and Steinhoff CEO Markus Jooste. Jan Mahlangu, trade-union federation Cosatu's coordinator for pension funds and a trustee of the Government Employees Pension Fund, said in the aftermath of the Steinhoff crash that it represented 'corruption at its worst and that the federation declared that it wanted 'the criminals responsible to be prosecuted and their assets seized. These so-called irregularities are nothing, but naked corruption and they are proof that the South African private sector is rotten to the core (Du Toit, 2018).

According to Du Toit (2018):

"The term 'Stellenbosch Mafia' has been part of the South African political and economic lexicon for more than a decade, and, although nobody seriously believes that the grouping exists formally, it cannot be denied that there are networks and back channels among the Boland-based businessmen. A former employee of a Steinhoff subsidiary described the Mafia in as far as it

refers to Steinhoff, as a group of Stellenbosch University graduates and friends who instilled a 'domineering, patriarchal, misogynist and racist culture in which no human emotion was spared when it came to those all-powerful aphrodisiacs: profit and money"

According to Hadebe (2021), "companies such as corporate skulduggery heroes Steinhoff and Sasol as well as many others that have gone under due to negligence and excessive graft..... Instead of making the executives and boards to face the music for their misdemeanors, they receive bailouts from the PIC". Then the Guptas receives R600+ million from Eskom as prepayment to manage to revive the Optimum coal and the whole country including the mainstream media made lot of noise about it, the battle is not about the fighting the corruption but wanting to flush out the Guptas out of the economy. Masemola (2021) assert that in Steinhoff saga, billions of investments belonging to taxpayers was lost and Jooste Markus never held accountable for his fraud. Just like the Gupta family, Steinhoff saga equates to state capture. He also said that corporate meltdown such as Steinhoff deserves prosecution (Masemola, 2021).

5.4. Conclusion

Emerging from the above, the influence of WMC in the post-Apartheid South Africa have been controversial. Businesspeople like Johan Rupert, the face of WMC and Trevor Manuel has denied the existence of WMC, citing that the phrase was developed by the Gupta family and their PR company Bell Pottinger to divert their attention from looting. Nelson Mandela acknowledged the existence and power of influence the WMC had but surprisingly in the post-apartheid and during the CODESA negotiations he turn a blind eye and decided to accommodate them. He spoke about the nationalisation of mines and unbundling of the conglomerates that were owned by the white minority, but he changed his tune prior 1994 elections and designed a TEC subcommittee that hijacked the country's economic policies and chose neo-liberal policies. The transitional economic policies were influenced by white minority businesses. The TEC subcommittee became the safeguards of the WMC in the new democratic South Africa, playing a pivotal role in shaping the current political and economic climate of the country. Some of them benefitted handsomely from the Black Economic Empowerment (BEE) and awarded shares in the white establishments.

Chapter 6: South African state capture: A Political Manoeuvring or an economic contestation?

6.1. Introduction

This chapter seeks to purely understand the relationship between government officials and businesses that sought to create the exaggeration of the state capture narrative in South Africa. The chapter gives special focus on the SOEs namely such as the South African Airways (SAA), Eskom and in the mining industry to examine whether or not the state capture narrative is exaggerated by those in competition to monopolise the economy (SOEs) or not (the Gupta family and White-owned businesses).

6.2. Corruption as political weapon against the opponents

There has been controversy around the route that led to the 2007 ANC conference that we saw Jacob Zuma emerged as the president of both ANC and the country as whole. Prior 2007 conference, there have obstacle against Jacob Zuma to emerge as the president. Jacob Zuma was caught up in a controversial arm deal case of which he was accused of receiving bribes from Schabir Shaik to secure the deal for a France company Thales. When Schabir Shaik was prosecuted on charges on charges of Fraud and corruption in 2005, Jacob Zuma was also charged for receiving bribes and improper influence in the arms deal. Jacob Zuma's supporters accused the NPA of playing political battle to derail him (Jacob Zuma) from emerging as the next president of the ANC and challenging former president Thabo Mbeki. In 2005, Thabo Mbeki dismissed Jacob Zuma as the deputy president since the corruption charges were gaining momentum in South African politics. In 2008 after he beat Thabo Mbeki at the 2007 ANC 52nd conference, he was again charged with corruption and racketeering. It did not take time the charges be dropped once again before 2009 presidential elections NPA citing that they were politically motivated as

they received the spy tapes and in 2018 when he was receiving an amount of pressure to resign as the president of South Africa, the NPA reinstated the charges against him few weeks after he was recalled from the office (Schwikowski, 2018).

Speaking in an interview with Xoli Mngambi on Newsfeed AM at Newzroom Afrika, Former National Director of Public Prosecution (NDPP), Bulelani Ngcuka stated that he could not prosecute Jacob Zuma because there was not enough evidence to prosecute him. The evidence that was available could not directly link to Jacob Zuma, it was Prima Facie evidence which consisted of letters that contained Jacob Zuma's name, but they were not written by him. According to Ngcuka, the case against Jacob Zuma was not winnable during his tenure. The National Prosecuting Authority (NPA) has added more charges that Shabir Shaik did not have such as racketeering in Jacob Zuma's charge sheet. There has been no consistency towards the case against the Jacob Zuma. The arms deal charges were dropped before the 2009 presidential elections due to the spy tapes (Newsroom Afrika, 2020).

Jacob Zuma accused a faction within the ANC plotting with opposition parties to remove him as the president of South Africa before his term ended. The inter-ministerial committee that was part of the deal are all clean, except Jacob Zuma who was not even part of the acquisition inter-ministerial committee. Jacob Zuma lawyers suggested that they might call former president Thabo Mbeki to stand as witness to demonstrate whether the arms deal was plagued by corruption or not. Thabo Mbeki chaired the cabinet committee that was involved in the deal and in which they also approved the purchase of the arms deal but he was never accused of benefitting from the deal along with the entire committee (Feinstein, 2007). According to Thabo Mbeki at the Arms Procurement Commission, added that "There is absolutely no evidence of bribery in terms of people involved in the processing of the acquisition," and this statement was supported by former minister defense Mosiuoa Lekota, former minister of finance Trevor Manuel, and former minister of public enterprises Alec Erwin (Alfreds, 2014).

A former Students leader Kamvelihle Goba, in a tweet, he said the fight against Jacob Zuma is not corruption, just like Lula da Silva in Brazil, it's a policy fight (Baloyi, 2021). Lula da Silva was a leftist and served as the president of Brazil from 2003 up to till 2010. De Silva was imprisoned in 2018 in charges of corruption, but the

conviction was later overturned by Supreme Court of Appeal, after serving 18 months in prison. Former president of Brazil De Silva was accused of receiving bribes and in return for government contracts. The charges were connected to \$1.1 million worth of bribes received from OAS. In return, da Silva helped the builder acquire contracts from the oil company (Caitlin Hu & Reverdosa, 2020). Lula always maintained his innocence and argued the case against him was politically motivated. Before he was convicted, he was campaigning for presidential elections in which the Polls showed that Lula was leading in presidential election, but the conviction removed him from the race, giving Bolsonaro a clear run. After his release, he stated that “they did not imprison a man; they tried to kill an idea” (Phillips, 2019).

Lula ‘s release from the prison was made possible by an investigative website called Intercept Brazil that made revelations that the Judge jailed him, Sergio Moro had conspired with prosecutors that were involved in the Operation Car Wash and imprisoned him (Lula) along powerful businessmen in Brazil and politicians from his Worker’s party (Phillips, 2019). Lula’s first term delivered impressive progress on alleviating poverty, social spending and environmental controls. No Lula’s predecessor Party administrations came close to achieve what Lula has achieved (Watts, 2017). Similarly, to Jacob Zuma’s 9 years, he provided service delivery more than his predecessors and call upon the youth to participate in the economy because politically power is meaningless without economy power (South African Government, 2018).

Apartheid leader FW De Klerk welcomed the suspension of the secretary of the ANC Ace Magashule. Ever since Ramaphosa became the president of ANC and the Republic, opposition parties mostly the Right-wings such as Democratic Alliance (DA), have been meddling in the ANC internal affairs (Madia, 2020). Magashule has been portrayed or praised as the most powerful figure within the ANC that can challenge President Ramaphosa for presidency. Magashule was suspended as part of the ANC “step aside policy”, which stipulated that ANC officials who are facing serious corruption charges should be relieved from the duties within the organisation (Baloyi, 2021). What is transpiring within the ANC is factional battle between Jacob Zuma faction and Cyril Ramaphosa faction. The ANC under Cyril Ramaphosa became vocal about the step aside rule just after Magashule was charged for corruption, theft and money laundering for Abestos roofing, in which Magashule

stated that he is charged for the lack of oversight since he did not benefit from the corruption and maintained that he is innocent. He added that his charges are politically motivated, and this is a punishment for belonging to the Nkosazana Dlamini Zuma (NDZ) camp during the Nasrec conference in 2017 (Ndaba, 2021).

