



**Integrity Commission
14th December 2020**

**Report on the Engagement with Comrade E.S. Magashule,
ANC Secretary General**

Ref: IC/REP/6/20

The Secretary General met with the Integrity Commission on Saturday 12 December 2020. It was a long meeting and the SG covered many issues. His brief to the IC was thorough and comprehensive. He came to the meeting very well prepared and offered to share with the IC all the documentation to which he referred, which he later did.

Cde SG emphasised that he was a disciplined cadre and he made it clear that he was ready to perform any tasks given to him by the organisation. He further said that:

- he was bound by the decisions of the collective;
- he would “step aside” if so instructed by the NEC;
- he understood the ANC Constitution, its rules and code of conduct;
- he had a clear understanding of the seniority of his position as the ANC’s Chief Administrative Officer and guardian of the principles and values of the ANC enshrined in the ANC Constitution;
- he understood his responsibilities to ensure that all structures of the organisation perform according to its Constitution and its policies;
- he understood his role to protect and uphold the values that have enabled the ANC for the last 108 years to have earned the credibility and legitimacy necessary to lead the country; and
- he was clear that the ANC was a voluntary organisation and therefore its members are bound by its Constitution.

The IC greatly appreciates the SG's respect for the Integrity Commission. He understands the Commission's mandate and was able to freely refer to the Commission's Terms of Reference. He confirmed that he had telephonically informed the Chair immediately after criminal charges were laid, that he is presenting himself to the Commission and that he would stand aside from all positions if instructed by the NEC to do so.

The Integrity Commission is concerned that there is growing negative perception about the NEC. The IC is increasingly receiving feedback from the general public, including ANC members, that the NEC is not providing decisive leadership and is paralysed in fulfilling its promise of organisational renewal and combating corruption.

Of concern to the IC is not the correctness or otherwise of these perceptions. The concern is the negative and damaging impact these perceptions have on the organisation. It is now perceived that the NEC cannot implement its decision against its Secretary General not as a form of protecting him, but because some of the NEC members are themselves implicated in wrong doing. The highest decision-making body between conferences is responsible for the increasing lack of trust by the very people it purports to lead.

The NEC seems to be doubting the soundness and correctness of its own conference resolutions including its own decisions especially those that deal with corruption. The IC is worried that the Officials and the NEC are increasingly making use of legal opinions to avoid implementing resolutions that are essentially ethical and political and that it has continuously promised South Africa it would implement.

The ANC takes great pride in its Constitution, Code of Conduct, and Resolutions. These embody the ANC's commitment and inherent sense of fairness and justice to all. This sense of fairness, of adhering to uniform procedures extends into our South African Constitution wherein we find a myriad of checks and balances to ensure that all South Africans are treated fairly and equally. The Secretary General, as the Chief Administrative Officer is duty bound to ensure that the procedures of the ANC are correctly followed without fear or favour. Disciplinary procedures with regard to disciplinary action are meticulously set out in the ANC Constitution and need to be strictly followed.

The NEC reports after every one of its meetings that unity is key but that factionalism and division are weakening the ANC. This was confirmed by the Secretary General in our meeting with him. The IC understands that a united ANC is crucial for us to deliver on our promises. But unity can only be built around a common vision and purpose as understood when we talk of Unity in Action. Unity is not about keeping individuals happy in order to avoid division in our ranks. It is not about allowing the organisation to be blackmailed around the slogan of unity. Whilst unity is paramount it must not be at the expense of the implementation of resolutions and

decisions. Decisions of the ANC and its conferences must apply without fear or favour.

The Integrity Commission recommends to the NEC the immediate implementation of the NEC Resolution of 6-8 August 2020, quoted here for ease of reference:

“Cadres of the ANC who are formally charged for corruption or other serious crimes must immediately step aside from all leadership positions in the ANC, legislatures, or other government structures pending the finalisation of their cases. The Officials as mandated, will develop guidelines and procedures on implementation, and the next NWC meeting will review progress. In cases where this has not happened, such individuals will be instructed to step aside.”

The NEC’s attention is drawn to the last sentence above.

In his interaction with the IC, the Secretary General indicated that he will never resist the decision of the NEC even if he might not agree with it. However, in the unlikely event of resistance to this , the NEC should consider suspension pending the finalisation of the criminal case against him in terms of **Rule 25.70 of the ANC Constitution** quoted for ease of reference “ where a public representative, office bearer or member has been indicted to appear in a court of law on any charge, the Secretary General or Provincial Secretary, acting on the authority of the NEC, the NWC, the PEC or the PWC, if satisfied that the temporary suspension of such public representative, office bearer or member would be in the best interest of the Organisation, may suspend such public representative, elected office bearer or member and impose terms of conditions to regulate their participation and conduct during the suspension”.

Revolutionary Greetings.



George Mashamba
Chairperson