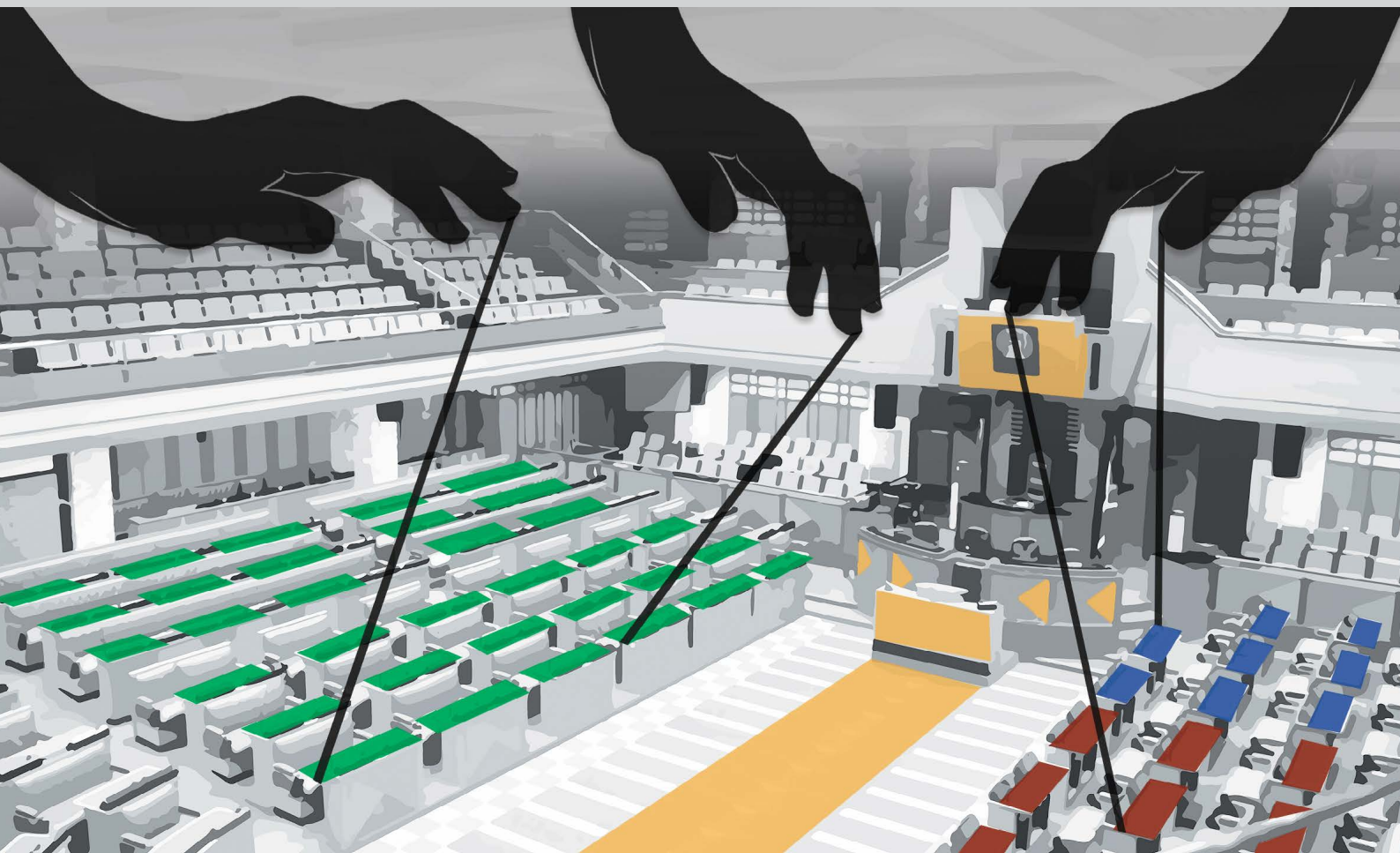


Internal affairs

Do South Africa's largest political parties effectively police corruption?

Judith February



While South Africa's political parties have emphasised the importance of dealing with corruption in government, less is known about their systems for dealing with graft and misconduct internally. This report explores the performance of the top three political parties – the African National Congress, the Democratic Alliance and the Economic Freedom Fighters – in using internal systems for holding members accountable for corruption. It argues that while adequate systems exist in theory, political considerations undermine it in practice.

Key findings

- ▶ South African political parties have developed formal policies and mechanisms to deal with corruption in their ranks.
- ▶ Enforcement of these policies is in practice uneven, both within and across parties. The implementation of party policies appears to be strongly linked to their prevailing internal political cultures.
- ▶ A higher premium is evidently placed on party reputation and solidarity than on ensuring a high degree of probity in the behaviour of their members.
- ▶ There has been a tendency, particularly in the ruling party, to disclaim responsibility for dealing with malfeasance among members until the country's formal legal process has intervened.
- ▶ Moral and political education – encouraging a transformed consciousness – is frequently invoked as a means to inculcate honesty on the part of party members.
- ▶ There is, however, relatively little evidence that hard sanctions are meted out by parties for unethical or poor conduct.
- ▶ More research is needed given the fact that there is much about arcane party systems that passes unknown.

