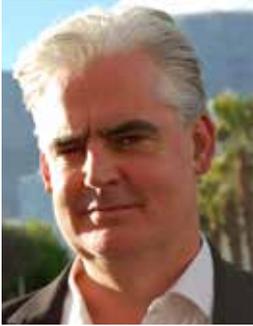


# The State of the South African Presidency



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## The Presidency

*The office of the president in South Africa is a constitutional and political hybrid. The incumbent, in certain respects at least, outwardly resembles an executive president in a presidential system of government. This, however, is largely an illusion: presidential delusions of grandeur are sharply contained by what remains essentially a parliamentary system.*<sup>1</sup>

On the one hand, the presidency is undoubtedly at the apex of the system of government. The incumbent is head of the national executive and he is therefore at the heart of the sometimes grubby business of politics. He chairs cabinet and forms a bridge between the governing party and national public sector institutions.

The president is also the head of state: he is a symbolic national leader who is expected to embody the values of aspirations of his people. He enjoys grand official accommodation at the Union Buildings in Pretoria and at Tuynhuys in Cape Town.

The incumbent possesses an array of formal powers. He appoints ministers and influences the appointment of senior officials. He chairs the cabinet, steers some cabinet committees, and appoints the chairs of others. He can dominate foreign policy. And he can adopt any other policy area and make it his own. In addition, he can bypass full cabinet and terrify his ministers with the threat of dismissal. A president also appoints members of public bodies, giving him a huge realm of patronage. And he has access to state intelligence and communications resources.

The president is also (usually) the head of the largest party in parliament. This provides him with a unique opportunity to combine state and party instruments in the exercise of power. Those who cross swords with him do not merely face eviction from government: they risk exclusion from public office and from the prospect of gainful employment in the private sector.

So evident is a president's power that we tend to overlook the significant institutional and political constraints that bind the nation's leader. South Africa's system of government is essentially parliamentary rather than presidential. The President is elected by National Assembly rather than directly by the people and so he does not possess a personal mandate. He is vulnerable to impeachment, or to a vote of no confidence by the majority of the assembly which would trigger a general election. As the fate of former president Thabo Mbeki demonstrates, his leadership of the governing party is a double-edged sword: the state president is subject to "recall".<sup>2</sup>

The three 'powers of government' (legislation, execution, and adjudication) are each assigned to a separate branch: to parliament, to president and cabinet together, and to the courts. This separation of powers, regulated by a supreme constitution, hinders the concentration of too much authority in the presidency.



professional staff) are not sufficient to trump those of the public service. Presidents lack the time, knowledge, and resources required to dominate government to the extent permitted by the office. They must rely on the willing compliance of officials and ministers.

*The presidency can quickly become the loneliest job in politics.*

Ministers, meanwhile, possess high level political skills of their own, and they typically nurture both personal ambitions and grievances against a president and his confidants. Powerful institutions with greater capabilities – including the Treasury – share the space at the top of the executive. In addition, he is never politically invulnerable, and he must balance cabinet by faction, region, ethnicity, race and gender, while respecting powerful colleagues with major constituencies.

Above all, however, it is events themselves – the unending stream of exhausting challenges that confront a president day in day out – that deplete the political resources of any incumbent who tries to dominate the system of government. The presidency can quickly become the loneliest job in politics.

Within the broad opportunities and constraints that define the state presidency, any particular incumbent can enhance or deplete his authority. Here we will consider five important factors behind the growth of presidential power in recent years and explore how Jacob Zuma has exploited the opportunities that have been available to him.

## The growing power of leaders

Over the past two decades, presidents, premiers, and prime ministers around the world have accumulated larger budgets, bigger personal offices, and more powerful policy making and communications staffs. This is part of a longer range historical trend.<sup>3</sup> The executive is the dominant branch of government almost everywhere in the modern world<sup>4</sup> and its power has relentlessly grown.

The technical complexity of economic and public policy excludes legislators and citizens from effective power. Corporatist relations that link the executive branch to business and labour, and the emergence of welfare states, have further contributed to this trend. The role of national leaders as brokers between big business and public authorities has further enhanced the power of those at the summit of the executive.

Foreign and defence policy have also played a major role in expanding the influence of national leaders and those who surround them. The executive branch negotiates and signs international agreements. In recent years, the South African presidency has taken up numerous mediation responsibilities in conflict areas, expanded its engagements in the region, developed new partnerships such as BRICS<sup>5</sup> and IBSA<sup>6</sup>, and taken up significant positions in the Group of 20 and the United Nations Security Council.

In countries such as South Africa, the role of party-to-party relationships in international diplomatic and commercial affairs increases the brokering power of a head of the executive when he is also head of the governing party. Under Jacob Zuma, stronger relationships with China and the Russian Federation, for example, have sharply increased the personal power of the state president.

## The Cabinet Office

The “coordination” and “integration” functions performed by the head of the executive branch have also encouraged greater presidential assertion. In South Africa, as a result of reforms introduced at the start of Thabo Mbeki’s presidency,<sup>7</sup> the executive branch is organised around an integrated cabinet system; and the cabinet system is managed by the state presidency.

