

South Africa, Covid-19 and the Social Contract

Covid-19 has exposed the deep fault lines that characterise South African society. When the crisis broke out and a hard lockdown was instituted in March 2020, it became clear that food poverty is a stark reality for many people. The army was deployed to police the population, making state violence plain to see as videos and stories of brutality by police officers and soldiers hit the headlines. The lockdown also exposed the extent to which gender-based (especially intimate-partner) violence is a daily occurrence for many women. And after months of lockdown and gradual easing of restrictions, amid much criticism and protest, it is clear that if the country's economy was fragile before, the crisis has brought it to its knees.

In response, the government has attempted to strike a balance between responding adequately to the health emergency and keeping enough economic activity going to maintaining livelihoods. The balancing act has not always been successful: many mistakes were made, illogical decisions taken and enforced, and inadequate explaining of these decisions to the population done along the way.

Government action and inaction was met with scepticism and downright cynicism by a population that has become highly disillusioned with politics, politicians and state institutions since the heyday of state and social reconstruction in the late 1990s and early 2000s. The scandal that broke out in June – large contracts were issued to companies linked to politicians belonging to the ruling African National Congress (ANC) and bureaucrats to supply personal protective equipment (PPE), sometimes at vastly inflated prices – simply confirmed for many that the ruling alliance is deeply corrupt.

Nevertheless, we have also witnessed action taken in earnest against some of those implicated. This was a change from years of political elites who were deaf to calls to stop the decay of state institutions, and held vested interests in destroying the investigating and prosecuting agencies to escape accountability. The crisis has also laid bare the nature of the relationship between the state, business and civil society, which is a mutual cooperation between business and the state with civil society mostly reduced to shouting from the sidelines, protesting and litigating.

What does this all tell us about the state of South Africa's democracy and state-society relations at this point?

South Africa was in the midst of a major political transition and economic recovery process when Covid-19 seized the government's attention in March 2020. On the political front, the main spectacle had been a bruising contest for the presidency of the ruling African National Congress (ANC), leading to a narrow victory for Cyril Ramaphosa in December 2017 against his rival Dr Nkosazana Dlamini-Zuma. The leadership contest was a battle between the status quo of state mismanagement and corruption under the then President of both the ANC and South Africa, Jacob Zuma, and Ramaphosa's reformist agenda to rebuild state institutional capabilities and fight corruption.

A short-lived euphoria followed Ramaphosa's election, dubbed 'Ramaphoria' and 'a new dawn', before the old ills began to chip away at optimism. Ramaphosa's government extended processes to root out corruption and deal with the corrupt who seemed to enjoy impunity from prosecution.

Government departments were rationalised by merging some and by reforming institutions that had fallen victim to political interference of the previous government. New appointments and internal investigations were made in institutions; from the National Prosecuting Authority and the South African Revenue Service to the Development Bank of Southern Africa and the ever-floundering national electricity monopoly, Eskom.

The political transition came on the back of slow economic growth over the past two decades and persistent unemployment that had risen to above 27% in conservative official figures. The new government was faced with these challenges, which had faded from focus as Ramaphosa's predecessor, Jacob Zuma, fought for his political survival and that of his government amid a scandal around capturing and subverting the state apparatus to loot public coffers that is now the subject of a commission of inquiry. In response, the new government hosted annual investment summits where domestic and international investors made pledges, and set up advisory committees. These interventions had not yet yielded visible outcomes when the Covid-19 pandemic took centre stage in March.

The pandemic strikes

On 15 March, President Ramaphosa declared a National State of Disaster and announced a hard lockdown. Borders were closed and air travel suspended within days, stranding many people abroad and trapping some in the country who wanted to return home. The government cited the need to *flatten the curve* by taking drastic action early to save lives, failing which Covid-19 could devastate the country. The most realistic early estimates suggested that deaths would number between [30 000 and 50 000](#) depending on factors such as when the virus peaked, how the lockdown was eased and whether physical distancing was observed.

At the outset, experts including epidemiologists, immunologists and others seemed to be central to the emergency health response. A Ministerial Advisory Committee (MAC) was quickly set up to advise the minister of health, Dr Zweli Mkhize, on the best course of action. Mkhize himself as well as members of the MAC, especially its chairperson Prof. Salim Abdul Karim, became highly visible. They explained the danger the country faced and urged people to observe safety protocols such as, at first, staying home and sanitising or washing hands with soap and water.

The army was mobilised within days of the lockdown on a scale not seen since the 1990s during the transition from apartheid to democracy, when there were threats of a civil war. Soldiers were deployed to patrol streets and enforce the lockdown alongside police officers in many places across the country.

At the same time, there were rapid moves to ramp up the health system by increasing the preparedness of health facilities and practitioners, setting up dedicated Covid-19 wards in designated hospitals, increasing ICU bed capacity and acquiring PPE at huge scale. (PPE has come to symbolise what is fundamentally wrong in the country as its procurement in some provinces was beset by corruption.)