Recommendations

For researchers:

- ▶ **A research agenda:** Since internal party anti-corruption systems are not readily visible to the public, evaluating them is difficult. Understanding these systems would be valuable.

For parties:

- ▶ **Education:** Members must understand the importance of probity in all matters. However, promoting probity while not enforcing it consistently is meaningless.
- ▶ **Political will:** Parties' systems depend on the willingness of the parties themselves to act on impropriety and accept the political consequences of doing so.
- ▶ **Transparency and activism within parties:** Internal democracy and activism can potentially be a brake on corruption. However party members may be willing to overlook corruption if other issues are viewed as more important.

- ▶ **Greater autonomy for integrity and disciplinary bodies:** An experimental idea might be to grant party anti-corruption bodies a measure of autonomy. Semi-independent bodies could co-opt non-party members for their expertise, and decide on and implement sanctions.

- ▶ **Political parties often obfuscate by invoking the 'innocent until proven guilty' mantra.** Immediate internal party disciplinary processes would be better.

For the state:

- ▶ **Cooperation with party anti-corruption bodies:** It would be useful to connect party and state anti-corruption bodies, to cooperate on investigation and prosecution. State bodies must be impartial.

For society:

- ▶ **External agitation:** Voters and the public must make clear that they regard a meaningful commitment in dealing with corruption as key, and failure here will be punished at the polls.

Introduction

Political parties play a critically important role in South Africa's political and governance systems. They are the sole channel through which the country's citizens exercise their representation in the country's Parliament and its provincial legislatures. In both design and practice, they are also the predominant one through which people are represented in local government. Political parties are the organisations that constitute government at all levels.

The way they manage the challenges of corruption is therefore of utmost importance. The past decade has been a difficult one, with serious damage having been inflicted on South Africa's economy, its institutions and on the confidence of its citizens.

This paper will examine the approaches that the three largest political parties in South Africa – the African National Congress (ANC), the Economic Freedom Fighters (EFF) and the Democratic Alliance (DA) – take to address allegations of corruption against their members and office bearers.

The good tax-paying citizens are angry that corruption is tearing at the fabric of our society and sabotaging our future

It looks at each political party's formal positioning – through their party policies and their election manifestos – and then attempts to evaluate these in light of their actions. It then looks at successes and failings in their systems and practices, and makes some recommendations as to how these could be improved.

As journalist Max du Preez wrote earlier this year: 'The good tax-paying citizens are angry that corruption is tearing at the fabric of our society and sabotaging our children's future, and demand action. Action not only to stop bribery and fraud in national government, but the corruption that has virtually destroyed the most of our local governments, where citizens feel the influence of the state first.'¹

African National Congress

The ANC is South Africa's dominant party, enjoying a comfortable majority in the national Parliament over all other parties combined. It is also in control

of eight of the nine provincial legislatures and most municipal governments.

With this influence, the ANC's approach to addressing allegations of corruption committed by those among its ranks has enormous ramifications for the country. Indeed, the ANC's view of itself is as something elevated above a normal political party. It is the country's oldest liberation movement, and has presented itself as the embodiment of the correct and legitimate aspirations of the country. This was evident in a 1999 article in which it described itself as 'the most important moral voice of the country on almost any question facing the country'.²

The ANC's institutional framework and systems for dealing with misconduct

The ANC's constitution identifies a number of 'acts of misconduct' that the organisation regards as grounds to institute disciplinary steps. Relevant here are the following:

- 25.17.2. Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine, for any offence.
- 25.17.4. Engaging in any unethical or immoral conduct which detracts from the character, values and integrity of the ANC, as may be determined by the integrity commission, which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute.
- 25.17.15. Misappropriating funds of the ANC or destroying its property.
- 25.17.18. Being convicted in a court of law for the offence of fraud, theft of money, corruption, money laundering, racketeering or any other act of financial impropriety.
- 25.17.19. Soliciting or accepting any bribe for performing or not performing any task pertaining to or in connection with the ANC.

The provisions outlined in its constitution make it clear that the ANC should not tolerate, and will act against, corruption. Interestingly, though, the misconduct identified here is linked in two places to 'conviction by a court of law'.

This is significant as it demands that a court pronounce on the individual case before it is recognised by the party as an act of misconduct. This opens a loophole that the

ANC has used repeatedly to avoid dealing with party members who have been accused of wrongdoing – as is explored below.

To take such disciplinary action – the ANC ‘shall have jurisdiction to discipline any member, office bearer or public representative for committing any act of misconduct’, 25.4. – the ANC’s constitution sets out a system of disciplinary committees at various levels, and prescribes associated procedures for conducting them.

The constitution also mandates that if a member is found guilty of the offences listed in 25.17.18, he or she is to be expelled from the ANC. Expulsion is not mandated for the other corruption-related offences discussed above (although the constitution does specify expulsion for some other offences that have to do with opposing the ANC politically).