In an affidavit submitted to the Gauteng High Court to challenge his suspension as the secretary general of the ANC, he said the motive behind his suspension is to pave a way for the CR-17 faction making sure that Ramaphosa is re-elected as the party leader in the next conference that is likely to take place in 2022. Magashule argues that the rival factions within the ANC are defined by the deep-seated ideological divisions in which the Ramaphosa faction opted for a reformist and tentative approach to transformation, with too much emphasis on appeasing investors, ratings agencies and local big business, which remains white-dominated and other hand, the Magashule faction which consisted of NDZ, whom lost to Ramaphosa in 2017 ANC elective conference advocates for the RET policies that seek to advance the interests of historically marginalised and poor black people (Ndaba, 2021).

Nelson Mandela Bay councillor Andile Lungisa Publicly attacked Cyril Ramaphosa for smear campaigning against Jacob Zuma. He also wrote to the ANC top six to deal with the Cyril Ramaphosa campaign funds bank statements because it believed that some Judges were in the payroll of CR campaign funds (Deklerk, 2020). In addition, Andile Lungisa's past began to catch up with him; in 2020 he was sentenced 2 years for smashing a Democratic Alliance (DA) member in 2016 at a council meeting (Bhengu, 2020). Ever since the Ramaphosa became the president, his detractors have been met with charges From National Prosecuting Authority (NPA) or their past resurfaces to the public. Former DA leader Mmusi Maimane immediately after exposing Ramaphosa on Bosasa, then emanated his political downfall within the DA and they exposed him on who is funding his lifestyle (Madisa, 2019).

6.3. Jacob Zuma versus the White monopoly Capital (WMC)

In 2016 Julius Malema, the leader of Economic Freedom Fighter (EFF) at the University of Pretoria's Mamelodi Campus told the large crowd of students that WMC was the biggest impediment to justice in South Africa and pointed at the Rupert and

the Oppenheimer as the faces of WMC and the enemy of Black people (Ngoepe, 2016). The Gupta family have been accused of ensuing racial tension between black and white people using the United Kingdom (UK) based Public Relation Company named as Bell Pottinger. Bell Pottinger is reported to have conceived and executed a campaign that included slogans such as “white monopoly capital” being thrust into the public discourse, setting up fake Twitter accounts (Magwenya, 2017)

In 2018, Johan Rupert in an interview with Pieter du Toit, the author of the book titled *Stellenbosch Mafia: Inside the Billionaire’s Club (2019)*, Rupert said that:

“Jacob Zuma drove a campaign against me because he could not control me. He did everything to get dirt on me, got people to watch me, investigators overseas, set up immigration officials against me, South African Revenue Service (SARS), the Hawks, the National Prosecuting Authority (NPA) ... all of them looked at my affairs. What can they do to me? Nothing”.

The latter statement is contradicting the fact that notorious businessmen called Guptas controlled Jacob Zuma. Why would Jacob Zuma want to control Johan Rupert whereas the state capture whistle-blowers at the commission said the Guptas influence him in decision making? It is in the nature of political economy for businessmen to control the politicians, not the other way around. What would have Jacob Zuma gained from controlling the captain of the industry which is Johan Rupert and his allies? It is always the businesses seeking to dictate politicians through their economic power to influence decision making to achieve their desired interests (Du Toit, 2019).

Former President Jacob Zuma appearing at the commission, mentioned that the former Minister of transport Fikile Mbalula once attended a function at the farm of Johan Rupert’s, and they (Rupert and his friends) told Mbalula that they will collapse the country's economy if Jacob Zuma fired former finance minister Pravin Gordhan. Jacob Zuma added that Rupert told this to Fikile Mbalula and asked him to pass the message to the former president as a warning. Jacob Zuma further said that “Indeed they did interfere with the rand,” telling the commission that one person this year admitted to this referring to Maria Ramos the former Chief Executive officer of Absa (Ngcobo, 2019). Johan Rupert was a friend of FW de Klerk, and they were in contact

while he was president. He also had a close relationship with Nelson Mandela, whom he revered as a father figure. Johan Rupert formed relationship with all the former presidents but never had a good relationship with former president Jacob Zuma (Du Toit, 2019).

When Jacob Zuma dismissed his Minister of Finance, Nhlanhla Nene, in December 2015 and replaced him with David van Rooyen, the international markets reacted negatively on the Rand and end up weakening it (Pieter Du Toit, 2019). It is very peculiar that markets would react negatively on someone who have the necessary qualifications to hold the finance minister position. Van Rooyen holds a Master of Science in Finance (Economic Policy) from University of London, Master's Degree in Public Development and Management from Wits University, a Certificate in Investment and Portfolio Management and several short courses certificates (News24Wire, 2016). Contrary to Pravin Gordhan who is the darling of the financial institutions internationally and domestically possesses only a degree in Pharmacy (Mavuso, 2019).

South Africa's Competition Commission had found that more than one local and foreign banks they have been rigging and manipulating the currency. The investigation by competition Commission began in April 2015, the same year the Rand was said to be weakened by Jacob Zuma after firing Nene and Pravin Gordhan. ABSA is one of the 23 local and international financial institutions implicated in the colluding, rigging and manipulating of the currency. Former Barclays Africa Chief Executive Officer (CEO) Maria Ramos who is the wife of Trevor Manuel a close friend of Johan Rupert said she deeply regrets that the bank was involved in collusion, adding that those found to have acted in a manner that's inconsistent with the company's values, will be held accountable (Manyathela, 2017). The latter statement indicates that Jacob Zuma's claims that Johan Rupert threatened to collapse the economy could be true and sabotaged Jacob Zuma when he dismissed Pravin Gordhan and Nhlanhla Nene. In 2001, the South African rand shrunken and collapsed, R13.84 was equivalent to the US dollar from R7.60. Kevin Wakeford blew the whistle and accused three big corporates and one global bank of being involved in the manipulation of the currency markets (Rossouw 2011).

The Chase Bank was also found by the South African Competition Commission as one of the 23 banks of fixing the rand-dollar exchange rates. This is the bank Johan Rupert worked when he first moved to the United States of America (USA). Rupert headed off to New York after being offered a position at Chase Manhattan Bank, where his father's friend David Rockefeller was the proprietor. He later worked at the financial advisory firm of Lazard Frères before he returned to Johannesburg in 1979 where he helped found Rand Merchant Bank (Du Toit, 2019). Johann Rupert's father created a wine brand called Rupert & Rothschild with the Rothschild family in France in 1997. The Rupert and Rothschild continue to flourish their relationship through wines production in the two decades of creation. Trevor Manuel, the husband of Maria Ramos joined the Rothschild in 2014 as a senior advisor to the group worldwide and deputy chairman of Rothschild in South Africa (McKenzie, 2017).

According to Shivambu (2017):

“The established white monopoly holds tremendous power over the economic direction of South Africa and has links with international capitalist interests in the country. The amount of power they have can destabilise the South African economy, weaken and effectively deprive South Africa of its currency in the same manner Zimbabwe was deprived of a worthwhile currency. Capitalist opposition to the Guptas' state capture is upon realisation that the Guptas can displace them from positions of influence and continued profit maximisation.”

Johan Rupert's patronage network and influence covers USA, Europe, Middle East and he is associated with powerful businesspeople and notorious politicians around the world. Most international corporations lay their trust on Johan Rupert's analysis on Investments in South Africa. Johan Rupert he is associated with the biggest various bankers and investors on Wall Street. According to his interview with Piet Du Toit, Johan Rupert mentioned that some of the international investors called him instead of analysts in Johannesburg or London if he should short the Rand because they would make lot of money from South Africa's misfortunes, but he replied by “No! Please do not do it” because of the love he has for South Africa. The latter statement above indicates that the shortening of Rand has been happening for a very long time, why would his friend from Seminole Country Club in Florida even think of shortening of Rand if he does not have the power to manipulate Rand? Rupert said

he does not control the currency, but he could do some damages if he wanted to and investors from United States (US) always call him about shortening of Rand, but he does not want (Du Toit, 2019).

Through Remgro's investments, Johan Rupert holds major interests in healthcare through Mediclinic, and banking and financial interests through its suite of investments in Rand Merchant Bank Holdings and FirstRand (FNB), as well as Rand Merchant Investments (Outsurance). With the kind of associates Johan Rupert has, he can wield influence over other financial institutions and sabotage former Jacob Zuma using his connections. The scandalous relationship between Jacob Zuma and the Gupta family created woes for the Gupta businesses in South Africa. The international and local banks, including well-known auditing firms they ended their business with the Gupta businesses in 2016. Auditing firms such as KMPG and financial institutions such as Barclays Africa's Absa bank and First National Bank (FNB), they publicised that they will cut their businesses with the Gupta owned Oakbay Investment (Cropley & Motsoeneng, 2016).

