

# AFRICAN NATIONAL CONGRESS

## SECRETARY GENERAL'S OFFICE



Chief Albert Luthuli House 54 Sauer Street Johannesburg 2001 PO Box 61884 Marshalltown 2107 RSA  
Tel: 27.11.376.1000 Website: [www.anc.org.za](http://www.anc.org.za)

Cde ES Magashule  
Secretary General  
African National Congress

Dear Comrade Magashule,

### **IMPLEMENTATION OF NATIONAL CONFERENCE RESOLUTIONS AND NEC DECISIONS REGARDING MEMBERS CHARGED WITH CORRUPTION AND OTHER SERIOUS CRIMES / SUSPENSION IN TERMS OF RULE 25.70 OF THE ANC CONSTITUTION**

The meeting of the National Working Committee (NWC) held on 3 May 2021, acting in terms of Rule 13.8 of the ANC Constitution, reaffirmed the decision of the NEC on 26 – 29 March 2021 that all members who have been charged with corruption or other serious crimes must step aside within 30 days, failing which they should be suspended in terms of Rule 25.70 of the ANC Constitution, which provides that:

*“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 and conditions to regulate their participation and conduct during the suspension.”*

We attach hereto, for ease of reference, the Guidelines and Procedures adopted by the NEC on 13 – 14 February 2021 as **Attachment A**.

The NWC also received a report from the National Officials, through a team led by the Treasurer General, on proposed Terms and Conditions regulating the participation and conduct of members during the period that they step aside voluntarily. The proposed Terms and Conditions are attached as **Attachment B**.

The NWC resolved that the decision of the last NEC, as outlined above, must be implemented. Those who have been charged with corruption or other serious crimes, and who have not stepped aside, should be suspended in terms of Rule 25.70 of the ANC Constitution.

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The NWC instructed that the necessary letters must be written to the affected members implementing this decision, and outlining the terms and conditions regulating their participation and conduct during their temporary suspension.

You have been indicted to appear in a court of law on charges of corruption and fraud, alternatively theft and money laundering.

On 3 May 2021, the NWC, acting in terms of Rule 25.70 read with Rule 13.8, instructed that letters be written to all affected members, including yourself, to inform them that it has decided that their temporary suspension would be in the best interest of the Organisation.

Accordingly, on the authority of the NWC, you are hereby temporarily suspended with effect from 3 May 2021 until the final outcome of your court proceedings.

In terms of Rule 25.70 the following terms and conditions are imposed to regulate your participation and conduct during your temporary suspension:

During the period that you are temporarily suspended you:

- 1) May not carry out the duties and responsibilities of your office as Secretary General;
- 2) May not represent the organisation publicly or in any other forum.
- 3) May not make public pronouncements on matters related to the organisation.
- 4) May not engage in the mobilisation of ANC structures, any other organisations or individuals, including on your stepping aside and matters related thereto.

During the period that you, as a full-time office bearer employed by the organisation, are temporarily suspended, you will be entitled to remuneration and other benefits in line with your conditions of employment.

You are required to update the Office of the Secretary General on a monthly basis regarding progress with your case. The decision to temporarily suspend you will be reviewed by the NEC every six months, or from time to time at your request.

Yours Comradely,

Jessie Duarte  
**DEPUTY SECRETARY GENERAL**  
**AFRICAN NATIONAL CONGRESS**

Date: 3 May 2021.

**GUIDELINES AND PROCEDURES:  
IMPLEMENTATION OF NATIONAL CONFERENCE RESOLUTIONS ON ANC  
CREDIBILITY AND INTEGRITY: DEALING WITH CORRUPTION AND ON  
FIGHTING CRIME AND CORRUPTION**