*The high turnover and uneven quality of DGs is for this reason one of the major challenges confronting the national government.*

This power goes beyond the President hiring and firing of cabinet ministers (where Zuma has been more ruthless than his predecessors) and his chairing of full cabinet meetings. It is, after all, in the cabinet committee system that much real power lies. A cabinet system is designed to manage government business by ensuring that all relevant actors are included in decision-making. The departments in a ‘cluster’ need

to plan their activities together mindful of the impacts one department may have on others. Clusters include Justice, Crime Prevention and Security; Economic Sectors and Employment; Social Protection; Community and Human Development; and International Cooperation, Trade and Security.

The committee system therefore relieves pressure on cabinet itself by defining points of disagreement and excluding irrelevant actors. Only if disputes are intractable, or a policy is highly significant politically or in terms of resource implications, is a dispute likely to make its way to Cabinet. This procedure gives recognition to the fact the full Cabinet is not a good decision-making body, being overloaded, unwieldy, and comprised of non-specialists.

The Cabinet Office which provides administrative support to Cabinet is located in the presidency. Its officials conceive of it as a neutral machinery rather than as the servant of particular ministers. At its centre is the Forum of Directors General (Fosad) whose monthly management committee meetings are one engine room of government. DGs often do not overburden ministers with complex issues; most potential conflicts and synergies are identified by officials without the involvement of their political principals. The high turnover and uneven quality of DGs is for this reason one of the major challenges confronting the national government.

The FOSAD secretariat is presided over by the DG in The Presidency, currently Dr Cassius Lubisi. This position was held in the late Mandela and Mbeki administrations by Frank Chikane who has recently explained some of the troubles

the office endures.<sup>8</sup> Lubisi is a career civil servant brought to Pretoria from the provincial government in KwaZulu-Natal and his role, although inherently political, has been confined to the administration of government business. The location of the cabinet office within the presidency confers informal powers upon the president. When conflicts over resources or departmental turf do occur, the president's people are on hand to act as moderators and enforcers.

## Planning and Evaluating

Since 1999, the Presidency has convened various policy co-ordination bodies. Under Mbeki, the central institution was the Policy Coordination and Advisory Services (PCAS) unit under Joel Netshitenzhe. PCAS looked both forward and back. Looking forwards, it engaged in scenario planning, vetted policy proposals, and tried to encourage their mutual compatibility. Looking backwards, it engaged in episodic monitoring of the implementation of policy within clusters, with a special concentration on hard and “transversal” issues that cut across departments and tiers of governments.<sup>9</sup>

PCAS has recently been replaced by two new institutions that perform the same basic functions but on a more ambitious level. The Minister of the National Planning Commission (NPC), Trevor Manuel, and the Minister of Performance, Monitoring and Evaluation, Collins Chabane, are the political principals for these activities.

The National Development Plan (NDP) has recently become a lightning rod for those disenchanted with Zuma's government.<sup>10</sup> The NPC seems likely to adopt an advisory role, and a new institution will be set up within the presidency to implement the plan's less politically sensitive recommendations. After backing the NDP at Mangaung, however, Zuma has failed to take action against those within his own cabinet who have undermined it.

The Department of Performance Monitoring and Evaluation (DPME), established in 2010, incorporates old PCAS functions such as the evaluation of government's priorities, the development of performance indicators, and the assessment of the quality of management practices across the public service. It has also inherited efforts to build a government-wide monitoring and information system. As with many other states, the South African public service is plagued by “state-istics”: data that are collected to generate a favourable image of public servants rather than to reflect the true state of affairs in the country.

Some commentators have speculated that the NPC and the DPME are unwieldy and in some respects perform less well than their PCAS predecessor.<sup>11</sup> This judgement is probably premature: both departments operate with long time horizons and they are designed to institutionalise good practices across the public service as a whole. It is likely, however, that President Zuma has less immediate access than Mbeki to a “kitchen cabinet” of official advisors who can combine strong political instincts with a secure grasp of public policy.

## Important Cross Cutting Institutions

The presidency is the home for institutions that are inherently “cross cutting” and therefore possess no natural lead department (although some cross-cutting issues have now been transferred to a stand-alone Ministry of Women, Children and People with Disabilities).

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The country's response to HIV/AIDS is coordinated by the South African National Aids Council, which is hosted by the presidency. A temporary Job Creation Commission, chaired by deputy president Kgalema Motlanthe, has tried to coordinate employment protection responses following the post-2007 economic downturn. A presidential review of state-owned enterprises has recently (and rather inconclusively) reported.

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In 2011, Zuma set up a Presidential Infrastructure Coordinating Commission (PICC). Its goal is to accelerate government's ambitious infrastructure programme using the resources and political capital of the presidency. It is chaired by the President himself, and its members include the Deputy President, economy cluster ministers, premiers, and the mayors of metropolitan municipalities. At its heart are 18 Strategic Integrate Projects (SIPs), including the development of the mineral belt in Limpopo and Mpumalanga, a logistics corridor linking KwaZulu-

Natal, Free State and Gauteng, and the Saldanha Northern Cape development corridor.

