

## **Report of the Secretariat of the Unburdening Panel to NEC May 17, 2017**

In April 2016, the SACC created the Unburdening Panel as a safe space and a “facility” offered by the churches to any person in the Republic of South Africa who may wish to relieve herself or himself of the burden caused by an experience of someone – an individual, a representative of a business interest, of a political party or of a person of influence – your superior or someone you couldn’t say “No” to, suggesting that you do something inappropriate in return for a promotion, an attractive position or money or shares in a company, or any other favour or incentive whatsoever. This was essentially a pastoral process for the people, and not an investigation.

As the word says, it is a provision for people to “unburden” themselves and tell what they wish to tell freely. The unburdening notion is based on the bible text that says: “Bear one another's burdens, and so fulfil the law of Christ.” (Gal. 6:2). The Panel is chaired by the SACC President, Bishop Siwa. Other members of the Panel are Madam Justice Yvonne Mokgoro, retired Justice of the Constitutional Court; Dr Brigalia Bam, a previous General Secretary of the South African Council of Churches and former Chair of the Independent Electoral Commission (IEC); and Bishop MosaSono, Presiding Bishop of Grace Bible Church in the Evangelical Alliance of South Africa. Working with a team of voluntary lawyers and researchers, for the public good, the General Secretary of the SACC, Bishop Malusi Mpumlwana has been coordinating the Secretariat of the Panel.

The panel was intended to work in the following manner:

1. The people indicate through the office of the General Secretary their desire to tell their stories. And they are referred to the lawyers to listen to them and, based on the nature of their matter be categorized.
2. The General Secretary, on account of his role as SACC spokesperson, would not be involved in any listening of matters, but would direct people to the lawyers for professional legal deposition.
3. The lawyers would group the cases into their categories and some presented for oral discussion with the panel.

Depending on the wishes of the person concerned, their information would:

- Be utilized by the churches for advocacy in the Anchoring Democracy pillar of *The South Africa We Pray4* campaign.
- Be made public, for South Africans to know what is going on.
- As is appropriate, be given to a constitutional body like the Human Rights Commission or the Public Protector, and any organization identified by the person concerned.

The Unburdening Panel process was indeed triggered by the Jonas and Vytjie Mentor revelations in 2016. When the governing party proved unable to deal meaningfully with these revelations, and instead seemed to live with the view that there would be no room for following up on these as “all hell would break lose” because the leadership all had their “smallanyana skeletons”, the SACC opted to create the listening facility. It was to

hear from people who had either been pressured to participate in corrupt wrong doing or had witnessed such. Some came forward only to share their experiences with no desire to be publicly revealed, but to clear their chests only. Others were ready to go public, and these we encouraged to go to the Public Protector and they did. Their stories are now before the nation in the State of Capture report that has yet to be acted upon by the government.

Although the Jonas and Mentor Gupta revelations, and the ANC non-response triggered the creation of this process, we declared at the time that:

“The Unburdening Panel will receive information of any corruption experiences that only cover the period of South Africa's democratic era. It is also understood that there are many cases of corrupt practices that impact on people, that are a roll-over from improper opportunities of apartheid days. As these impact in the democratic period, they will be entertained.”

We have yet to receive any person who has information of the pre-1994 era, or even the shenanigans of the transition period. We have been intrigued by the recently published book “Apartheid Guns and Money”, by Hennie Van Vuuren, that makes very interesting reading.

The workings of the panel process changed in two unexpected respects:

Firstly, most people who came to us were broken people who just wanted to unburden, as they would say, “so that I can sleep”! They insisted on talking only to the General Secretary as a priest, the thought of going to the lawyers frightened them. This was a significant change in the process, occasioned by the genuine fears expressed by the people. They were terrified of anybody finding out that they had talked to us, for, as they said, “if my story is told, “THEY” will know that it came from me, and my life and that of my family would be in danger. If in the age of constitutional democracy, we have citizens who are so terrified of their own government and its agents and operatives, as to fear for their lives, then we have a serious problem.

