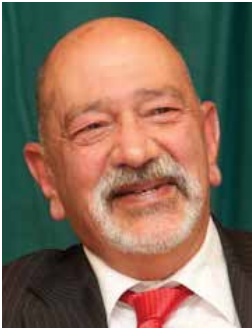


Overview and welcome



Francis Antonie is the Director of the Helen Suzman Foundation. He is a graduate of Wits, Leicester and Exeter Universities. He was awarded the Helen Suzman Chevening Fellowship by the UK Foreign Office in 1994. From 1996 to 2006 he was senior economist at Standard Bank; thereafter he was director of the Graduate School of Public Development and Management at Wits University. He is the founding managing director of Strauss & Co.

*This edition of **Focus** is devoted to exploring some of the issues which confront state and society in South Africa. Three distinct themes emerge, namely, the Executive and the state apparatus dealing with prosecution and security; foreign policy in relation to Africa; and, lastly, the challenges facing South African universities (including their admission policies).*

Anthony Butler investigates the current state of the South African Presidency. He argues that despite the outward appearance of an executive president in a presidential system of government, the presidency contained in what is a parliamentary system. Butler begins by discussing the international trend to a more powerful executive, and its responsibilities in the international arena. He considers the importance of the cabinet office which brings together all relevant actors engaged in decision making; and he reviews the role of planning and evaluation which is now focused on the NDP. Butler develops a comprehensive picture of the presidency. The article concludes by posing the question what kind of presidency South Africa would have in an ideal world and concludes that, comparatively, Zuma's presidency is by no means floundering, but sadly it is still lacking vigorous and coherent presidential leadership.

Hamadziripi Tamukamoyo reflects on and considers whether two South African anti-corruption agencies, the National Prosecuting Authority (NPA) and the Special Investigating Unit (SIU) are, in reality, sufficiently independent and equipped to transparently combat corruption. He reviews the legal instruments governing their operation and the process of appointing top leadership in these institutions. He also considers the security of tenure, financial and human resources and the issue of interference with the work of the agencies. Tamukamoyo introduces a comparative dimension by reviewing other countries that have been reasonably successful in creating autonomous corruption-busting agencies. The article considers the steps that could be taken to ensure that South Africa's existing anti-corruption architecture is fortified.

Loammi Wolf writes on models of prosecuting authorities and their relation to state power. She compares the Constitutional State model and the Westminster model in an overview of prosecutorial functions in the modern state. She argues that only the Constitutional State ensures a separation of powers. Wolf discusses South Africa's National Prosecuting Authority and examines its status with reference to these two models. She argues that the NPA, currently, does not have a sufficient degree of independence and that the current prosecuting model fails to ensure the separation of powers.

Mitchell Mackay and **Michael Power** aim to unpack and appraise existing security legislation. They review the measures currently being taken by the government to protect the State, its assets and its key actors. The authors argue that state security has become more than an issue of practical protection. This is because of an underlying lack of trust that has permeated the relationship between the State and the citizenry. This distrust is exacerbated by a lack of transparency and civic engagement and is compounded by the questionable reliance on security

legislation by the State in instances where it may not be justified.

David Maimela examines “The 21st century Africa” being one of promise and doubt. Maimela argues that if Africa is truly going to claim the 21st century as its own, it needs to reassert pan-Africanism as the basis of its agenda. He begins by discussing the concept of pan-Africanism as a tool to reclaim African history and personality. Maimela considers the achievements of pan-Africanism thus far, such as correcting historical injustices and promoting African unity. For pan-Africanism to be successful, and the article argues it must, it needs to develop through innovation, sustainable development and growth. Maimela concludes that, in order to advance the pan-African agenda, we need to understand how the 21st century world works – how it includes and exclude others, how it presents opportunities whilst simultaneously avoiding the recolonisation of the African continent.

Keith Gottschalk suggests that there are at least four sound reasons why liberal democrats ought to support the vision, principles, and norms of the AU and, more controversially, why they should consider supporting AU disenchantment with the ICC. First, ever since the era of the League of Nations, liberal democrats have been the biggest supporters of the concept of an international order based on the rule of law. Second, the bulk of actual operations on the ground by the AU and its affiliates have been central to peacekeeping operations to end civil wars, with all their accompanying atrocities and war crimes. Third, ideals and values enshrined in the founding treaties and protocols of the AU and its associated organisations, marks, to date, the biggest acceptance and victory of liberal democratic principles on the continent. Fourth, those treaties and protocols commit the signatory states to schedules to phase out protectionism in favour of a continental free trade area. Gottschalk argument will, no doubt, puzzle or even possibly annoy liberal democrats; but they should be considered.

Mark Oppenheimer and **David Ansara** outline the different forms that affirmative action policies can take. The authors argue that race-based policies do not yield the positive results that are claimed. They offer four reasons for this view. First, these policies do not properly compensate individuals for past injustices. Secondly, they create social burdens on

those they purport to benefit. Thirdly, they entrench the importance of race and require (repugnant) systems of racial classification. Lastly, the authors point out that non-racial affirmative action policies are a desirable way of redressing past injustices, while ensuring that all students are provided with an equal opportunity to succeed. Their focus is UCT’s admission policy. We understand the university is currently reviewing its policy.

Anton Fagan reviews UCT’s admission policy which seeks to undo inequality. However the race aspect of it troubles him. He points out that division based on race is not merely a social construct, but comes from our history. Fagan refers to the book *Racecraft* for key ideas on slavery, witchcraft, and racism to introduce his argument. By using race as part of the application process it leads to naturalisation of race division. He proposes, stating it is an idealistic view, that any racial classification as a requirement be removed from the admission policy and argues that what matters is not racial inequality and racial injustice, but inequality and injustice.

Lawrence Boule uses the narrative of storytelling and the theme of adaptability to discuss South African (Private) Universities. The article considers the importance of adaptability in Universities by looking at four different “pulses”. The first is the normative pulse, embracing values, principles and standards. The second is the teaching and learning pulse – the conveyors of knowledge, discernment and wisdom – which is at the core of universities, both ancient and modern. The third is the business, management and financial pulse. The fourth is the community engagement pulse which relates to those whom the university reaches out to serve, whether local, national or international, and which in turn impacts on universities. Boule’s article is a welcome re-visiting of the idea of the university and belongs to the tradition first articulated in the nineteenth century by John Newman’s great article.

We conclude with a review article by **Anthony Egan** of two books. These are *Choosing to be free: The Life Story of Rick Turner*, by Billy Kenniston and *Death of an idealist: In Search of Neil Aggett*, by Beverley Naidoo.