Julius Malema stated that "They control the judiciary, they control the economy, they control the land, they control the chain stores, they control the mines, and they control the banks". And then, just to emphasise the outsized influence of the Mafia, Malema added that "If the Stellenbosch boys do not want you to be anything, you will never become something in life" referring to the WMC (Uitgewers, 2018). In August 2015, an intelligence report called Spider Web was released outlining how the white cartels and banks in South Africa were aiming to capture the Treasury. At the forefront of the Spider Web conspiracy, it was Johan Rupert who had influence and led the white establishment to retain control of the Treasury. This intelligence report was leaked through Oakbay Investments owned by the Gupta family. Few individuals were implicated in the dossier such as the former Absa CEO Maria Ramos and her husband, former minister of finance Trevor Manuel as the key players with links between Treasury, foreign governments and white businesses (BusinessTech, 2016).

In 2015, immediately after Jacob Zuma just dismissed Nene as the finance minister, Johan Rupert endorsed public that "Zuma must go". This was during the time when Jacob Zuma held a caucus with ANC top 6, regarding Pravin Gordhan visit to

London. Jacob Zuma believed that there was a conspiracy in London to plot for Gordhan to return to the National Treasury (Du Toit, 2016). According to Black opinion (2016) cited in Shai (2017), The Guptas are powerful non-South Africans business family who share no patriotism with the local media or the dominating Western media. As a result, the current negative exaggeration reporting about the Gupta family's unethical activities is more motivated by jealousy of White-owned companies and their western-based international partners than by a desire to stop corruption (Shai, 2017).

In 2017, Jacob Zuma dismissed both Pravin Gordhan and Jonas Mcebisi when a report called "Project Checkmate" was produced. Pravin Gordhan and Jonas Mcebisi were in a business drive in London to meet with investors. The dossier "Project Checkmate" alleged that Gordhan and Mcebisi were going to meet and conspire against Jacob Zuma with international banks and business to oust him as the president of South Africa (Howes, 2017). It should be noted that, during Jacob Zuma's tenure, there was a change of foreign policy. Jacob Zuma introduced Brazil, Russia, India, China & South Africa (BRICS) and prioritized BRICS countries in doing business with them. He had more state visits to Russia and lambasted Bretton institutions (World Bank & International Monetary Fund) of exploiting African countries on national TV of Russia (Russia Today News Channel). He also added that the intentions of western countries or former colonisers were never to develop Africa (Smith, 2015). Historically, those who opposed or denied western countries entrance to access to mineral resources or other strategic interests were deposed from power through Coup but now times have changed, they turn you against your own people and media is the weapon used to peddle lies against you.

Even those who advanced Jacob Zuma's ideas of RET through BEE policies, for instance, Dudu Myeni refused to do business with international people who are associated with Johan Rupert for the sake of promoting and uplifting locally owned businesses for instances the Emirate airline deal. Myeni challenged the white executives' decisions to lease from foreign companies instead locally. Myeni's woes emerged when she declined the emirates airline to expand its frequency in South Africa (Black Opinion, 2020). Johan Rupert his network in middle East is very strong, even during the investment drive to raise \$100 million by President Cyril Ramaphosa they asked input from Rupert before they could depart to middle East where they

secured \$20 billion. Rupert stated that Cyril Ramaphosa administration will fail to make friends in the Middle East if they keep on lambasting United States (US), Britain and Israel. In other words, Jacob Zuma's vilification of the western countries and stand in solidarity with the Palestinians angered most leaders. Rupert is friendly with Mohammed bin Zayed Al Nahyan (known as MBZ), the crown prince of Abu Dhabi (known as MBZ) and one of the most influential leaders in the Middle East. Rupert also worried that President Ramaphosa was still neglecting his friends in the west, prioritising BRICS countries that Jacob Zuma also prioritized during his tenure (Du Toit, 2019).

6.4. The western plot and High Enrichment Uranium (HEU) on nuclear energy

The nuclear deal in South Africa gained attention immediately after the removal of former finance minister Nhlanhla Nene. Delivering the OR Tambo Memorial Lecture in Kagiso, Former President Jacob Zuma additionally mentioned that efforts to sink the plans to pursue nuclear energy are part of a western plot to control South Africa and geopolitical tussle for have an impact on in Africa is underway with South Africa being a key battleground (eNCA, 2017). To confirm former President Jacob Zuma's allegations of western plot to delay the nuclear energy deal, after his removal from the office the USA company offered South African government under President Cyril Ramaphosa to assist with the building nuclear energy in the country. The United States International Development Finance Corp had vowed to back up a US nuclear energy technology company called NuScale Power LLC to develop 2,500 megawatts of power in South Africa (Bloomberg, 2020). The government has already in consultations with suppliers for the nuclear reactors to provide 2500 megawatts of power in South Africa and this is part of implementing the Integrated Resource Plan (IRP) 2019-2030 (Bungane, 2020). Shai (2017:69) articulated that:

“The truth of the matter is that the apparent reorientation of the Pretoria's (administrative capital of South Africa) foreign policy from the West in favour of countries from the East is a development that cannot be overlooked by Euro-American business magnates and their local counterparts. If unabated,

this development has the potential to weaken the dominance of Euro-American countries and their control of global capital”.

The latter statement refers to the Jacob Zuma’s foreign policy during his reign. Former president Jacob Zuma developed a notion that a country to be a strong one, it must also focus on security measures to protect itself from other belligerent countries and imperialism. In this regard, Jacob Zuma resorted South African allegiance to the East (China & Russia), intensifying his relationship with the Russian Federation president Vladimir Putin. Jacob Zuma and Vladimir Putin, they met frequently on the side-lines of events for Brazil, Russia, India, China and South Africa (BRICS) group of emerging economies, which also included Brazil, India and China, and has become a strong geopolitical bloc in the international community with a policy of counterbalancing Western power. Since from Apartheid, the western countries had strong ties with South Africa until Jacob Zuma emerged as the president in 2009. Before leaving in Russia during his visit in 2015 August, Jacob Zuma gave an interview to a Russian state media in which he sharply criticized Western countries in Africa, stating that “their intention has never been to make the former colonial countries develop” (Smith, 2015).

South Africa’s foreign policy under Jacob Zuma had shifted away from an appeal to Western powers towards the establishment of new friendships in the Global South, especially with Asia and Latin America. The favouring of Brazil, Russia, India, China and South Africa (BRICS) partnership and a rising tone of anti-Western sentiments have increasingly been evidenced of South Africa shift in economic-diplomatic strategy (Neethling, 2017). The establishment of BRICS and intensifying South Africa’s relationship with BRICS countries was a threat to United States (US) hegemony in the Southern Africa. Based on the history between the US and Russia during cold war, South Africa’s pledge of allegiance was in the west but that changed under Jacob Zuma. In 2011 and again in 2013, President Barack Obama wrote letters to former President Jacob Zuma asking him to relinquish the country’s highly enriched uranium (HEU), to blend it down to low-enriched uranium (LEU), or to transfer it to the United States (US) in exchange for \$5 million worth of LEU but former President Zuma refused the offer while building strong ties with Russia (Gottesman, 2015).

Probably the western countries believed that Jacob Zuma's decision were influenced by the BRICS countries, which are the biggest opposition of the western imperialism. During the 6th BRICS Summit in Brazil in 2014, Vladimir Putin has offered to assist South Africa in building its nuclear energy capacity as the country grapples with its power and Putin also mentioned that Russian helicopters operating in Africa will be serviced in South Africa. Former president Jacob Zuma and Vladimir Putin further discussed the Ukraine crisis and the Israeli-Palestine conflict during the summit (The BRICS Post, 2014). During a Seoul nuclear security summit in 2012, former President Jacob Zuma stated that South Africa is not required to limit itself in the enrichment level of the uranium it uses in its nuclear program if the purpose is peaceful despite the US restrictions. In a speech at the Seoul nuclear security summit, Jacob Zuma declared South Africa's right to "the enrichment of uranium for peaceful purposes only, irrespective of the enrichment level" (Kelsey, 2012).

After the attempt of South Africa to develop a nuclear energy with Russia fail, Jacob Zuma alleged that the western countries were behind the plot of hindering the nuclear energy and it could be possible by looking at the western countries' relationship with him (former president Jacob Zuma). Former president Jacob Zuma prioritized Russian companies in leading all nuclear energy programmes in South Africa without any inclusion of western countries. African state leaders that previously opposed western ideologies or threatened their strategic interests in certain regions were met with coups which mostly are believed to be carried out by western countries notably the United States and North Atlantic Treaty Organisation (NATO). According to Johan Rupert (referred as the leader of MWC) during an interview with Pieter Du Toit, the author of the book titled *Stellenbosch Mafia: Inside the Billionaire's Club* (2019), he said that in July 2018 the British High Commissioner to South Africa, Nigel Casey, and the American Chief of Mission, Jessye Lapenn came to see him at his home because they were not getting any attention from the ANC led government. During the interview he further said he knew what was happening, even though Jacob Zuma was removed as the president, Cyril Ramaphosa was still avoiding his friends in the West and prioritising the East (BRICS) where former president Jacob Zuma pledged his allegiance to (Du Toit, 2019).