The ANC’s constitution sets out a system of disciplinary committees at various levels

In addition, the ANC’s constitution requires its national executive committee (NEC) to appoint an integrity commission, ‘with terms and reference to be approved by the NEC’ (Rule 21). ‘Any unethical or immoral conduct by a member which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute’ is referred to this body.

Despite a seemingly strong institutional framework for dealing with misconduct and allegations of corruption, the ANC has struggled to address these challenges within its own ranks. Public sector corruption has been a serious issue confronting the ANC since it took power – though this was in part something it inherited from the previous apartheid dispensation.

By the end of the 1990s, the ANC as a whole had clearly recognised that at least part of the country’s corruption problem emanated from within the ANC itself. Party connections and its access to state power created a lure of status and wealth for both established activists and new entrants, some of the latter being motivated by sheer opportunism.³

As a result of the failure of internal mechanisms, the ANC has had to rely on state institutions to counter corruption. The ANC has repeatedly returned to the

idea that corruption is an issue to be dealt with through ideological preparation.

In 2000, for example, it put forward the concept of a ‘new cadre’ or ‘new person’. Such a person would be of unimpeachable moral character, would be selflessly committed to the ANC and would be well prepared for his or her role in advancing its programme and ensuring the development of the country.⁴

A year later, an ANC national working committee discussion document titled *Through the eye of a needle? Choosing the best cadres to lead transformation* emphasised the need for ethical leadership, and the responsibility to select the best people to occupy such positions.⁵

Another expression of this has been the repeated calls for ‘organisational renewal’ over the following two decades. These reiterated the call for moral conversion and ideological fervour. In 2010, a discussion document for the party’s national general council said that failure to build the ‘new person’ would have catastrophic consequences, turning the ANC into precisely what it aims to transform. It went on to say:⁶

The process of engendering new social values will require comradely and frank debates about the nature of the society, institutions and values we espouse and live by. It will require introspection and reflection on the role and image of the movement as a leader of our society, as well as self-reflection by its leaders and members on our collective and individual contribution to the shaping of this role and image.

The importance of personal integrity and behaviour has come up again in the past two years, linked to the so-called New Dawn heralded by the election of Cyril Ramaphosa to the leadership of first the ANC and then to the presidency of the country.

Against the background of the open and pronounced venality of the Jacob Zuma years, the need for a turnaround on corruption had become a matter of great importance to the ANC, as the extent to which it had tainted the party had potentially grave electoral consequences.

The December 2018 edition of its journal *Umrabulo* was titled *Ethical Leadership, State Capture and Corruption*. This journal examined the need to repudiate corruption, with a stress on personal and social ethics. Interestingly,

much of the content presented corruption as a pathology that was far larger than the ANC, and as something that had infiltrated the party as a result of external influences.

One piece, *Re-Imagining Tools Needed To Discourage Corrupt Practices In ANC*, focused on the role of the ANC's integrity commission and on the role of leadership. It would be necessary 'to unite and defend the set perspective that would be enforced by the integrity commission, instead of defending or vilifying fellow members along the enduring residual factional lines'.

It continued:⁷

As is evident, this begins a renewed culture of ethical leadership, taking responsibility for one's actions despite being legally innocent, in the absence of a conviction. It is an opportunity to halt the race to the bottom, where leadership structures seem helpless to arrest these practices. Either because they lack the means or the will, or are themselves held hostage by them. It is an opportunity to deviate from practice observed by the 54th National Conference of 'waiting for courts to correct our actions.' Missing an opportunity to put renewal into practice would be disastrous. Renewal would remain a slogan that is mouthed by everyone while inaction prevails on the pretext that no one can cast the first stone because everyone has their *'smallanyana skeletons.'*

The ANC's manifesto⁸ for the 2019 elections featured corruption prominently; the word itself is used 20 times. The scale of the problem of corruption features highly in the introductory remarks. The manifesto acknowledges the severity of the problem and public concern around it. For instance, it says, 'Corruption continues to raise its ugly head, threatening the very moral and ethical basis of our young democracy.'⁹

Against the background of the venality of the Jacob Zuma years, the need for a turnaround on corruption had become a matter of great importance to the ANC

The substance of its pledges is for the most part listed under the heading of a 'Capable, Honest Government'. Reasonably enough, it focuses on dealing with corruption within the state and the economy and using state institutions. These generally take broad, non-specific forms (for example, 'continue work to strengthen law enforcement agencies like the Hawks, Special Investigating Unit and National Prosecuting Authority' and 'strengthen the oversight role of Parliament and provincial legislatures').

It does, however, acknowledge that there is a need to police the party: 'We will actively promote a culture of integrity throughout the state, society and within our people's organisation – the ANC.'

There is little indication of what action the ANC as a party is expected to take within its own ranks, apart from promising to ensure that it is represented by high-quality people: 'We are also determined to show no tolerance in the fight



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IT TOOK POWER

against corruption and misconduct within the ANC. We have taken steps to send to parliament and legislatures the best of our public representatives who have made individual and collective pledges to serve our people with respect, integrity and humility.¹⁰

ANC challenges with implementing its organisational framework and system for dealing with corruption

The ANC's record on corruption has been the subject of much controversy and criticism. The party and individual members have been at the centre of numerous corruption scandals since the 1990s. It is difficult to know to what extent the disciplinary measures outlined above have been implemented.