Two contrasting institutions were hurriedly set up. The Solidarity Fund is a collaboration between mainly government and business, with a nod to civil society, that supports the national response by gathering donations from corporations and individuals to fund the acquisition and distribution of medical supplies and food relief. At the same time, the C19 People's Coalition was established as a

civil society collective fighting to mainstream social justice and democratic principles in the Covid-19 response.

Early problems

The lockdown rapidly sent people into hardship. Physical distancing was simply not possible in overcrowded households in informal settlements and townships. What is even worse, many informal settlements and rural areas across the country did not even have a reliable or adequate supply of water to make daily living comfortable, let alone wash hands frequently to prevent infection by the novel coronavirus. There had been running service-delivery protests, for instance, in [Qwaqwa](#) for the first months of 2020. In Limpopo, KwaZulu-Natal and the Eastern Cape, cases of villages that had been waiting two decades for water provision were highlighted by media reports.

Government scrambled to provide water through emergency procurement of water tanks and tankers to deliver the water. The first instances of tender fraud began to emerge in this project. They were to be dwarfed by PPE procurement corruption by June.

In those early days, there was also a sense that the early lockdown regulations were relevant to the middle classes, but in many cases impossible for the low-income, daily earners or unemployed people to comply with. The military was initially deployed to vulnerable communities to 'help' enforce the lockdown alongside public health workers.

Moreover, Parliament was kept in the dark about some of the decisions being taken by the Executive and abdicated its responsibility to exercise oversight. This was most visible when it came to how the President informed Parliament of the deployment of the army. Due process was not followed, but Parliament gave the Executive a pass.

Food poverty

The hard lockdown crippled many people's ability to earn a living, leading to a food emergency for many within days. Only supermarkets were allowed to trade despite the fact that some 70% of the population relies on street vendors and neighbourhood spaza shopsⁱ for their [food supply](#). Responses were rapid and on a scale not seen before in the country. Neighbourhood committees sprang into action to provide what food they could to starving community members. Relief organisations such as [Gift of the Givers](#) organised delivery of food parcels alongside those being provided by a range of other civil society organisations with funding from donors, spaza shop owners' collectives, businesses as well as the Department of Social Development, the C19 People's Coalition and the Solidarity Fund.

It was clear that the need was much greater than all the relief efforts put together. Pressure mounted on the government to begin reopening the country sooner rather than later so that economic activity could resume. Government introduced small monetary relief grants for a limited period under pressure from civil society bodies and academics, who had been calling for a basic income grant to be introduced for years.

Corruption began to emerge in the provision of food relief packages: patronage was exposed where some councillors, mainly linked to the ruling ANC, were found to be distributing food packages selectively to their supporters.

Gender-based violence

Violence against women and girls had been in the spotlight for some time before the pandemic. Activists staged marches to demand government action, [a summit](#) was called by the government in 2018 and [a task team](#) was appointed in 2019. During the lockdown, there was a rapid increase in the number of cases of violence perpetrated by men against intimate partners. Some commentary explained this as a result of the pressure cooker effect created by the lockdown and the loss of livelihoods leading to perpetrators taking out their frustrations on those closest to them.

To respond, support organisations, sometimes in partnership with the state, ramped up their capacity to offer safety by providing reporting hotlines and shelters. These safe houses rapidly filled up, demonstrating the extent of the crisis in the country.

State violence

On 10 April 2020 Collins Khosa was [assaulted](#) by SANDF soldiers at his home in Alexandra, Johannesburg. He was accused of violating lockdown regulations after a patrol had found an unattended chair and half a cup of beer in his yard. He died a few hours later. Khosa's death is emblematic of the violence visited on people by the army and the police during the lockdown. There were many media reports and videos circulating of soldiers and police brutalising people while enforcing 'Cyril's lockdown'. The anti-repression working group of the C19 People's Coalition sounded the alarm early on. Public interest law organisations were inundated with requests for legal interventions where people had been beaten and/or arrested sometimes for just walking down their streets to buy a loaf of bread.

The overlay of the defence force on the police service on the streets merely increased and intensified of police violence that is commonly experienced especially by poor black people during service delivery protests and even in run-of-the-mill policing work. Pushback from the public and from activists intensified against this brutality, leading to condemnations and undertakings to do better by the Minister of Defence and the President.

Government communication

Throughout the six months it took for the country to move from level 5 to level 1 of the Risk-Adjusted Strategy, clusters of Ministers gave frequent briefings that were broadcast live in which they took questions from journalists. The President addressed the country from time to time when major decisions had been taken by the National Coronavirus Command Council, mainly when restrictions were being eased. At times there were calls for more frequent addresses by Ramaphosa when there were long hiatuses between briefings and the country was left in the dark about developments in the state's response.

