



Integrity Commission
21st December 2020

Report on the Engagement with the ANC President

Ref: IC/REP/6/20

1. Introduction

The ANC's Integrity Commission (IC) engaged with the ANC's President, Comrade Matamela Cyril Ramaphosa on 19th November 2020 via a Zoom video conference. The interview was at the request of the IC, with the main purpose of soliciting and exchanging views with the President on funding for campaigns for individuals seeking to hold office in the ANC.

2. Background

The IC first requested to meet with Cde President in 2018 when the issue of Bosasa and the CR 17 Campaign funds first arose. The IC identified this as a very important and sensitive issue for the organisation and anticipated that this was going to do damage to the reputation and good standing of the ANC. The use of such allegedly huge sums of money for individual leadership campaigns was a departure from the internal democratic procedures of the organisation and was having a negative impact on the organisation.

It was therefore with great disappointment to the IC when the President explained to the Chairperson of the Commission that since this was a legal matter, he did not feel that it was right to discuss the CR17 campaign funds until the legal matter was finalised.

The IC pursued the matter of meeting with the President and requested over an eighteen month period to meet with the President several times both verbally and in writing. It did not sit well with the IC that the President especially, but also the Officials, continually referred publicly to the importance of the IC and the work that was being done, but in reality there was little to no interaction.

The Chairperson of the Commission, Comrade George Mashamba, was finally able to welcome the President on the 19th November 2020 to discuss the use of money for **INDIVIDUAL LEADERSHIP CAMPAIGNS WITHIN THE ORGANISATION.**

3. Report of the meeting

Whilst the President expressed the wish to deal with the CR17 Campaign, its nature, organisation and governance, the Integrity Commission made it clear that in this meeting the IC did not want to discuss the CR17 campaign. The ANC conference resolution was taken in Dec 2017 and cannot be implemented retrospectively. The meeting wanted to focus on the principle of the use of money in individual leadership campaigns within the organisation going forward.

However, with regard to the buying of votes subsequent to the 2017 Conference, the IC strongly recommends that if any comrade has irrefutable evidence of this, it must be brought to the notice of the Disciplinary Committee as a matter of urgency.

The issue of the use of money in buying votes especially in relation to leadership positions, keeps arising both in the media and in the public arena. It is obvious to the Commission that this issue is becoming increasingly divisive and is being used as an instrument to further factional divisions at all levels of the organisation. This is damaging the reputation of the organisation.

The President accepted this approach and offered to send a 69 page presentation he had prepared for the IC, which he unfortunately has not done so to date.

In the course of the discussion many other issues were touched upon such as:

- The officials neither defending nor implementing Conference resolutions
- The buying of votes in AGMs
- The matter of fundraising for the ANC
- The matter of judicial morality and political morality
- The legitimacy of the forthcoming NGC and National Conference given the doubtful legitimacy of some ANC branches and other structures
- The perceived lack of commitment by the leadership to the promise of renewal of and in the ANC
- The importance of the syllabus of the political education school in the life of the organisation and the calibre of the comrades who are products of the school.

- The issue of those comrades who refuse to comply with the conference resolution to step aside in the face of criminal charges
- The necessity for a common vision and understanding about where the ANC is supposed to be going, to ensure commitment to a common cause
- Concerns in relation to the lack of structure of the Youth League and unsuccessful attempts to solve the problems
- Entertaining of comrades who bypass the structures of the ANC to organise themselves into pressure groups, thereby possibly leading to parallel structures
- ANC leaders, their families and friends doing business with government
- Lack of consequence management by leadership throughout the organisation

3.1. The President said that the ANC needs to accept that campaigning is part of the modern way in which political parties operate but it has to be regulated. He explained that contestation became an issue in the organisation after the dawn of democracy. Prior to the unbanning, people were asked to make themselves available for election. After 1994, the introduction of money was linked to access to resources, to government positions, etc. Many conferences have taken resolutions on this, yet the practice has become one where the use of money has underpinned leadership contests. One measure to put an end to factionalism etc would be to have a new approach to leadership contestation. Without clear guidelines, the leadership contests will continue in the shadows, encouraging factionalism, etc. The ANC needs to clearly identify permissible forms of campaigning and those that are not. The intention is to ensure legitimacy, transparency and accountability.

3.2. The President suggested that some of the issues the guidelines should address are:

- Do we accept that there will be individual campaign machineries, with communications people, social media, etc.?
- Do we want to explicitly prohibit that, or should it be done differently?
- What guidelines should be issued around fundraising?
- Do we want to limit the amount of funds to be raised?
- How does the ANC eradicate the use of State resources in internal and inter-party campaigning?

- In relation to fundraising for conference, the President said he subscribes to the view put forward by the ANC Veterans League that there should be a limit from each donor to ensure no donor has the upper hand

3.3. The President listed the lessons he has learnt from the 2017 electoral process. Some of which are:

- The absence of guidelines will lead to the campaigning taking place in the shadows, leading to patronage.
- Campaigns should be used to build and unite the ANC and should not be underpinned by factionalism, etc.
- After the conference, all campaign machineries should be dismantled.
- Financial accounting of all campaigns and each candidate should account to the IC, and also in terms of tax and other applicable laws.
- There should be a very clear commitment on the matter of buying of votes.
- Proper practices from previous conferences, stemming from the resolutions adopted, should be developed into clear rules.