To the extent that they may have been implemented on less prominent figures in the party, they haven't received much scrutiny. However, scandals involving senior members of the party have been extensively discussed, and provide a sense of the substance of the party's response to corruption within its own ranks.

While much attention has been directed at the conduct of the ANC-in-government, the conduct of the ANC-as-party is revealing

Perhaps nothing has so encapsulated the scale and gravity of corruption in South Africa as the arms deal scandal. This involved the purchase of large quantities of arms that were not suitable to South Africa's needs. They were bought on the basis of dubious promises of offsets, with strong indications of bribes having been paid to secure the transactions.¹¹ No proper reckoning has ever been conducted on the issue.¹²

While much attention has been directed at the conduct of the ANC-in-government, and the manner in which institutions were undermined to prevent a comprehensive airing of the issue, the conduct of the ANC-as-party is revealing.

A face of sorts was given to the scandal by the prosecution and jailing of Tony Yengeni, then the ANC chief whip in the National Assembly. He had received help from one of the bidders for an arms contract to purchase a car. Although convicted of having defrauded Parliament, his standing in the party remained remarkably intact. He was accompanied by senior members of the ANC to begin his prison sentence in 2006 (he was literally carried part of the way).¹³

He was released a few months later, and despite his criminal conviction, suffered no further sanction from the ANC as per the organisation's disciplinary code despite bringing the party into disrepute.

Although ineligible to serve in Parliament, he remained active in the ANC, being elected to its NEC in 2007, and featuring prominently in plans for its political school¹⁴ (a body which, although never properly established, would presumably be responsible for breeding the 'new cadre').



THE ANC'S RECORD ON CORRUPTION HAS BEEN THE SUBJECT OF MUCH CONTROVERSY AND CRITICISM

In 2018 he was elected to head the party's working group on crime and corruption.¹⁵ This would seem to be a direct repudiation of the spirit of the ANC's pledges on corruption. Yengeni had, after all, not merely been accused, but convicted. Deputy Secretary-General Jessie Duarte responded to criticism by saying that Yengeni had done nothing wrong, merely 'negotiated' a discount. He should thus never have gone to prison.¹⁶

A face of sorts was given to the scandal by the prosecution and jailing of Tony Yengeni

Interestingly, Yengeni has been described as a 'scapegoat'.¹⁷ In the words of former ANC MP and arms deal accountability campaigner Andrew Feinstein, 'there was constant interference in the Tony Yengeni matter, which was clearly identified as the one minor prosecution that would satisfy the public in the hope that the whole issue would then die down'. He adds that part of the objective was to ensure that whatever sanction he was given would not preclude his re-entry into politics.¹⁸

The records of several other prominent ANC leaders cannot but confirm a timorous party approach to such misdeeds. Zuma became the figurehead for one faction in a vicious internal battle, and was ultimately elevated to the presidency of both the party and country, despite hard evidence implicating him in fraud and corruption.

It is worth noting that among his coalition were such formations as the Congress of South African Trade Unions and the South African Communist Party, whose respective secretaries-general – Zwelinzima Vavi and Blade Nzimande – both styled themselves as aggressive voices against corruption.

The unresolvable contradiction is emblematic of a broader issue: the dictates of power politics stand uncomfortably alongside the principled imperative of combating corruption. The outcome of such a contradiction is likely to see a choice made in favour of principle over power.

In the event, Zuma was able to remain in the party presidency for two terms, and very nearly maintain the country's presidency for two terms. It is true that the tide turned against him, and his stewardship of the country was seen as a particular liability after the ANC's relatively poor showing in the 2016 local government elections.

But the response of most of the party was cautious in the extreme. Indeed, in 2017, an attempt to get Zuma to step down (denied by party officials) reportedly involved a payoff of some R2 billion, and an amnesty.¹⁹

Part of the explanation for this – assuming that rank indifference to corruption is not at play – is that maintaining the unity of the large, fractious coalition that is the ANC requires careful management of such dynamics.

To challenge an influential senior member of the party in this way is possibly to prompt a debilitating internal battle, with no guarantees of success. The consequences for both the party and for individual members caught up in such a fight could be dire. Popularity or at least influence seems to be able to ensure political longevity.

Besides, there appears to be some recognition (or fear) that many senior members have engaged in questionable activity. This was phrased succinctly by then minister of social development and now president of the ANC Women's League, Bathabile Dlamini, who warned in 2016 that raising compromising issues in public was unacceptable as it harmed the ANC, whose interests should supersede all else.