*– As adopted by the National Executive Committee on 13 – 14 February 2021*

**1. INTRODUCTION**

- 1.1** In its *Resolution on ANC Credibility and Integrity: Dealing with Corruption* (Attached as Annexure A), the 54<sup>th</sup> National Conference resolved to: *“Demand that every cadre accused of, or reported to be involved in, corrupt practices accounts to the Integrity Committee immediately or faces DC processes.”*
- 1.2** Conference further resolved that: *“[P]eople who fail to give an acceptable explanation or to voluntarily step down, while they face disciplinary, investigative or prosecutorial procedures”* should be summarily suspended.
- 1.3** Furthermore, in its *Resolution on Fighting Crime and Corruption* (Attached as Annexure B), the 54<sup>th</sup> National Conference resolved to: *“Reaffirm the 2015 NGC resolution that, ANC leaders and members who are alleged to be involved in corrupt activities, should, where necessary step aside until their names are cleared.”*
- 1.4** Pursuant to these resolutions, the National Executive Committee (NEC) decided at its meeting on 28 – 30 August 2020 that: *“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.”*
- 1.5** The NEC meeting on 6-8 December 2020 reaffirmed the position taken by the NEC meeting of 31 July - 2 August 2020 that: *“[T]he ANC needs to draw a clear line in the sand between the organisation, and those who steal and commit other crimes against the people.”*
- 1.6** The NEC also, *“[R]eaffirmed the decisions about the steps that are required in pursuit of the implementation of the Resolutions of Conference, as agreed at its meeting on the 28th – 30th of August 2020.”* The NEC stressed that: *“[T]here can be no retreat from the positions taken, and these decisions must be implemented for, and by, all members.”*
- 1.7** The NEC further recalled: *“[T]he 2015 Resolution of the National General Council (NGC), strengthened by the 54th National Conference, that: ‘the ANC should strengthen consequence management system against comrades who participate in, or are found guilty of corruption’. Furthermore, that the ANC should take decisive action against all members involved in corruption, including those who use money to influence conference outcomes, and those who try to subvert the membership system.”*

**1.8** The NEC reaffirmed that: *“[A]s a voluntary organisation the ANC follows its Constitution, Rules, Conference resolutions and NEC decisions, and must under all circumstances operate within the Constitution and laws of the land.”*

**1.9** The NEC stressed that: *“[I]n dealing with matters of integrity, and the fight against corruption, that remedial action should be applied in an even-handed manner to all members at every level of the organisation. It noted that any inconsistent application of the Rules and the Constitution of the ANC, undermines the unity of the Movement. The ANC should uphold the rights of all members and protect the integrity of the Movement, without fear or favour.”*

**1.10** Informed by the Constitution of the Republic of South Africa and the ANC Constitution, this document outlines guidelines and procedures to guide the NEC in exercising leadership with regards to the implementation of the National Conference resolutions and NEC decisions, referred to above.

## **2. THE OATH OF MEMBERSHIP**

**2.1** The ANC Constitution envisages that members who join the ANC do so voluntarily and that, on being accepted in the ANC, a new member shall make the solemn declaration prescribed in Rule 4.16 of the ANC Constitution.

**2.2** The Member’s Oath states that: *“I, [...], solemnly declare that I will abide by the aims and objectives of the African National Congress as set out in the Constitution, the Freedom Charter and other duly adopted policy positions, that I am joining the Organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the Organisation, that I will place my energies and skills at the disposal of the Organisation and carry out tasks given to me, that I will work towards making the ANC an even more effective instrument of liberation in the hands of the people, and that I will defend the unity and integrity of the Organisation and its principles, and combat any tendency towards disruption and factionalism.”*

**2.3** The Member’s Oath serves as the basis for any member joining the ANC. It outlines the political consciousness and conscience expected of an ANC member and guides an ANC member’s conduct in relation to issues of ANC credibility and integrity, and the fight against crime and corruption.

## **3. GUIDELINES FOR IMPLEMENTING NATIONAL CONFERENCE RESOLUTIONS**

The following sections provide guidelines and procedures related to:

- (1) Stepping aside following indictment on criminal charges;
- (2) Temporary suspension following indictment on criminal charges
- (3) Temporary suspension pending ANC disciplinary processes following indictment on criminal charges.
- (4) Dealing with allegations of corruption or serious crime.