In 2010, a Russian state-owned company called Techsnabexport that deals with nuclear fuel Cycle Company signed a long-term agreement to supply enriched uranium to South Africa following trade talks between former Russian president Dmitry Medvedev and former president of South Africa Jacob Zuma in Moscow. The deal with Techsnabexport was designated for a period of 10-years agreement between and South African state utility Eskom which is owning Koeberg nuclear power plant. According to Rosatom, a Russian state-owned company said that the uranium agreement will allow Russia to hold 45 percent of the South African market for enriched uranium by 2018 (Dalton, 2010). Historically the US has been at the forefront for assisting South Africa in nuclear related operations. In 1957, during the era of President Dwight D. Eisenhower's "Atoms for Peace" program, the US agreed to share a nuclear research reactor with South African apartheid government and provide fuel for its use (Atomic Heritage Foundation, 2018). Under Ramaphosa's administration, US-based construction company Jacobs has been chosen for a R20 billion (\$1.2billion) programme to extend the operating life of the Koeberg nuclear power station near Cape Town, South Africa, this shows that Jacob Zuma was an obstruct for western countries to do business with South Africa preferring Eastern countries (Power Technology, 2021).

6.5. The Gupta family businesses in South Africa

According to the Guptas spokesperson Gary Naidoo, "It is only when the Gupta family started entering into sectors of industry that were predominantly controlled by monopolies that we see an attack on the family" (Techcentral, 2016). In the early 2000s, the Gupta family first won their government tender to establish computer laboratories in public schools. Shortly after that the Guptas went on obtaining an information technology company that was struggling and this is the establishment that assisted the family to become one of the largest computer providers in South Africa. In addition, the Gupta family went into other business ventures such as purchasing of the Uranium mine, steel manufacturer and other businesses that led them to secure tenders in government departments. According to Mr Spicer, a former executive of Anglo America, he stated that during the time first made their strives into businesses, Ajay Gupta had the privilege to join the advisory group that

was set up by the Oppenheimers' foundation and by that time he also had a private Jet plane with eight-seat walker (Norimitsu and Gebrekidan, 2018).

6.6. Jacob Zuma's special project: Economic Transformation

Former president Jacob Zuma as the face of RET; was accused of attacking and challenging the economic status quo of White Monopoly Capital (WMC). The core idea behind RET is that the spending of SOEs must immensely benefit the historically disadvantaged black entrepreneurs, which will be a bold move to defeat the dominance of WMC and advance the Black Nationalist cause. The Jacob Zuma administration learned that the existing procurement policies or budgetary allocations hinder the creation of black industrialists' and financiers in the mainstream of the economy, particularly in the SOEs. Chipkin (2017) demonstrated that Jacob Zuma's victory on the 2007 conference at Polokwane paved a way for the Jacob Zuma faction that is associated with the RET policies and rules of the game were broken to accommodate other classes that were historically marginalized.

The Black Economic Empowerment (BEE) project dates back in the 1990s during the former president Thabo Mbeki tenure. The difference between Jacob Zuma and Thabo Mbeki tenures is that, under Zuma BEE was given another phrase which is RET and the transformation moved in a fast pace. BEE it is a government policy that seeks to address the injustices of the past inflicted on black people and enhance the participation of black people in the mainstream economy. The project of restructuring the economy commenced under Thabo Mbeki. In the 1990s, Thabo began to change his allies and Atul Gupta was one of them. Former president Nelson Mandela, who had supported nationalisation of the economy, endorsed pro-business policies for instance, lowering of corporate tax rate, dropping crucial exchange controls and casualising the labour market (Bond, 2020). But after Thabo Mbeki became the president of South Africa, he reduced the power of white businesses and creating economic empowerment forums. Ajay Gupta also became part of the black economic empowerment forum which was meant to counter white dominance in the economy. That's how the Gupta family aroused in the South African economy (Norimitsu & Gebrekidan, 2018).

The BEE policy under RET initiative was designed as a camouflage tool in challenging WMC businesses. Under former president Thabo Mbeki, was only about

creating black bourgeoisies that aimed at deracialising of the economy and inclusion of the majority of black people to benefit from the same economy (Macdonald 2004: 648). Under Jacob Zuma the RET did not simply mean creating black-owned small and medium-sized enterprises. Instead, it meant controlling the heights of the economy. In efforts to intensify the RET agenda, the Jacob Zuma cabinet approved the Preferential Procurement Regulation which was associated to the Broad-Based Black Economic Empowerment (B-BBEE) Act in December 2011. The government spent more than R200 billion as part of the BEE policy in the State-owned enterprises (SOE) between 2010 and 2011. Eskom and Transnet became major spenders and made up two-thirds of total procurement expenditure (Swilling, 2017). Jacob Zuma's victory on the 2009's presidential election outcomes established an environment that arose the preferential procurement in the SOEs as the primary vehicle for establishing powerful black business class (Bhorat and Chipkin, 2017).

Jacob Zuma addressing business community in 2015, after he just reshuffled cabinet and sacked Nhlanhla Nene and appointed David Van Rooyen as Minister of Finance, he spoke about the importance of black people owning the economy in politics. During the address, he said political freedom without economic power is futile because you can have your political freedom, but those who have economic power will run you with your political power. Political and economic power, we cannot separate these two. He further said those who have economic power got the power to influence; they have got the power to do everything. Jacob Zuma told the business community that we need to use our political power to fight for economic power because right now we have political power driven by those who have economic power. He gave an example to the coup 'detat that were carried out in Africa, he said that there was a time in Africa where coup became fashionable. If they did not like a particular leader or say something that threatens their stability in Africa they kill or get you arrested, and this agenda was driven by those who have economic power (SABC News, 2015).

In one of the RET initiatives that might have angered big business in 2017, Jacob Zuma's administration approved an innovative guideline compelling big contractor to share at least 30 per cent of work with black-owned businesses and this was carried out as part of the RET initiative. In 2014, Jacob Zuma's cabinet also established the Department of Small Businesses Development, placing small businesses and

cooperatives at the centre of economic growth and job creation, with particular on the historically disadvantaged people and groups. All the efforts were carried out as RET initiative aiming at promoting local industrial development, Build Township, growing small enterprises and rural economies (South African Government, 2018). Under Jacob Zuma rules of the game were broken, existing policies or the legislatives and constitution prohibit the discrimination of awarding opportunities based on race or colour. Jacob Zuma took that route and prioritise black-owned companies displacing white-owned companies in the SOEs (Madonsela, 2018).

6.6.1. South African Airways (SAA)

Dudu Myeni the former Director of SAA and Jacob Zuma have been accused by SAA Pilots Association (SAAPA) Organisation Undoing Tax Abuse (OUTA) for sinking the airline and creating financial woes. The failure of SAA to generate profit has been blamed on Dudu Myeni (Ndaba, 2020). When Dudu Myeni became the Director of SAA, the state entity was already having financial problems that date back to the 1990s. The Guptas and former President were just scapegoat for the corruption that was transpiring within the SAA. Dudu Myeni was maligned, crucified, and a vilified by media outlets for questioning and for wanting to restructure the SAA which was dominated by white-owned companies (Black Opinion, 2020). Mpho Moikangoa, the secretary-general of South African Cabin Crew Association (SACCA) alleged that Pravin Gordhan as the Minister of Public Enterprises, SAAPA and OUTA were alliances working against Myeni to be declared a delinquent. Moikangoa further said was certain and clear about policies of transformation in the airline (Zulu, 2020).

In 1998, Saki Macozoma appointed Coleman Andrews an American consultant because he was convinced that he would turn around SAA. Andrew Colesman appointed his own company Bain & Company to do the work (De Wet, 2017). Colesman received an amount of R232 million tax-free payments for his service at the SAA, whereas he also failed to endorse to the board that the company was used as the business rescue belonged to him and his wife (BusinessTech, 2017). Mpho Moikangoa reportedly said that Myeni was being blamed for the challenges at SAA even though a lot of money was lost during the tenures of former chairs Andrew Coleman, Saki Macozoma and Cheryl Carolus. SACCA further said Myeni she's

been used as a scapegoat for the past failures at SAA (The Citizen, 2019). The Myeni's tenure at the SAA was marked by a board that inherited a balance sheet that was not healthy, and she added that steps were being taken to "remedy the situation" (News24wire, 2016).