She added, 'All of us there in the NEC have our smallanyana skeletons and we don't want to take all the skeletons out because all hell will break loose.'²⁰

The ANC's integrity commission, a product of its National Conference in 2012, deserves scrutiny. It may be described as a potentially innovative structure, in principle able to pronounce on ethical matters. However in 2018 it was still bemoaned that the body had not been assigned a proper mandate or mechanisms for enforcement.²¹

In the event, the integrity commission seems to draw whatever power it has from the moral authority of its members and the commitment of the party to rooting out its pathologies. This is essentially an attempt to deal with the problem on the basis of moral and political volunteerism – something not far removed from the idea of the 'new cadre'.

The integrity commission came under scrutiny earlier in 2019, when it was revealed that it had raised concerns about 23 prospective MPs, and called for them to step down.²² It is not clear what precisely the issues were,

although the names reportedly mentioned were the subject of public attention for such things as involvement in state capture.

One of these was David Mabuza, ANC deputy president (and at that time the likely deputy president of the country), who had run what had been widely viewed as a highly corrupt administration in Mpumalanga.²³

In a show of theatre, he delayed his swearing in as an MP for a few days. This was ostensibly to clear his name, although it was noteworthy that he hadn't addressed this issue in the months before, despite the publicity given to his allegedly compromised record. It is unclear what transpired, but ANC spokesperson Pule Mabe reportedly said that 'all issues have been clarified'.²⁴

Former ANC MP, diplomat and commentator Melanie Verwoerd remarked:²⁵

I fear that the biggest casualty in all of this will be the integrity commission. From what we understand, Mabuza's main gripe with the report of the integrity commission was that due diligence had not been done. Surely it is even less possible to have gotten to the bottom of all the accusations in less than a week?

...

So the question has to be asked how the presumably serious allegations against Mabuza were clarified after just one conversation with him and how this impacts on others who were also red-flagged, such as Gwede Mantashe and Mosebenzi Zwane? Surely this means that the original report to the top six and the work of the integrity commission in general is now under suspicion?

The serious ramification of all of this is that a very important vehicle for Ramaphosa to rid the ANC of corruption has become suspect and thus rendered useless.

Indeed, it was reported that there was a push by some in the ANC to withdraw the recommendations or to shut the body down entirely.²⁶ This did not occur, but cumulatively, this experience raised doubt about the prospects for the integrity commission to act as a brake on corruption.

Arguably emblematic of the problem confronting the ANC is that Ace Magashule continues to occupy the office of ANC secretary-general, one of the party's most influential. This is despite concerns about his conduct

when he assumed office²⁷ and the publication of a book detailing his alleged conduct.²⁸

There exists little evident appetite to act on these (although the ANC has been conducting an investigation into whether he was involved in the formation of the African Transformation Movement, a party launched to contest the 2019 election).²⁹ His presence in a senior leadership position in the ANC is not encouraging for hopes that the party might adopt a more aggressive attitude towards corruption.

Despite the recognition of corruption problems within the party, the ANC has failed to tackle the issue

In sum, despite the recognition of corruption problems within the party, and the availability of mechanisms to deal with it, the ANC has failed to tackle the issue. It has hidden behind the principle of 'innocent until proven guilty' and outsourced the issue to the legal system – and even from this perspective, a dogged solidarity and the realities of the internal operations of the party appear to work to the advantage of those implicated in corruption. Scant effort seems to have been made to deal with it.

Economic Freedom Fighters

The EFF was established by former ANC Youth League president Julius Malema who broke away from the ANC, taking with him a significant proportion of ANC members. The EFF has positioned itself as a 'radical' voice, donning in many respects the mantle that the ANC has long claimed.

It claims to be guided by Marxist-Leninist and Fanonist principles. It has also come across as ambivalent towards the constitution and the rule of law, seemingly adopting an instrumentalist approach that both respects them at times, but also will undermine them when they prove inconvenient. An example of this is the way the party defines the governance order as 'anti-black',³⁰ and has called for land invasions.

During the Zuma presidency, the EFF took a prominent line on corruption, frequently disrupting Parliament when Zuma appeared, and calling for probity. Would they offer a credible alternative?

The EFF's institutional framework and systems for dealing with misconduct

The EFF's constitution is rather vague on corruption. The only specific mention is found in the declaration it requires new members to sign that commits them to defending against 'tendencies' that promote corruption (4.2). In rather theatrical language, the constitution does contain numerous references to 'revolutionary ideas', 'revolutionary tradition' and so on.

The interests of the EFF are to take precedence over those of any individual – mirroring in some degree the position of the ANC regarding the envisaged 'new cadre'. The party is organised on a hierarchical basis. Members are enjoined to show 'united discipline' (the constitution requires that a code of conduct be developed to give expression to this, 22). These might imply a stance against corruption and malfeasance.

However, appended to the constitution is a Code of Conduct and Revolutionary Discipline. It declares that the party's 'non-negotiable guiding principles' behind the code are democratic centralism and revolutionary discipline. Among the 28 offences that may result in disciplinary action, several are directly or potentially related to corruption:³¹

- 1.3. Abuse of power or office.
- 1.7. Corruption and self-enrichment.
- 1.17. Misappropriation of organisational funds.
- 1.20. Conviction in a court of law of a serious criminal offence without instituting a pending appeal.
- 1.27. Steals any property belonging to the EFF and/or another member or receives such property knowing it to be stolen.