There were cases of people at municipal and provincial level, who were pressured to divert funds inappropriately to certain activities that had nothing to do with the work and purpose of the budget. There were people who were prevailed upon to rig tender process in favour of certain companies and individuals, or bend and tailor regulations for a specific desired outcome. This is sometimes referred to *shaking down* the people, accessing money and opportunities through deceitful and illegal ways of pressuring vulnerable people or companies.

While most of the people opted for the security of what we called the “Anonymity Option”, where the deponents are not divulged, some of people chose to go public with the information they were giving the SACC Unburdening Panel Process. A number of those gave much of the same information to the Public Protector, feeding the State Capture report.

The second and most radical change in the process was in the very nature of the process. It began mainly as a receptacle of stories being shared in unburdening; but soon it became apparent that there were discernible patterns of the systemic undermining of governance that go beyond “petty” corruption, so as to seriously threaten constitutional democracy. We need to remember that the Unburdening Panel process is part of the SACC’s “Anchoring Democracy”, one of five pillars of The South Africa We Pray For campaign of the churches. Along with Healing & Reconciliation; Family Life; Poverty and Inequality and Economic Transformation, Anchoring Democracy focuses on democracy education as part of church education, support for national and local government elections, and addressing concerns of corruption, maladministration and the loss of public trust in public institutions. Therefore, while corruption, which is part of the brief in Anchoring Democracy, the SACC processes on democracy are concerned also with the broader issues of South Africa’s constitutional democracy.

When it became clear that the trouble was beyond “petty corruption”, we shifted from a “listening” for unburdening, to the mode of the SACC approach of SEE-JUDGE-ACT. “SEE” is rigorous research to understand as fully as possible the state of the question on the matter at hand; the “JUDGE” is applying the lenses of the Gospel to say what is the value judgment call on this matter now that we know what we know. And the “ACT” is when a resolution is taken to act as informed by the application of the Gospel values. In the SEE part we have previously worked with research entities like the Human Sciences Research Council, the Institute for Justice and Reconciliation, and also the Nelson Mandela Foundation. This time we linked up with diverse research volunteers that work from different locations and coordinate their work and findings. This, together what we already know from the initial Unburdening Process, becomes the SEE part of our work, which must be followed by a theological JUDGE process, leading to Conference where the ACT will be resolved. What has emerged in the SEE process is disconcerting.

It now seems that the problem is far greater than corruption, but organized chaos. We have now come to learn that what appears to be chaos and instability in government may well be a systemic design of the madness that ill our governmental environment – a chaotic design. A careful analysis makes the case for the following observable trends:

We see a power-elite that is pivoted around the President of the Republic that is systematically siphoning the assets of the State. In 2016, President Zuma said:

“If it were up to me and I made the rules, I would ask for six months as a dictator. You would see wonders, South Africa would be straight. That’s why if you give me six months, and **allow Zuma to be a dictator, you would be amazed.** Absolutely. Everything would be straight. Right now to make a decision you need to consult. You need a resolution, decision, collective petition, Yho! It’s a lot of work.”  
– **Zuma, July 2016.**

It is reported that when the president travels around the world, especially in the non-democratic Gulf States, he marvels at the power of the leaders to do what they want.

They do this by:

1. Securing control over state wealth, through the capture of state-owned companies by chronically weakening their governance and operational structures.
2. Securing control over the public service by weeding out skilled professionals.
3. Securing control over the country's fiscal sovereignty.
4. Securing control over strategic procurement opportunities by intentionally weakening key technical institutions and formal executive processes.
5. Securing access to rent-seeking opportunities by shaking down regulations to their advantage, and to the disadvantage of South Africans.
6. Securing a loyal intelligence and security apparatus.
7. Securing parallel governance and decision-making structures that undermine the executive.

Now we turn to the PowerPoint presentation to illustrate these 7 Measures of control by the Power Elite.