A judicial commission of Inquiry to probe into the allegations of corruption and anti-transformation the SAA was called by the ANC Women's League (ANCWL). According to the commission findings, only white-owned suppliers were major beneficiaries of tenders at SAA. Only 2% of the R24 billions of annual procurement expenditure is spent on black suppliers whereas the rest goes to white-owned companies. The report further claimed that pilots who have retired or resigned from the state owned airline are still receiving benefits even though they are employed by other airlines and this is due to an agreement between SAA and evergreen agreement signed in the 1990s. Dudu Myeni career woes in the SAA emerged when she demanded a transformation and restructuring of the SAA (BusinessTech, 2017)

Myeni commissioned 14 forensic investigations through firms such as Edward Nathan Sonnenberg and Ernst & Young. According to Myeni, the forensic reports were presented to parliament and National Treasury, but none were ever acted on. The reports have been suppressed in the public domain despite there is full knowledge of their existence (Black Opinion, 2020). She also carried out several disciplinary processes against various executives that had been implicated but were blocked in various ways when we tried to take steps against certain white-owned companies that were implicated in unlawful contracts at SAA. One of the forensic reports was done by ENSafrica Forensics ("ENS") with Sekela Xabiso, a black-owned professional financial consulting firm. The report shows uncovered a widespread corruption implicating white-owned service providers to SAA. The total cost of these corrupt activities for the period under review runs close to R2 billion. The attack on Myeni was less motivated to her close relationship with the Guptas and former president Jacob Zuma, her uncovering of corruption and trying to restructure the SAA was seeing as a threat to the corrupt white cartels' service providers within the SAA (Black Opinion, 2020).

In her letter to the parliamentary standing committee, Myeni mentioned that "during our tenure, we resolved to commission an investigation into financial losses of SAA.

This has been the most successful intervention, as it has unearthed a lot of historical corruption". She further demonstrated on number of contracts in the SAA that date back to 1993, they never get advertised to invite new bidders, and create a competitive market for transformation, and in other they are monopolized. According to Myeni, the SAAPA has defied attempts to restructure the pilots' unprecedented evergreen contracts that are the cause for SAA's financial woes. The pilots are said to be costing the stated-owned airline R600 million per year for the retired or resigned pilots' benefits. According to a financial report presented to the parliament on 20th September 2016, the SAA constituted an enormous chunk loss as a result of the excessive benefits of resigned and retired pilots. Despite all the proof presented to the authorities, they turned a blind eye on the allegations (Myeni, 2016).

The Hawks and the National Prosecuting Authority (NPA) cleared Dudu Myeni, they were presented with an investigative report from a French investigative body that probed into the corruption and competition at the SAA. The report had cleared the former director of SAA board Dudu Myeni and implicated Coleman Andrews as the one should be held accountable for the airline's financial woes. The dossier also verified Myeni's statement that she presented to the parliament's standing committee of public accounts (SCOPA) in which she outlines how Coleman had sold the SAA fleet to a German and Australian companies and rent them back with an inflated fee. Dudu Myeni in her statement after she was cleared by the authorities, she said "I am grateful that this document is with Hawks, but these facts are not new to me. I have told parliament and the entire South Africa of the rot I found and cleaned up at SAA, but nothing was done. Instead, some leaders pointed fingers at me for talking (Danker, 2018)."

In a statement lobby group, Black Caucus applauded Myeni saying: "It's becoming clearer that state capture is as old as South Africa and those who captured the state were handsomely rewarded. We applaud Myeni's attempt to awake us from our sleep even when she was viciously attacked for it" (Danker, 2018). In 2016, Dudu Myeni speaking at a public meeting in Kempton Park she mentioned that transformation remains a thorny issue at SAA and though she was pleased with some of the progress achieved by SAA under her leadership she still had serious concerns over transformation. She stated that: "I am not very pleased with the current percentage in terms of transformation, part of what has sat uncomfortably

and created a lot of umbrage to several people is that I had said out of R24 billions, can't we then give 30% to the youth of this country, to military veterans, women and people with disabilities, it created a lot of hatred. Partly one of the reasons why I am being attacked" (Madia, 2016)

In her letter responding to the allegations made by The Guardian published by Black Opinion (2020), she stated that she's been attacked and taking to court to be declared a delinquent director for demanding transformation and challenging white executives' decisions at the SAA who were encouraging the airline to continue with foreign leases. Myeni insisted that all SAA leasing be done locally instead of relying on foreign companies. According to Myeni, the biggest mistake was questioning of Evergreen when all contracts SOE's are governed by the Public Finance Management Act and challenging of the executives to change the situation of black-owned companies only making up 1.7% of SAA's procurement expenditure (Black Opinion, 2020). Dudu Myeni demonstrated that she's been labelled incompetent because R24-billion must benefit black South Africans and that she has seen the reason why the airline was losing money (News24wire, 2016).

6.6.2. Eskom and the Mining Industry

Historically, the mining industry was mainly dominated by white businesses conglomerates. In the 1990s, the South African mining industry was mainly dominated by six mining corporate that enjoyed monopoly over the mining rights and resources. All the six mining industries had their offices based at Johannesburg and the primary listings were at Johannesburg Stock Exchange (JSE) (Robinson, 2016). During Jacob Zuma's presidential tenure, the county saw the emerging of the Gupta family in the mainstream of economy of South Africa (even though they first got their first tender under the tenure of Thabo Mbeki). The advent of the Gupta family in the mining Industry and rent-seeking government officials posed a serious threat to the white-owned business cartels in the mining sector. The symbiotic relationship between the Guptas and former president Jacob Zuma was seen as a move for a radical change and unbundling of the mainstream of the economy that is monopolized by white business cartels.

OAKBAY Resources & Energy, a company belonging to the Gupta family, it began to trade on the JSE in November 2014 and it was regarded to be close to the country's third-largest gold mining company on the JSE (Crowley, 2014). The Guptas were beginning to have a growing influence in the mining industry. In 2010, the Guptas and Duduzane Zuma were in dispute with Anglo American Plc over mining rights on the Kumba Iron Ore Ltd and ArcelorMittal South Africa Ltd. Anglo American is one of the mining houses that was historically and still owned by white people and their foreign business partners (Wild, 2015). The Anglo American played a role in the transition to the democracy and captured a lot of politicians including Nelson Mandela to adopt policies that were favourable to their businesses. Butler (2007) point out that Anglo American was dominant and at the centre of mining industry which was in charge for the 40% of available gold mines in South Africa (Butler, 2007).

The department of Mineral resources granted the Gupta family 21, 4% of Sishen mine mineral rights, and previously they were owned by Imperial Crown Trading (ICT). Also, the previous owners of Arcelor Mittal SA (AMSA) they had failed to renew their mining rights at Sishen (Kumba) mine on time. What followed was fallout of nuclear proportions as ICT was accused of dishonesty by Kumba and Anglo American to buy them over (Hogg, 2013). The matter was taken to courts. The courts ruled that Duduzane and the Guptas' group were not the rightful owners, ArcelorMittal would have paid them R800 million for the partial concession (Wild, 2015). There have been allegations that the Guptas specially selected Mosebenzi Zwane to be mines minister but the Guptas, Zwane, and Zuma all deny these allegations (Skywire news, 2016).

6.6.2.1. The Mining Charter of South Africa

In 2017, Mosebenzi Zwane as the former Minister of Mineral resources he introduced a mining charter which was meant to restructure in the mining industry. The Mining Charter revealed that it was going to focus on increasing black ownership in the mining sector from 26% to 30% (Peyper, 2017). The charter also required mining companies to pay 1% to the 30% black shareholding over and above any distributions to its shareholders. Mosebenzi Zwane mentioned that the new empowerment targets concerning black representation have also been set. A minimum of 50% black representation at board level will be required, of which 25%

need to be women. This meant Mosebenzi Zwane was ready to restructure the entire system that was established from the 1990s that only benefited white people rather than historically marginalized black people.

The Charter requires 70% procurement of mining goods and 80% procurement of services from BEE entities. It also requires that analysis of 100% of mineral samples be done by South African based companies (SowetanLive, 2017). Immediately after him just introduced the mining charter, Mosebenzi Zwane was welcomed by Charges of high treason, extortion, corruption, fraud and theft have been laid against Mineral by the Organisation Undoing Tax Abuse (Outa). OUTA is the same civil organisation that took Dudu Myeni to court to be declared delinquent (Hosken, 2017). Zwane resigned on 25 February 2018 following allegations of state capture before he could finalise the new procurement politicise that was meant to benefit the historically disadvantaged and marginalized black people to be involved in the mainstream economy.