The code goes on to set out the structures and procedures applicable in a disciplinary hearing; these are unremarkable committee-based platforms at which cases will be presented and argued. They are not dissimilar from those at hand to the ANC. Those found guilty may be subject to a range of punishments, ranging from a reprimand to expulsion.

Another instrument against corruption is the EFF's code of conduct for public representatives, adopted in early 2017. As does its constitution, it stresses the hierarchical nature of the party (much of it appears geared towards maintaining political and organisational discipline), but

fleshes out particular prohibitions on behaviour. Thus:³²

- 13. No EFF public representative is allowed to accept private payments and donations for themselves, particularly in response to work done in their capacity as a public representative.
- 14. No EFF public representative or their immediate relatives can conduct business with the municipality that they serve, due to their direct and indirect influence in such a municipality.
- 15. No EFF public representative must get involved in the appointment of people, recommend or even forward a CV of a person to officials of government departments, state-owned entities or municipalities as such will amount to nepotism and ill-discipline.
- 16. EFF public representatives are not allowed to demand money from people in exchange of (sic) assistance.
- 17. No EFF representatives must abuse women or children. No abuse of alcohol or illegal substances is permitted.
- 18. All EFF public representatives must declare their business interests.
- 19. No EFF public representative can hold another job outside NA, NCOP, Legislature or Council without the written approval by the War Council. This means that all EFF public representatives are fulltime in their positions.
- 20. All EFF public representatives found to be involved in corruption and secret relations with other political parties and business must be immediately suspended and face disciplinary measures.

With corruption having become a major social issue in South Africa, and with the EFF having hitched its brand to combating it, its manifesto delved into the matter at some length.³³ A whole section in its manifesto is headlined 'Corruption'. For the most part, its focus is on what it would recommend for the state and society, or, as the manifesto phrased it, what an EFF government would do.

For example, to 'strengthen' whistle-blower protections and ramp up the sanctions for corruption, such as introducing minimum sentences of 20 years for civil servants convicted of corruption, and refusing them their pensions. It sought to remove the influence of the private

sector, but insourcing to the state tasks that are currently contracted. There is, however, nothing in the manifesto that engages with ensuring probity in the EFF itself.

EFF challenges with implementing its organisational framework and system for dealing with corruption

Evaluating the EFF's internal systems on corruption is exceedingly difficult owing to the lack of any substantive public record on the matter. It is not clear to what extent these issues may have arisen within the EFF and how they may have been handled.

The EFF has certainly experienced a measure of internal turmoil. In an analysis published in early 2018, political commentator Gareth van Onselen – then at the Institute of Race Relations – traced an extraordinary turnover of EFF representatives. This, he argued, suggested a greater lack of cohesion than often was presumed, 'held together by a highly autocratic disciplinary machine, absolutely hierarchical in nature and self-protecting in the way it ensures permanent instability and uncertainty'.³⁴

Evaluating the EFF's internal systems on corruption is difficult owing to the lack of any substantive public record

Van Onselen's point is germane to this paper as it emphasises that by design and practice, the EFF is a top-down organisation and has not been averse to wielding disciplinary steps to enforce the will of the leadership on its subordinates. It is unclear whether such measures are universally applied, or have been used to deal with alleged corruption.

Indeed, the EFF attracted considerable attention in 2014 for 'disciplining' a number of MPs – Andile Mngxitama, Mpho Ramakatsa and Khanyisile Litchfield-Tshabalala – who had had a very public falling out with the leadership. Among other things, they had accused the leadership of financial impropriety, saying that EFF leader Julius Malema and EFF deputy president Floyd Shivambu were the only people who knew how the EFF spent its funds.³⁵

A recent matter of interest is the reported involvement of Shivambu and Malema in the looting of VBS Mutual Bank. VBS was a small bank located mostly in Limpopo, which serviced a predominantly poor, black clientele, whose funds were plundered by its senior staff.

Some of this was apparently passed on to an entity owned by Shivambu's brother Brian Shivambu – Sgameka Projects (Pty) Ltd – which appeared to have had no income other than the funds originating from VBS.

These funds were then channeled to Shivambu, Malema and the EFF.³⁶ Unsurprisingly, despite the seriousness of these charges and the direct contradiction they pose to the EFF's supposed mission, there seems to have been no attempt on the party to probe the matter.

Democratic Alliance

South Africa's second largest political party, the DA is the descendent of the Democratic Party, whose roots were in the liberal parliamentary opposition before 1994. Its growth since the mid-1990s has been impressive (an electoral setback in 2019 notwithstanding) and it has become an established party of government at municipal as well as at provincial level in the Western Cape.

In something of a contrast to both the ANC and EFF, the DA presents itself as a 'normal' party concerned with the nuts and bolts of running a modern state and creating opportunities for societal prosperity, rather than driving ambitious ideological programmes.

Both the DA and its predecessor have invested heavily in demanding clean government. In common with the EFF, the DA was relentless in its pursuit of former president Zuma. It has also attempted to link its own appeal to the idea that it is able to deliver clean (and efficient) governance to a degree that the ANC cannot. This has not been a problem-free process.