During the hiatuses questions would be raised about whether the government was acting in the best interest of the country. At times the silences threatened to undermine the legitimacy of the whole response to the pandemic. Some people defied government regulations – with bans on gatherings of more than 50 people at events not being observed especially in rural areas. A lively black market for banned cigarettes and alcohol developed. The Fair Trade Independent Tobacco Association took the President to court as government stood firm on its ban on cigarette sales even though the science behind its decision convinced nobody.

Where is SA now?

Several things have become clear about the present state of South Africa and the nature of the relationship between the state and society:

1. The country's economy is on its knees and with it livelihoods. Gross domestic product [fell 16%](#) in the second quarter of 2020. Unemployment, which was already too high at around 29.1% in the last quarter of 2019, has risen sharply in the last few months due to the lockdown with [2.2million jobs lost](#) in the second quarter of 2020. Government has only recently presented an economic recovery, which is being hotly debated. The effect is that levels of hopelessness and dejection have also risen. Calls have grown for the state to increase and make the basic income grant permanent. The pandemic has made a bad situation worse and stymied attempts to develop plans to grow the economy.
2. The state responded to the Covid-19 crisis in close cooperation with business. Civil society mobilised its own response with little to no collaboration with the state. There's a gulf between government and business on one side and civil society on the other. The C19 People's Coalition and the Solidarity Fund starkly represent the polarity in the country. On one hand, government and business put great effort into collaborating with each other with some involvement of sections of civil society including some trade unions, think tanks and academics. This coalition often believes that consensus between government and business, with the blessing of the ruling political alliance, on how to deal with the biggest challenges facing the society is a sufficient basis for making plans for the country and presenting them publicly.
On the other hand, organised social justice-focused civil society in the form of individual organisations and coalitions often shout from the margins and find openings for working with the state here and there. They hold marches and litigate against the state and corporations. Their efforts often seem small and marginal, with the occasional high-impact intervention. Social movements and communities that have no seat at the table and whose voices are often ignored are forced to resort to violent protest to get their demands heard.
3. Yet the state's response to the Covid-19 crisis has seen heightened levels of state responsiveness. Throughout, the state has shown itself to act on criticism – from demands to curb army and police brutality through calls to introduce income support to calls for the easing of the lockdown and the opening of the economy. However, there have been many missteps and downright pig-headedness along the way. There were also some serious accountability gaps that clearly showed the need for ongoing vigilance and activism.
Government held fast to the alcohol and cigarette sales ban in the face of a months-long outcry and no convincing rationale for maintaining it – especially the cigarette ban. There were lies and defensiveness about Khosa's death. The unprecedented deployment of the army in peace time is a move with no convincing explanation for why it was necessary. It points to a government that considers it necessary to beat the population into compliance.
4. At the same time, relentless activism to demand accountability and sometimes to force the state's hand in making decisions have been seen throughout. Organisations representing the

tobacco industry went to court to challenge the cigarette ban. Khosa's family is suing the state. Cases against police and army brutality are being pursued in the courts.

We have also seen people taking to the streets. On 2 September artists marched to demand that cultural and entertainment venues be reopened. Some [closed down major roads](#) in characteristic South African 'shutdown' fashion, to cause major disruption as a way of getting their voices heard.

A lot has happened in the country in the past 6 months. What it demonstrates is that South Africa continues to be a noisy democracy in which unaccountable political power is resisted from below as well as from some segments of elites. We have observed state responses that make one wonder why it has taken a concentrated crisis for the state to make water available in places where access to water and sanitation is a daily crisis for some people. State-society relations have improved from the low ebb of the chaotic Zuma decade that came on the back of the Mbeki decade to 2009 when government was aloof and purported to know best. There appears to be more openness to engagement and willingness to listen to public outcries from the executive arm of government.

Despite criticism, the South African democracy – with the Constitution at the centre – is holding steady. It serves the wealthy and the middle class very well. It continues to grossly marginalise impoverished people. And so there are urgent tasks to address – the food emergency, rebuilding the economy to be inclusive for the first time and close the yawning inequality gap, the threat of xenophobic violence against especially African and Asian immigrants, and an ongoing health response to Covid-19. For these tasks the government-business coalition needs to take seriously the need to partner with civil society.

Further reading

<https://www.dailymaverick.co.za/article/2020-08-18-no-recovery-without-redistribution-no-social-contract-without-meaningful-inclusion-of-civil-society/>

<https://www.dailymaverick.co.za/article/2020-07-29-covid-19-emergency-lockdown-what-went-wrong-and-what-will-it-take-to-fix-it/>

<https://www.universityworldnews.com/post.php?story=20200618103433788>

<https://www.businesslive.co.za/bd/opinion/2020-10-19-sas-recovery-plan-continues-apartheids-accumulation-by-dispossession/>

ⁱ A spaza shop is an informal convenience store (<http://livelihoods.org.za/wp-content/uploads/2015/06/spaza-shop-infographic-Part-1.pdf>).