The advent of the Mining charter became controversial in the political discourse of South Africa. The Rating agency called Moody produced a research report asserting that policies of RET could impede future investments in the country. Policies such as procurement preferential, land redistribution could have a negative impact on the country hence the investors' confidence will be lost (Eyewitness News, 2017). The three giant rating agencies have been accused of faults and political bias was amongst them. The rating agencies use issuer pay model and this is declared to be involving conflict of interests. The issuer pays means that the company that needs certification pays the rating agencies to issue their credit report based on their preferred outcomes. Those with powerful economy can easily manipulate these ratings agencies because money talks (Mutize, 2019). Rating agencies can be paid to be political bias by opposing forces, hence the land retributions have been met by criticism around the world including the USA.

6.6.2.2. Eskom

Former public protector Thuli Madonsela's state capture report included unfavourable details on the relationship between Eskom CEO Brian Molefe and the controversial Gupta family. According to former Eskom Chairperson, Ben Ngubane demonstrated that former Public Protector Thuli Madonsela completed and compiled

her state capture report without even interviewing the Eskom employees, to challenge the allegations levelled against them (Eskom, 2016). Eskom says it disputed the findings of the former Public Protector's report on state capture that they were not based on facts. In the report, former Eskom CEO Brian Molefe was implicated, and the evidence presented in the report indicated that Molefe had close relationship with the Guptas (BusinessTech, 2016). Madonsela alleged that the Guptas handpicked Molefe to bid for them at Eskom, unfortunately president Ramaphosa at the commission claimed that he is the one advised Jacob Zuma to appoint Molefe and this leaves Madonsela's report unreliable (Nicolson, 2021).

Thuli Madonsela in her state capture report mentioned that there were 58 phone calls between Ajay Gupta and Molefe soon after he just joined Eskom. Molefe at the commission went into detail describing his acquaintance with the Guptas, stating that they were interested in going to various projects with him including establishing a Black owned bank and it is not a secret that he had a close relationship with the family, but his appointment was not influenced by the family (Nicolson, 2021). A Gupta owned company Tegeta bought Optimum coal mine in 2015 from Glencore, but the Guptas have been accused of using their government influence to gain access to the mine in order to score lucrative Eskom tenders. Glencore had placed Optimum into business rescue in 2015, after a dispute with Eskom (Cotterill, 2017). Former Glencore CEO, Clinton Ephron, told the Zondo commission that resulting in the sale of Optimum coal mine, Glencore was forced to sell it to Tegeta Resources. Ephron said that this was after then Eskom CEO Brian Molefe became "hostile" and declined to renegotiate new terms for a previously agreed coal supply agreement (CSA) (Dludla, 2019). The Oakbay Investments in 2017 it announced that it was selling its mining company Tegeta Exploration and Resources, as the Gupta family were facing growing pressure over allegations of state capture (Sibeko, 2017).

Koko Matshela and the former Chief Executive of Eskom Brian Molefe at the commission revealed how big corporations such a Glencore influenced politicians to secure deals at the state entity Eskom. They accused Glencore, the giant global mining company of using their relationship with President Ramaphosa to secure deals in the state-owned utility Eskom. Glencore is the world's biggest mining corporate and is known for engaging in illegal and corrupt activities around the world. According to Doherty, Blum and Zihlmann (2017) in 2009 Gertler's company

received a secret loan worth \$45 million from Glencore to assist him secure a mining right in Democratic Republic of Congo (DRC). Glencore also owned nearly a quarter of South African mine 'Lonmin'. In Argentina, Glencore it has faced two lawsuits since 2013 for contaminating the environment and another one for smuggling minerals (Global Witness, 2017). Glencore's reputations are associated with corrupt activities around the world, can its business moral prevail in South Africa?

According to Molefe, what the Glencore was proposing for the increasing of coal was price illegal because they had an agreement that was coming to an end in 2018. He further added that it did not come as surprise; before he could arrive at Eskom the executive's leaders had already had an agreement with Glencore for the increment of coal price (Nicolson, 2021). According to former Chairperson of Eskom Baldwin Ngubane, Molefe's coal-deal with Gupta-owned Tegeta had to be finalised because other coal suppliers at the time wanted to increase the price of coal despite ongoing load shedding at the time (Fin24, 2017). Eskom had a contract with the Exxaro Arnot Colliery to supply coal to Arnot Power Station for 40 years, which expired in December 2015. The cost of coal at the date of expiry was R1 132 per ton. In addition, Ngubane further accused Glencore of supplying Eskom with coal that is not quality in which he mentioned as "Rubbish coal" and taking the best coal to the international markets when coal price was rocketing in dollars. That's when Optimum coal was faced with penalties that worth R2 billion. According to him (Ben Ngubane), Glencore did not care about the Eskom; it was after profits only (Njilo, 2020).

In 2012, Glencore sold shares to Cyril Ramaphosa to gain political favours and he became the chairman of Optimum. By that time Optimum was faced by R2 billion penalties for not supplying quality coal to the Hendrina Power station. With the arrival of Ramaphosa, the need to pay the penalties was no longer necessary. When President Cyril Ramaphosa became the Chairman of Optimum on 26 March 2012 there was no dispute between Eskom and Optimum relating to penalty claims. Matshela Koko has told the commission of inquiry into state capture that the real capture of power utility was done by mining company Glencore (Phalaetsile, 2020).

Ephron Clinton told the commission that the hardship of the Optimum coal was due to "difficult (export) market conditions and the continued deterioration of the export price conditions". In other words, Molefe, Ngubane and Koko had no hand in the

downfall of the Optimum coal mine which resulted into the Business rescue practitioners. Ramaphosa was also a director and major shareholder of Lonmin mine at Marikana in which Glencore had also owned 23.9% stake at the mine (Glencore, 2015). Ivan Glasenberg, the CEO of Glencore started his career South African coal trading in the 1980s, and he had a extensive number of business connections in the country, including Ramaphosa. Ramaphosa and Glasenberg their friendship dates back about thirty years ago and smoothed by their partnership in 2005, when Glencore handpicked Ramaphosa to be its BEE partner on the Shanduka Coal project (Wilson and Burkhardt, 2018).

In Eskom, white coal suppliers were depleting state coffers by inflating of coal prices; the Gupta owned Tegeta demanded R500 per ton of coal whereas other coal white-owned suppliers before the Guptas demanded R1 132 per ton. Brian Molefe was attacked for questioning 40 years Contracts for white-owned companies and for enforcing a 50+1% BEE procurement policy at Eskom. At the commission, Molefe said he was acting on the best interests of the Eskom and was not going to watch white owned companies that have 40 years contract with Eskom (referring to Exxaro) robbing the state utility daylight. Exxaro demanded R1 132 per ton whereas other BEE companies charge R400 per ton for primary coal. Molefe insisted that white owned companies were taking advantage of Eskom and it was necessary to diversify suppliers to increase competition and lower the price of primary energy (Nicolson, 2021).

Molefe told the commission that South Africa has 400 years of available coal in the ground. The problem was not the availability of coal, it was the few white-owned companies that had long-term agreements with Eskom that had been able to dictate their own terms that led to Eskom paying exorbitant prices. He suggested black-owned companies could fill the supply gap and reduces prices by creating competition as Eskom challenged its legacy suppliers (Nicolson, 2021). In a statement published on Eskom website (2016), it states that Glencore wanted to renegotiate its agreement; the proposal was that Glencore would supply coal to Hendrina power station at R300 per ton until 2018; it was going to be extended to 2023 at R570 per ton. According to the statement released, Eskom was not involved in the process of the sale of Optimum coal; it only made aware to the new owners that there will be no renegotiation of coal price (Eskom, 2016). Exxaro has previously

been quoted in media reports as saying that it has not submitted its bid, and neither did Tegeta. According to Eskom, (2016) any suggestions that Eskom had “blindsided” Exxaro are baseless, malicious and misleading. The Eskom continued to voice out that every business with the Guptas was above the board (Eskom, 2016).

Thuli Madonsela in her state capture report, Politicians and civil movement organisations were too concerned about the prepayment to the Guptas Company Tegeta by the Eskom, yet same thing under Ramaphosa administration transpired and nobody seems concerned. Molefe opposed the increment of coal price citing that it was a day light robbery because they can get primary from BEE companies with a fair price. Turns out, President Ramaphosa and Eskom CEO Andre de Ruyter reversed Molefe’s efforts of coal price increment to benefit white owned companies and their foreign equity partners. To add, in 2021 Eskom approved the coal price increment for South32 Company which its headquarters are based in Australia (Khumalo, 2021). The South32 also received a bailout from Eskom to ease its financial hardship. The South32 re-entered into negotiation with Eskom and signed a new contract that led to the hike in coal price without advertising the post of coal suppliers to Eskom. The doubling of coal; prices to up R550 per ton is controversial to Eskom’s aim of reducing its primary coal costs amid a worsening financial position. It has debt of at least R450 billion and is struggling to service its loans (McKay, 2021).