The DA's institutional framework and systems for dealing with misconduct

Given how much of its reputation it has built and staked on opposing corruption, it is striking that the DA seems to dwell on managing it internally less than either the ANC or EFF. The word 'corruption' is not used in the DA's constitution, although it stresses the importance of accountability, honesty and transparency in government. It requires particular standards of conduct of its members, and sets out a list of 15 specific types of misconduct that the party regards as actionable. Those with a noteworthy bearing on corruption are the following:³⁷

2.5.4.2. Acts in a way which impacts negatively on the image or performance of the Party.

2.5.4.3. Acts in any manner whatsoever which results in him or her being found guilty of a serious criminal offence by a court of first instance.

2.5.4.5. Acts in any manner whatsoever which brings the good name of the Party into disrepute or harms the interests of the Party.

2.5.4.8. Submits or attempts to submit false membership forms or commits or attempts to commit membership fraud in any way.

2.5.4.9. Contravenes any of the explicit Party decisions or regulations for the appropriation of Party finances.

2.5.4.10. Collects money on behalf of or in the name of the Party or any of its structures or for any political activity without depositing such money in a bank account opened and operated in terms of procedures approved by the Federal Finance Committee and/or operates a bank account in which Party money is deposited without the approval of the Federal Finance Committee or a structure of the Party authorised by it.

While for the most part these acts are consonant with the provisions set out by the ANC and EFF in their respective documents, the DA goes to some additional length to lay out hard guidelines for the handling of party resources. The structures around intra-party malfeasance are thus a little more specific in the DA's constitution than in the others.

The DA goes to some additional length to lay out hard guidelines for the handling of party resources

The manipulation of membership – through fraudulent registrations – is another interesting innovation. Signing up masses of nominal or entirely fraudulent members has been a tactic employed to garner influence for particular factions in party elections. So-called membership farming has been a concern for the DA in the past.³⁸ It has also been an issue for the ANC.³⁹

As in the case of the ANC and EFF, the DA's constitution explains structures and procedures for instituting action against members suspected of misconduct. This is done under the aegis of provincial disciplinary panels, although caucuses have powers in this regard as well. The latter are empowered to refer a member to a disciplinary body, and may suspend the member from involvement while this is under way.⁴⁰

As with the ANC and EFF, the DA's constitution sets out sanctions, from admonishment through to expulsion.

The DA's manifesto emphasises the threat of corruption and charges the ANC with complicity in it. 'The DA,' the manifesto says, 'is the only party that can offer South Africans a corruption-free future.'⁴¹

It provides some detail as to what a DA-controlled government would do (such as changing empowerment policy). As is the case with the EFF, it does not, however, discuss any plans for preventing or punishing corruption within its own ranks.



THE DA'S MANIFESTO EMPHASISES THE THREAT OF CORRUPTION AND CHARGES THE ANC WITH COMPLICITY IN IT

DA challenges with implementing its organisational framework and system for dealing with corruption

The DA has been immune neither to challenges in government nor within its own ranks, and to its credit it has, as a party – arguably more so than the ANC or EFF – been willing to act against misbehaviour. While much of this attracts little attention, there have been a few cases in which relatively high-profile members have been sanctioned by the party.

One such case concerned Juanita Terblanche, an MP from North West. She was accused of misusing party funds for courier services and personal grooming. The sums involved were fairly small, with malfeasance seemingly being found in relation to no more than about R1 300 (there was some dispute about this too, as the relevant records were poorly maintained). A torturous multi-year process ensued, and she was eventually forced out in 2017.⁴²

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A more prominent case recently is that of Patricia de Lille, former mayor of Cape Town. She faced a raft of accusations, including what can be described as perilously close to corrupt behaviour (failing to report financial irregularities and exerting undue influence on appointments) as well as essentially political charges (an abusive manner and failing to work with the party).⁴³

The process was Byzantine, with various machinations and counter-machinations employed by both De Lille's detractors and herself, respectively to propel her out of office or to remain there. In the end the charges against De Lille were not satisfactorily answered, and she was able to avoid both a proposed no-confidence vote and a disciplinary hearing – the latter in exchange for a commitment to resign as mayor.⁴⁴ When she did so, she simultaneously resigned from the party.

In this case, it is both doubtful that the party's systems worked effectively, or that they were functioning (at least in part) without political agendas distinct from the questions of malfeasance playing a role.

Vukani Mde wrote in the *Mail & Guardian*:

Did the party ever believe it had a case against the mayor with the rather serious governance allegations it made against her, or were they always just the most convenient way to get rid of her, and which have now been overtaken by her alleged transgression of a party constitutional clause?

Abandoning the opportunity to hold accountable a senior party figure and government official for alleged abuse of office because you have had the luck to find a quick-fire way of ousting her suggests that 'getting rid' was always a goal more important than 'holding accountable', which strongly suggests the disciplinary committee and political processes were just means to a predetermined end.