More controversially, and also since 2011, a National Nuclear Energy Executive Coordination Committee (NNEECC) oversees government's proposed six-plant nuclear reactor procurement programme (itself first announced in August 2006). Zuma also chairs this body. The Fukushima disaster has transformed nuclear risk appraisal, the fiscus can no longer easily absorb the expected R400bn to R1-trillion bill, and the ongoing Medupi saga has thrown into question the country's readiness for an engineering project of this scale and complexity. Specialists from the NPC have questioned the need for such an investment. The role of the presidency in this case seems to be to provide a screen that hampers public accountability.

## **Presidential commissions of enquiry**

The president is entitled to set up Presidential commissions of enquiry – ad hoc investigations initiated by the head of state. An inquiry can help a president to evade responsibility for a tough decision. It can also, like the Farlam Enquiry into Marikana, protect a government from popular outrage and dissipate blame for tragic events. We ordinarily ascribe responsibility for a crime or disaster by imagining a chain of causes and effects that led to it.<sup>12</sup> We search for those informed and voluntary actions without which the event in question would not have occurred. What citizens want to know about Marikana is, broadly speaking, who took the free, informed, and voluntary decisions that led to the massacre. A commission of inquiry, however, is designed to bring general background conditions to the fore and so to turn a hunt for culpable actors into a general sociological investigation. It is therefore primarily an instrument of political "spin" in the hands of the President. The Seriti Commission of Inquiry into Allegations of Fraud, Corruption, Impropriety or Irregularity in the Strategic Defence Procurement Packages likewise seems designed to divert public attention to relatively trivial matters or to transfer blame to the president's political enemies.

## Conclusions

In an ideal world, what kind of state presidency would South Africa possess? It would be 'comprehensive', in that it would embrace all relevant facts; it would be strategic; it would be 'governmental' rather than swayed by sectoral or departmental interests; it would be proactive; it would resist immediate political and electoral pressures; it would take decisions consistent and compatible with each other; and it would be counter-intuitive and radical.

The presidency under Jacob Zuma does not realise any such ideal. But neither is it hopelessly floundering. Government is always a bit of a shambles; nevertheless, the presidency has become more of a machine than it was in the Mbeki years, with a less politicized DG, better grounded policy and planning systems, and more objective mechanisms for the evaluation of government performance. Under Zuma, it has placed its weight behind important initiatives such as the development of national planning systems and infrastructure. There are reasonably coherent processes for arbitrating between conflicting ministers, for monitoring policy implementation, for providing legal and specialist analysis to officials, and more broadly for managing the machinery of government.

Zuma, then, has an institutional platform from which to lead. And, in the NDP, he has a broad framework for public policy. But he has underwhelmed rather than overwhelmed his society. The potential strength of presidential power is regulated by the behaviour and personality of the incumbent. In the memorable phrase of one student of the American presidency, a successful president must mobilise the "power to persuade".<sup>13</sup>

At a personal level, Zuma is open and refreshingly un-dogmatic. His chequered past, however, has tarnished the reputation of his office. His pattern of ministerial and other appointments has sometimes reflected the demands of self-preservation rather than those of national leadership. Zuma also lacks the intellectual energy to create and communicate a sense of coherence in government, to elaborate an overall framework of priorities, and to relate the government's broader vision to the political ideology of the ruling political party. In these difficult times, leadership is a resource too important to be squandered. Under Zuma, the machinery of the presidency has been maintained and even expanded; but the country is still waiting for vigorous and coherent presidential leadership.

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### NOTES

- 1 A. Lijphart, 'Introduction' to A. Lijphart (ed.), *Parliamentary Versus Presidential Government* (Oxford, Oxford University Press, 1992) 1-27.
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- 3 B. Guy Peters and Ludger Helms, 'Executive Leadership in Comparative Perspective: Politicians, Bureaucrats and Public Governance', in Ludger Helms (ed.) *Comparative Political Leadership* (New York, Palgrave Macmillan, 2012) 25-54.
- 4 Only the United States, as a result of unique historical, constitutional and geographical legacies, has a powerful policy making legislature at federal level, a political culture hostile to untrammelled executive power, and a powerful judicial system. Even here the growth of executive power has been striking. See, for example, William P. Marshall, 'Eleven reasons why presidential power inevitably expands and why it matters', *Boston Law Review* 88 (2008) 505-22.
- 5 Brazil, Russia, India, China, South Africa grouping.
- 6 India, Brazil, South Africa forum.
- 7 Republic of South Africa, Presidential Review Commission on the Reform and Transformation of the Public Service (Pretoria, Government Printers, 1998).
- 8 Frank Chikane, *The Things That Could Not be Said* (Johannesburg, Picador Africa, 2013).
- 9 See, for example, *Policy Coordination and Advisory Services, A Nation in the Making* (Pretoria, The Presidency, 2006).
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- 13 Richard Neustadt, *Presidential Power* (New York: John Wiley and Sons, 1960).