The fight in the Eskom is not about saving Eskom from its financial woes or arresting corruption. The fact that Eskom CEO Ruyter hiked the coal prices despite the energy utility facing financial hardships indicate it’s about who get tenders at the Eskom. The National Union of Mineworkers (NUM) secretary, William Mabapa said what are the differences what happened between South32, and the Gupta owned company Tegeta. Eskom’s extension of its coal supply contract with South32 without tendering does not differ to how the Gupta family had acquired Optimum coal mine (Mahlangu, 2021).

6.7. Conclusion

The chapter analysed whether state capture narrative in South Africa was a political manoeuvring or an economic contestation between different fractions of capital within the society of South Africa. Political favours between the former president Jacob Zuma and the Gupta family might have taken place but the paper does not offer a perspective on that, rather indicates relevant events that might have propelled and gave rise to the Zuma Must Fall movement in the country. Different perspectives have been given by various scholars and Jacob Zuma side has been side-lined in their work, this paper seeks to fill in that gap. Marxism posits that there is an ongoing struggle between bourgeoisie and the two classes with different ideologies competing for the State power. Jacob Zuma an ally of the Gupta family and White

Monopoly Capital and their international partners are the main classes that there Marxist referred as classes competing for the state power.

The chapter demonstrated how the political and economic contestations between the main competing classes took place. It is not a coincidence that everyone who advocates for restructure of the SOEs or belonged to the RET faction has been vilified and maligned by media outlets and opposition parties without any proof of illegal corrupt activities excepts their relations with the Gupta family. Dudu Myeni was vilified, attacked and ridiculed by media houses for questioning Evergreen Contracts for white-owned companies and for calling for a 30% Black Economic Empowerment (BEE) procurement policy at SAA. The chapter also unveiled that the state capture narrative in South Africa was less motivated with arresting corruption. The loss of financials at the SOEs has been associated with the white-owned companies and authorities had turned a blind eye on the corruption prevailing. The increase of Coal price also has proven beyond reasonable doubt that despite having an immense loading shedding going, President Ramaphosa and Eskom CEO decided to increase the coal prices for the Eskom suppliers.

The next chapter is general conclusion

Chapter 7: General Conclusion

7.1. Introduction

This chapter gives a general conclusion on *analysing South African state capture controversy: An economic monopoly battle or not?* The study's objectives were (1) to explain how state capture can take place in South Africa, (2) to give an overview of the South African state capture in the context of former president Jacob Zuma and the Gupta family, (3) and to indicate how the activities of white monopoly capital constitute state capture in the Post-Apartheid South Africa, and (4) to find out if the exposure of state capture in South Africa is a political manoeuvring for an economic contestation

7.2. Summary of Findings

7.2.1. How can state capture take place in South Africa?

The chapter sought to scrutinise how state capture can take place and the role of money or businesses in South Africa. For the legislature and the executive to be in existence, the elections should take place and every political do need funders. This chapter highlighted that without influence of money, politics won't be active and effective. Money plays a pivotal role in politics. Money and politics cannot be separated, they go all along. Politicians need businesspeople to fund their political parties and campaign drives, in return politicians will agitate for policies that are aligned with their funders' business interests to maximise profits. The notions of state capture in South Africa it is minimized to the few individuals that are in government. The Gupta family are being referred as the captors under Jacob Zuma's administration hence they also funded his political to become the president of the Republic and the ANC, so who funded Cyril Ramaphosa, Thabo Mbeki and Nelson Mandela's political campaign to be the presidents of the country and the ANC? Who did business with the government before the Gupta family could be in the picture?

In order for the judiciary to perform its function, the courts must be independent of the legislature and the executive. A judicial officer who accepts a bribe or favour from one of these branches makes him or herself beholden to them. The judicial officer in such a case cannot be independent and therefore cannot properly perform his function. Not only the branches of the government can temper with the

independence of the judiciary, but even business cartels also who are involved in tax evasions are capable of bribing judges, members of the parliament and executives to protect them from law agencies. In South Africa the independence of the judiciary seems to be a fallacy. State capture is certain all over the world, business moguls continue to play part in bribing almost every government official to bid for them. In addition, the notion judicial independence sounds good on paper, Judges are human beings, and they can be tempted as well.

7.2.2. An overview of the South African state capture in the context of former president Jacob Zuma and the Gupta family

The Gupta family relationship with politicians in South Africa did not commence with Jacob Zuma, former President Nelson Mandela and Thabo Mbeki also had close ties with the Gupta family. Based on this chapter, the researcher has learned that the former Public Protector's state capture heavily relied on mainstream media reports to carry out the investigation in the context of former President Jacob Zuma and the Gupta family. Advocate Thuli Madonsela did not include the testimonies and interview the implicated politicians in her state capture, which caused a controversy in the political discourse of South Africa. In other words, the state capture report was much biased hence side of the story of the implicated politicians was not included to defend the allegations levelled against them. They were only given a chance to state side of the story at the commission of inquiry into alleged state capture and corruption.

Both Jonas Mcebisi and Vytjie Mentor as the whistle-blowers of the state capture, their testimonies at the commission were inconsistent with the findings of the commission investigators and renders their testimonies unreliable. According to Mentor, Duduzane Zuma was accompanied by Fana Hlongwane on the trip to China, but according to flight records the commission obtained from Emirates Airline, Hlongwane was not present during the flight to China on Emirates via Dubai in August 2010, and she apologised to Hlongwane for that. In affidavit submitted by Ajay Gupta to the commission, he refuted the claims that he has met Jonas Mcebisi and offered him R600 million if he would take the finance minister position. Ajay said that on that day he was presence at the office where he was witnessed by several staff members, including former Oakbay acting CEO Ronica Ragavan and as evidence, he also pointed to the cell phone records that he had provided to former

Public Protector Thuli Madonsela at the time she was compiling her state capture report. Apparently, when Thuli Madonsela was compiling her state capture report she interviewed Ajay Gupta and he, Ajay provided cell phone records damning the Jonas Mcebisi allegations that he was present during the meeting at Saxonworld, but they were not included in her state capture report. Mcebisi also claimed that he was threatened by Ajay at the commission but failed to tell Adv Thuli Madonsela when the incident was still fresh even when he was specifically questioned about any threats he may have received.

Charges against the Gupta family were opened by the NPA for their attempt to bribe former deputy minister of finance Jonas Mcebisi with R600 Million to take up the position of finance minister and bid for them. The charges were later withdrawn by NPA due to lack of evidence to support the allegations and the charges became futile because the commission exposed Mcebisi's inconsistency into the allegations. Mcebisi retracted his testimony after failing to recognize which of the Gupta brothers offered to give him R600 million. Mentor claimed that she was even in China all to find out that it is a lie, and this is after she also admitted lying about Saxonworld. President Cyril Ramaphosa confirmed that he is the one made suggestion to the appointment of former CEO Brian Molefe, while Thuli Madonsela in her state capture report argued that he was hired by the Gupta family to bid tenders for them at Eskom.

Jacob Zuma argued that the attack on him was pushed by the third forces and the state capture narrative was exaggerated by his detractors. At the heart of the campaign to remove him as the president of the country and character assassination, it was local forces and their international partners. His claims were met by criticisms but looking at his political influence in the BRICS countries, he came a threat to the Western countries and their local partners. Johan Rupert during an interview with Pieter Du Toit, the author of the book titled *Stellenbosch Mafia: Inside the Billionaire's Club (2019)*, said he knew what was happening, even though Jacob Zuma was removed as the president, Cyril Ramaphosa was still avoiding his friends in the West and prioritising the East (BRICS) where former president Jacob Zuma pledged his allegiance to. This came after he received a visit from British High Commissioner to South Africa, Nigel Casey, and the American Chief of Mission, Jessye Lapenn in July 2018. Despite the criticisms he receives from the public that

he is playing the victim; this shows that Jacob Zuma's claims can be reliable and confirmed that he was removed by locals and their international partners.

The media also played an enormous role in the removal of former president Jacob Zuma. False narratives against Jacob Zuma had been peddled by mainstream Medias and anti-Jacob Zuma journalists. The Dubai house published by Sunday Times it's an example of false narrative that was peddled by media and later on in 2018, the Sunday Times extended their apology to Jacob Zuma for their role is propagating false narratives against Jacob Zuma. According to the *Sunday Times*, they were fed wrong information by Jacob Zuma's detractors to pursue their political ends. It is not deniable that the state capture report by Thuli Madonsela played a role in uncovering grand corruption in the SOEs, but the narrative was exaggerated and bias against Jacob Zuma and the Gupta family. It has been five years since the Gupta left the South Africa, law agencies are claiming to repatriate the family but, yet nobody has been apprehended in the allegations of colluding with the Gupta family in illicit activities.

