

# Crimes of the great denialist

By *moderator*

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By Zackie Achmat, Mail & Guardian 27 September 2008

On September 20 2008, as South Africa's newly acquired Gripen fighter jets took off from a local air show to parade across Cape Town skies, residents would awaken to one of the most remarkable days in the political history of the republic. The Mbeki-Pahad monolith had collapsed.

The decision by the ANC to recall President Thabo Mbeki represents the downfall of the most hubristic executive in contemporary South Africa, and one that has been characterised by the unrelenting denialism of the greatest threats facing our country -- the mounting failure of the criminal justice system to prosecute and convict criminals, the increasingly disturbing nature of violent crime, burgeoning inequality and unemployment, the HIV/Aids catastrophe and the culture of impunity for corrupt and incompetent public officials.

The imposed resignation was long overdue. There were valid reasons to impeach Mbeki even before the Chris Nicholson judgement on three particular charges, all of which in their own right provide enough justification for such action.

First his culpability in the death of hundreds of thousands of -people in South Africa with HIV/Aids cannot be underestimated and its impact will be felt for generations. Death certification by Stats SA shows more than 1,5-million deaths in the ages 0-49 and more than two million new infections during his rule. The long-overdue roll-out of a comprehensive antiretroviral programme, compounded by state-sponsored pseudo-science, has left 524 000 people desperately in need of the life-saving treatment unable to access it. As a direct result life expectancy has dropped every year Mbeki has been in office.

Second is the indisputably corrupt nature of the arms deal, in which he ruthlessly covered up the extent of the venality of European companies, ANC politicians and business people associated with the deal. Mbeki's downfall coincides almost eight years to the day (September 15 2000) when the Auditor General reported to Parlia-ment that the arms deal departed from procurement practices in terms of conflicts of interests and the exclusion of price as criteria in the selection of the companies.

Parliament then established a joint investigation team (JIT) comprising the Auditor General, the National Prosecuting Authority and the Public Protector. In November 2001 the JIT report was finally released. The original report confirmed the Auditor General's earlier findings, but it was amended by the executive under Mbeki to exonerate Cabinet and MPs. Here is the smoking gun of executive lawlessness. The tampering with the JIT report should be explained by Mbeki in a high court trial should he wish to clear his name.

Last is the criminal breach of the separation of powers based on the two issues outlined above, which led to the undermining of Parliament, the Medicines Control Council led by Peter Eagles, the Medical Research Council led by Anthony Mbewu, the Human Rights Commission then led by Barney Pitso, the Public Protector, the Commission on Gender Equality, Scopa, the Auditor General, the National Prosecuting Authority and others.

Mbeki's failure of principle, and the consequent executive lawlessness and culture of impunity, from Manto Tshabalala-Msimang to Alec Erwin and Jackie Selebi, has undermined democracy, the rule of law and freedom. Corruption has entered the body politic like a malignancy everywhere, from Travelgate to local government, Schabir Shaik, Fidentia and deals on nuclear power.

The ANC leadership, under its president Jacob Zuma, must now guarantee four critical elements to stabilise and rebuild South and Southern Africa:

First it must guarantee that the rights enshrined in the Constitution, the founding values of open, accountable and responsive government based on the rule of law and the supremacy of the Constitution will be respected.

Second the violent rhetoric of thugs such as Julius Malema -- underscored by the physical violence at ANC branches across the country -- against political opponents and the judiciary demands unequivocal condemnation by every ANC, Cosatu and civil society leader.

Third Kgalema Motlanthe, the new acting president of the country, must appoint a commission of inquiry into the arms deal immediately. Leaving corruption intact will undermine the legitimacy of all governance by the ANC. The arms deal must be cancelled because of the corruption and the past and future drain on resources to rebuild our country.

Finally the ANC must develop a clear vision to rebuild our country's safety and security, education and health systems, based on sound economic policies that address the structural inequalities based on class, race and gender and affirm a mixed economy. This must be accompanied by an action plan for democracy, the rule of law and economic integration in Southern Africa.

*Zackie Achmat is the deputy general secretary of the Treatment Action Campaign and a founding member of the recently formed Social Justice Coalition*

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