4. The IC maintains the view that it should be strictly prohibited to raise and use money for individual leadership campaigns at all levels of the organisation. Whilst understanding full well that we now have to operate as a modern political party canvassing for support for national, provincial and local elections, it does not follow that our internal political leadership be chosen on the basis of who is able to raise the most money for their individual campaign. Branches should be able to identify capable comrades, with a tested track record of delivery and trust. The process of developing criteria for the nomination for political office must be ongoing as the objective political situation develops. The use of money to determine political position leads to the exclusion of the poor from participating in internal electoral processes. It also raises a valid concern about external role players.

The IC felt that whilst the President had outlined the kind of regulations that could be put in place to regulate the use of money in campaigns, these regulations nevertheless are made on the basis that money will be used. It has become accepted practice. It is perfectly possible to prohibit the practice. There are two types of campaigning. On the one hand, nominations for individuals to occupy political positions in the organisation, should emanate from the membership of the ANC. Campaigning for the ANC on the other hand, for national and local elections should

be issued from a central fund. Key to this argument is the need for legitimacy, transparency and full accountability so that all candidates can participate.

The President responded that the ideal situation would be where money is not used at all and he subscribes to that. The President said it would be very good to hear from the IC about how this issue of eradicating the use of money in leadership campaigns can be achieved.

5. President's closing remarks

The President said that the organisation is facing enormous challenges and as it is now, divisions are running deep. The task of unifying the organisation is paramount if we are to serve our people and increase our support to well beyond 50%. We must never forget that we exist in the interests of the people of South Africa and therefore we must put their interest ahead of our own interest. We've got to continue trying everything we can to unite our organisation, to renew it and to deal with the challenges we are facing as an organisation. That is the only way we can serve the interests of the people of our country.

The President once again expressed his gratitude for the opportunity of appearing before the IC. He has gathered a few insights and it is his opinion that there's a lot of work the IC should continue to do. The IC is the conscience of our organisation and it was never going to be easy. The last IC came under a lot of fire, to the point where some were saying it should be disbanded. You are always going to hear voices that say you are over-stepping the mark, and that you are going into areas you shouldn't be going into. The IC must carry on with the work you are doing, however difficult it is and however much you come under attack.

The President said that the IC is a relatively new structure in the ANC and deals with issues that are important to the integrity of the organisation. The main challenge of the IC is that you may pronounce on the behavioural aspects of individuals in the ANC. The IC may see conduct that reflects negatively on the integrity of the ANC. Those individuals may not see it that way, or may even refuse to see it that way. The issue of whether we have the same perspectives is a cogent one. People may not have the same perspective as the IC has, and if that is the case, it doesn't mean people don't take the IC seriously.

The President said that he looked forward to the leadership given by the IC in protecting the values of the organisation and furthering an understanding of what good ethics in our movement should be. The voice of the IC needs to make a substantial contribution to this discussion, whether in the form of a discussion document, or whatever.

The IC is involved in a struggle for the heart and soul of the ANC.

The President undertook to put forward a number of proposals to the NEC, based on the discussion with the IC.

6. IC assessment of the meeting

The IC had been increasingly concerned that the President had been unable to meet with us despite our numerous requests. However, the engagement eventually took place and the IC highly appreciated the President engaging with us for two and a half hours. The President had wanted to discuss the CR17 campaign and had wanted to bring his legal advisor to the meeting. The IC reminded the President that the IC Terms of Reference did not allow legal representation. The President took the decision not to include his legal advisor in the meeting.

Of concern to the IC is the blurring of lines and the merging of the political and the legal processes. It is clearly stated in the IC rule of procedure that the IC is not a court of law and cannot pronounce on either innocence or guilt. The role of the IC is to guard and protect the integrity of the organisation. The IC has nothing to do with the NPA or the office of the Public Protector which are part of an independent arm of state. To insist that the legal process must conclude to avoid appearing before the IC on the basis that matters are before the courts distorts the role of the IC, undermines the work of the IC and presents an unnecessary delay to the work of the IC.

The issue of the unity within the ANC cannot be overemphasised. However, the IC believes that unity should not be pursued at the expense of the image and integrity of the ANC. The IC does not support the notion of unity at all costs. Unity is only important if it strengthens the organisation and therefore enables it to deliver on its promises. Unity must be based on political principles and can only be achieved around a common vision, and a common programme as captured when we talk of “Unity in Action”. It is within this context that we fully understand the President when he says we need to draw a line in the sand between the organisation and members of the organisation charged with wrong doing.

The discussion was honest, frank and productive. Despite the purpose of the meeting which was essentially to discuss the use of money for individual leadership campaigns, other issues were discussed as reflected above.

The IC is bolstered by the open support of its work from the President and is further encouraged to operate without fear or favour as “the conscience of the ANC”. The Integrity Commission will endeavour to deliver on the expectations of the ANC membership and the South African public at large.

Yours in struggle,

A handwritten signature in black ink, appearing to read 'George Mashamba', written over a horizontal line.

George Mashamba
Chairperson: Integrity Commission