7.2.3. How the activities of white monopoly capital constitute state capture in the post-Apartheid.

White Monopoly Capital (WMC) it is a phase that has been used by politicians including Nelson Mandela referring to the dominance of white minority in the mainstream economy. Businesses people like Johan Rupert, the face of WMC and Trevor Manuel has denied the existence of WMC, citing that the phrase was developed by the Gupta family and their PR company Bell Pottinger to divert their attention from the white establishments. In 1962 former Prime Minister of South Africa, Hendrik Verwoerd, openly criticized the "monetary power of the Oppenheimer group", referring to Harry Oppenheimer and the powerful corporations that he controlled, De Beers and Anglo American. Oppenheimer's response was to recruit allies from within Afrikanerdom (Laurence, 2002). These corporations played a role in influencing and shaping the economic policies for the new democratic South Africa. It was Nelson Mandela who spoke about the Nationalisation of mines and other national resources that belonged to the white minority but later on during the CODESA negotiations, he gave power to the WMC to decide on the economic policies. These white monopolies continue to shape the South African policies, they cannot just give up their power to the Gupta family or other faction in the ANC.

The Jacob Zuma faction was in defiance of the Bretton woods expansion and threatening their hegemony in Southern Africa. The faction, led by Jacob Zuma, is Brazil, Russia, India, China, and South Africa (BRICS) faction. Now the BRICS is a break away from white monopoly capital (your South African white companies and western companies) to making dealings with the Chinese, Indians, Russians. Zuma started to make this shift from the west when he came into presidency.

7.2.4. To find out if the exposure of state capture in South Africa is a political manoeuvring or an economic contestation?

The chapter sought to find out whether the narrative was motivated by arresting corruption or an economic contestation between competing players. It further argued that the State capture report and exposure of corruption related to the Gupta family and former president Jacob Zuma was less motivated with arresting corruption. The chapter gave special focus on the SOEs namely such as the South African Airways (SAA), Eskom and in the mining industry. Marxism as the central framework theory for the study, it posits that the state is the Instrument of the ruling class, it has been used to eliminate any resistance to the capitalist accumulation path. Marxism further posits that there is an ongoing struggle between bourgeoisie and the two classes with different ideologies competing for the State power. This chapter has demonstrated how the white monopoly capital was responsible for the downfall of Jacob Zuma and what drove them to this.

Corruption has been used as a political weapon to eliminate competing players. Former president Jacob Zuma revealed that Johan Rupert, the leader of the white monopoly capital according to several politicians such as EFF leader Julius Malema he once threatened to destabilise economy and weaken the Rand if Jacob Zuma ever fired Pravin Gordhan as the finance minister. These threats emerged when Fikile Mbalula attended an event at Stellenbosch hosted by Johan Rupert and the message told to Mbalula to transport it to Jacob Zuma. This chapter has further demonstrated how Johan Rupert was able to sabotage Jacob Zuma through his patronage that covers locally and internationally. This chapter have explained how they achieved that.

This chapter also revealed that, Jacob Zuma's anti-western imperialism stance could have fuelled the #ZumaMustGo movement. Jacob Zuma's vilification of Bretton

Woods's institutions (World Bank and International Monetary Fund) and western countries as whole on Russian national news acted as a threat to the western hegemony in South Africa. This chapter has presented evidence to back up the latter statement. According to Johan Rupert during an interview with Pieter Du Toit, the author of the book *titled Stellenbosch Mafia: Inside the Billionaire's Club (2019)*, he said that in July 2018 the British High Commissioner to South Africa, Nigel Casey, and the American Chief of Mission, Jessye Lapenn came to see him at his home because they were not getting any attention from the ANC led government. During the interview he further said he knew what was happening, even though Jacob Zuma was removed as the president, Cyril Ramaphosa was still avoiding his friends in the West and prioritising the East (BRICS) where former president Jacob Zuma's loyalty was based at. There is high possibility that Jacob Zuma was obstructing western countries to do business with South Africa, for instance, the nuclear deal he (Zuma) was focusing a lot on Eastern countries but when Ramaphosa took over they got access and US-based company Jacobs was chosen for Koeberg nuclear power station life extension.

Jacob Zuma was also the biggest advocate of Radical Economic Transformation (RET) Policies that sought to dismantle the monopoly of white-owned businesses through RET initiatives. RET meant replacing white-owned companies that are doing business with the state with emerging historically disadvantaged black owned businesses through Black Economic Empowerment (BEE). Jacob Zuma, he wanted to reduce the power of white businesses and creating economic empowerment forums for black people. In 2017, as part of the RET initiative, Jacob Zuma's administration adopted a policy compelling big contractor to share at least 30 per cent of work with black-owned businesses. State-owned entities were a platform for establishing RET initiatives and the policy of white-owned businesses sharing 30 percent of work with black-owned businesses. Jacob Zuma's RET initiatives used the Gupta family as the linkage between emerging black-owned companies and state-owned entities for securing government tenders.

Everyone who was associated with Jacob Zuma was declared a Gupta stooges with baseless accusations and in the SOEs, board members and executives were attacked for enforcing BEE policies and side-lining white-owned companies. Brian Molefe was attacked for questioning 40 years Contracts for white owned companies

and for enforcing a 50+1% BEE procurement policy at Eskom. Molefe further provoked a global mining Glencore and refused to increase coal prices hence it was not in the best interest of the people of South Africa. Thuli Madonsela state capture report indicated that Molefe was appointed by the Gupta family but at the commission President Cyril Ramaphosa highlighted that he is the one suggested the appointment of Molefe as the CEO of Eskom. The notion that the Guptas handpicked Molefe to be able to secure tenders at Eskom was disseminated by mainstream media. The fight in the Eskom is not about saving Eskom from its financial woes or arresting corruption. The fact that Eskom CEO Ruyter allowed big mining companies to hike the coal prices despite the energy utility facing financial hardships indicate it is about who get tenders at the Eskom.

It is not a coincidence that Brian Molefe, Mosebenzi Zwane, and Dudu Myeni were accused and bidding for the Gupta family immediately when they announced their procurement policies within their respective SOEs. Dudu Myeni refused to do business with international people who are associated with Johan Rupert for the sake of promoting and uplifting local owned businesses for instances the Emirate airline deal. Myeni challenged the white executives' decisions to lease from foreign companies instead locally. Myeni's woes emerged when she declined the emirates airline to expand its frequency in South Africa. To add more, Myeni also requested for transformation within SAA because only 2% procurement benefited black-owned businesses whereas the rest went to white-owned businesses. The NPA cleared Dudu Myeni of any illegal activities and blamed the downfall of the SAA to her predecessors.

The chapter also demonstrated how the advent of the Guptas in the mining industry clashed with other mining industries in the country. The problem was that emerging black businesses did not pick up white-owned businesses for BEE partnerships, the Guptas were at the forefront. Mosebenzi Zwane introduced the mining charter which aimed at increasing the level of black mine ownership from 26% to 30% as part of the RET initiative. Ever since the establishment of the commission of inquiry into alleged state capture, nobody through their testimonies ever indicated how did the R500 billion was looted as mentioned by Cyril Ramaphosa. Through media press, Ramaphosa alleged that R500 billion was lost to the state capture. The same Ramaphosa who was appointment by former President Jacob Zuma to oversee the

turnaround of certain SOEs (Eskom, SAA & Post Office), yet he is dissolved from any blame of corruption that took place under Zuma's administration.

7.3. Main conclusions of the study

Emerging from the above, the South African state capture narrative have been controversial in the country. The study critical analysed whether state capture narrative in South Africa was a political manoeuvring or an economic contestation between different fractions of capital within the society of South Africa. The study's objectives were met and critically analysed to produce the findings of the study. However, the judicial commission of inquiry into alleged state capture and corruption in the organs of the state is still ongoing and the findings of the commission wont temper with the findings of the study. The study's aim was to analyse and critique South African state capture controversy, whether it is an economic monopoly battle or not? And by doing so, the study did not defend corruption and illegal activities conducted by veto players implicated at the judicial commission of inquiry into alleged state capture.

7.4. Implications for future studies

This study is one of the unique which has touched on areas that have been previously ignored by scholars and journalists. It is within this study that gave a broader view and alternative perspective on South African state capture controversy. For scholars and those interested in reflecting on the power of white monopoly capital and influence of private sectors, this study is poised to serve as a steppingstone for future research on this subject. However, the study does not dispute the toxic relationship between former President Jacob Zuma and the Guptas.

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TURFLOOP RESEARCH ETHICS COMMITTEE
ETHICS CLEARANCE CERTIFICATE

MEETING: 24 March 2021

PROJECT NUMBER: TREC/55/2021: PG

PROJECT:

Title: Analysing the South African State Capture Controversy: An economic monopoly battle or not?
Researcher: A Semosa
Supervisor: Miss LT Legodi
Co-Supervisor/s: Prof KB Shai
School: Social Sciences
Degree: Master of Arts in Political Science

PROF P MASOKO

CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: REC-0310111-031

Note:

- i) This Ethics Clearance Certificate will be valid for one (1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.**
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee, together with the Application for Amendment form.**
- iii) PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.**

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