THE DA IS CURRENTLY FACING
ONE OF ITS TOUGHEST
INTERNAL CHALLENGES

A former long-standing DA activist⁴⁵ who was prepared anonymously to share some thoughts on this issue said the DA does take the conduct of its members seriously. Disciplinary proceedings are instituted against those perceived to have engaged in corruption, even when it is on a small scale.

However the growth of the party and the propensity of people to seek a career in it has opened the way for disciplinary processes to be used to fight internal political battles. This has produced anger and frustration at the associated perceptions of unfairness. This is compounded by the ineptitude with which disciplinary procedures are often carried out.

The former activist adds that the party is also given to a sense of panic at the suggestion of corruption, given that clean governance is a prime policy offering. The result is that those under suspicion may be condemned and ostracised before all facts are in and properly examined – let alone the accused having had a chance to answer them. This can unfairly prejudice those who have been wrongly accused.

The DA is currently facing one of its toughest internal challenges, with accusations of impropriety levelled against its leader Mmusi Maimane. These concerned a house that he and his family are renting (he declared this as his own to Parliament) and a car that he was allegedly using, which had been donated by Markus Jooste, former CEO of Steinhoff.⁴⁶

A party investigation cleared Maimane of the charges and there have been claims that this is entirely contrived, and really aimed at forcing him out.⁴⁷ Nevertheless for a party that prides itself on integrity, the suggestion of corruption around its leader – and that such allegations have not been adequately attended to – is damaging. A weapon in internal battles in the DA.

Conclusion

All of South Africa's parties profess an abhorrence of corruption. Formally, they are all committed to honesty and probity in government and in their internal functioning, and have established systems and structures to enable them to take action against it. In practice, however, the record is mixed at best.

In broad terms, the failings of the ANC and EFF seem to stem from their hierarchical natures, and the difficulty of holding senior influential senior party members to

account. Within these parties – and it is probably true to say that this is true in South Africa's broader politics and society – there is at least some acceptance of corruption as a means of patronage or as the spoils of office.

There also seems to be a real concern that corruption in one form or another is widespread and to address it too robustly would be extremely divisive. There is probably also a genuine, if misguided, sense of loyalty on the part of many party members to their organisation and its reputation. All of this means that concerns about corruption take second place.

There are concerns within the DA too that disciplinary procedures to combat corruption are sometimes used to prosecute internal battles. The legitimate interests of those accused of wrongdoing are also – in the views of some in the party – not respected.

In all cases, dealing with corruption requires that there be a strong ethical 'current' within parties that will repudiate it. Corruption needs to be opposed for its own sake, as a moral evil and a burden on the political system, and not manipulated for political advantage.

It should not be too controversial to say that, for political parties, dealing with corruption has been a consideration overshadowed by their overall political work as contestants for power. Ultimately, until there is a clear link between combating corruption within their ranks and their prospects of power, this is unlikely to change.

Recommendations

A research agenda: Since internal party anti-corruption systems are not readily visible to the public, evaluating them is a difficult task. This paper should be seen as an initial analysis on this topic about which much more could be said, and in respect of which the information universe is unexplored. Understanding the functioning of such party systems – the incentives, strengths, weaknesses and empirical records – would be a valuable and potentially rewarding exercise.

Include provisions for cooperation with other anti-corruption systems: It is noteworthy that parties devote a great deal of their policy appeals to combating corruption in government and society at large, but that their disciplinary systems deal largely with internal matters. It would be useful to connect the two more intimately. Parties should commit to cooperating with state anti-corruption bodies to assist in prosecution

and investigations. For this to be credible, it would be essential for state bodies to be entirely impartial and universally viewed as legitimate.

Education: Ensuring that members understand the importance of probity in all matters is a good idea. Political education (something the ANC in particular is theoretically committed to) is a reasonable idea. It is, however, non-negotiable that this is borne out in practice. Promoting probity while not enforcing it consistently is meaningless if not destructive.

Political will: However well-designed parties' systems are, they depend on the willingness of the parties themselves (in reality, this will mean their leaders) to act on impropriety and to accept the possible political consequences of doing so. There needs to exist a normative commitment to integrity, and a recognition of the importance that it plays in ensuring societies' long-term viability.

Transparency and activism within parties: Internal democracy and internal activism can potentially be a brake on corruption – provided its membership is genuinely committed to dealing with it. However this

is not inevitable; democratic processes and engaged party members may be willing to overlook corruption if other issues are viewed as more important.

Accountability: The outcomes of disciplinary processes need to be communicated to party members. This will increase confidence in party internal disciplinary systems among the rank and file.

Greater autonomy for integrity and disciplinary bodies: An experimental idea might be to grant party anti-corruption bodies a measure of autonomy to pursue their mandate. While the typical justification for independence or autonomy (taking away the fear of removal) would probably not be a major factor here, semi-independent bodies might be able to co-opt sympathetic non-party members for their expertise, and decide on and implement sanctions.

External agitation: Potential voters and the public at large need to make it clear that they regard parties' visible and meaningful commitment to deal with corruption as a key consideration – and that failure to do so will be punished at the polls.

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