

NHI — no truce in sight

Political motives complicate negotiations on universal healthcare

OPINION Stephen Grootes

There were hopes last week that there could be a truce in the nine court cases brought by various groups opposed to the government's introduction of National Health Insurance (NHI).

Unfortunately, it is unlikely that a truce will be reached, and the burning issue of universal healthcare will remain mired in the politics that the world's most unequal society creates.

Last Wednesday, *News24's* Carol Paton reported that Finance Minister Enoch Godongwana had suggested in Parliament that all the NHI court cases should be withdrawn and those involved should sit around a table and reach an agreement.

Last Thursday evening, the CEO of the medical aid scheme Profmed, Craig

Comrie, said he welcomed the chance to negotiate and was looking forward to an invitation to sit down and talk.

Several of the other bodies that have brought cases against the NHI would probably agree with him. Some have a very real interest in avoiding a court case, particularly because it can give the impression they are trying to prevent poor people from getting proper healthcare.

Some will be happy to negotiate because they know that most of the discussions will boil down to money. There might be debates about emergency treatment, the treatment of children or the treatment of cancer, but in the end, rands and cents will be the nub of many of the debates.

This means there is a path to negotiations, and people from the various sides will be happy to try to find common ground. Some will be trying to keep their industry or the companies within it alive, while others will have a very different motive. The SA Medical Association (Sama),

representing doctors, has a constituency that will be directly affected by the NHI. Sama is unlikely to accept anything that would prevent its members from being able to choose their employer. If, for example, the implementation of the NHI meant they could only work for the government, or would not be allowed to join the many specialists in Rosebank's Sturdee Avenue, then Sama would never agree.

Instead, it will fight to the bitter end, which will inevitably lead to a court case.

POLITICAL MOTIVE

Others contesting the NHI have a political motive. The DA is using its legal opposition to the NHI to show its voters that it will continue to fight for them.

One of the other political actors in this is AfriForum, which has not lodged a court application but has said it will issue a summons to stop any harm to any patient who could be affected by the NHI when it is implemented.

This means that even if there is a truce and the legal actions are withdrawn, it would not be the end of the story. Of course, it is also true that the ANC is using the NHI as a campaign tool. From Gauteng Premier Panyaza Lesufi's promise that the NHI would be implemented the day after the 2024 elections, to President Cyril Ramaphosa's signing of the NHI Bill into law just before those polls, the ANC has shown it is aware of the power of this issue. This means that some in the ANC have no interest in negotiation, they want to be seen to be fighting for their voters.

In addition, it sometimes appears that the ANC is not 100% behind the NHI.

Last year, Godongwana refused to implement the National Department of Health's call for the medical aid tax credit to be cancelled, saying that doing so would be an attack on the middle class.

In fact, even the ANC's adoption of the NHI came as a surprise. While the first mention of the phrase might have been at

the party's Polokwane conference in 2007, it was only at the ANC's national general council in 2010 that it took any concrete form. But even then, it was not the major point of discussion among delegates and appeared to be almost an afterthought.

(As this reporter wrote at the time, this was a conference dominated by plans to regulate the media through a media appeals tribunal.)

Since then, virtually all of SA's Finance ministers have failed to embrace the concept. The only one who appeared to show some support for it was the liar Malusi Gigaba, who was appointed at the height of Jacob Zuma's populist phase.

The ANC has also never satisfactorily explained how the NHI would be funded, which makes this issue the Achilles heel of the party. At the same time, Health Minister Dr Aaron Motsoaledi has consistently been a strong proponent of the NHI, and would be risking his political career to accept many concessions during negotia-

tions. The ANC also needs to demonstrate to its voters that it is delivering something significant. If it concedes too much in negotiations, the concept of "universal healthcare" could lose its essence.

Another critical aspect of this issue is that it is not clear whether the NHI, as the ANC wants to implement it, is constitutional. Those who oppose it believe it is not, which means they could negotiate for a long time, knowing they could still go to court if negotiations failed.

They might see Godongwana's call for a truce as a concession that the ANC knows it cannot win this battle. All of that said, some kind of truce, perhaps a pausing of the court cases, might provide space for cooler heads to prevail. To put it bluntly, it is unlikely that the rich will give up their privileged healthcare without a fight. Perhaps the aim should be to get them to share as much of it as possible, which will require a political solution, rather than a legal fight. — *Daily Maverick*.

[Full Page Image](#)