### **3.1 Stepping aside following indictment to appear in a court of law on criminal charges**

- 3.1.1** A member, office-bearer, or public representative, who has been indicted to appear in a court of law on a charge of corruption or other serious crime must immediately step aside pending the finalisation of her or his case.
- 3.1.2** Stepping aside means that the participation and conduct of a member, office bearer, or public representative, must be guided by the best interests of the organisation, and the undertakings set out in the Members' Oath prescribed in Rule 4.16. This may include relinquishing, forgoing, or refraining from exercising, temporarily or permanently, in whole or in part, her or his rights, duties and responsibilities as a member, office-bearer, or public representative.
- 3.1.3** After deciding to step aside, the member, office-bearer, or public representative must approach the Secretary General or NWC, the Provincial Secretary or PWC, whichever the case may be, to inform them of her or his decision to step aside.
- 3.1.4** The Secretary General or Provincial Secretary, NWC or PWC, acting on the authority of the NEC, the NWC, the PEC or the PWC, whichever the case may be, may impose terms and conditions to regulate the participation and conduct of a member, office-bearer, or public representative during the period that he or she steps aside.
- 3.1.5** The decision by a member, office-bearer or public representative to step aside does not remove her or his obligation to account to the Integrity Commission immediately if he or she has been accused of, or reported to be involved in corrupt practices, or face disciplinary processes.
- 3.1.6** If a member, office-bearer or public representative fails to step aside, the SG or NWC, the PS or PWC, whichever the case may be, may refer the matter to the Integrity Commission for it to consider and make recommendations to the NEC or PEC.
- 3.1.7** The findings and recommendations of the Integrity Commission will be submitted to the NEC or PEC. Once the NEC or PEC has concluded its deliberations, and taken a decision, the matter will then be made public.
- 3.1.8** When a member, office-bearer or public representative wishes to appeal the findings and recommendations of the Integrity Commission, the NEC or PEC may establish an independent committee to review the findings and recommendations of the Integrity Commission, and to report to the NEC. Once this process has been exhausted the NEC shall take a final decision on the matter.

**3.1.9** The decision to step aside, must be reviewed periodically by the NEC, NWC, PEC or PWC at least once per year, or from time to time at the request of the member, office-bearer, or public representative.

**3.1.10** Where a member, office-bearer or public representative refuses to step aside, notwithstanding a decision of the NEC or PEC that he or she should do so, the Organization shall invoke Rule 25.70 of the ANC Constitution.

**3.1.11** Rule 25.70 provides that: *“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 and conditions to regulate their participation and conduct during the suspension.”*

### **3.2 Temporary suspension following indictment to appear in a court of law on criminal charges**

**3.2.1** The temporary suspension referred to in Rule 25.70 is effected by the Secretary General or Provincial Secretary acting on the authority of the NEC, the NWC, the PEC or the PWC.

**3.2.2** The Secretary General or Provincial Secretary, acting on the authority of the NEC, the NWC, the PEC or the PWC, must be satisfied that the temporary suspension of such member, office-bearer or public representative would be in the best interest of the Organisation.

**3.2.3** In terms of Rule 24.2 the Secretary General or Provincial Secretary may also consider requesting the Officials or the NEC to refer the matter to the Integrity Commission for a recommendation.

**3.2.4** Rule 24.2 provides that: *“The Officials and NEC may refer to the Integrity Commission 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.”*

**3.2.5** Before referring a matter to the Integrity Commission for a recommendation, the following must be taken into consideration:

- The nature of the alleged conduct with respect to the Code of Conduct and Conference Resolutions;
- The extent or frequency of such alleged conduct if it is a minor infraction;
- The source of the allegation and the veracity of the allegation;

- The amount of independent sources that are consistent with the original source of the allegation;
- The impact on perceptions and reputation of the organization resulting from the alleged conduct should it be true;
- Whether any proof other than a bare allegation was provided; and
- The role and standing of the member in the organization or the State.

**3.2.6** The Secretary General or Provincial Secretary may impose terms and conditions to regulate the participation of the suspended member, office-bearer or public representative.

### **3.3 Temporary suspension pending ANC disciplinary processes following being indicted to appear in a court of law on criminal charges**

**3.3.1** Conduct leading to a member, office-bearer or public representative being indicted to appear in a court of law on any charge, especially that of corruption or any other serious offence, could also constitute an Act of Misconduct in terms of Rule 25.17 of the ANC Constitution for which disciplinary proceedings could be invoked and instituted against such a member, office-bearer or public representative.

**3.3.2** Rule 25.17.4 provides that the following is an act of misconduct: *“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.”*

**3.3.3** Rule 25.17.5 provides that the following is an act of misconduct: *“Behaving in a manner or making any utterance which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute.”*

**3.3.4** The institution of disciplinary proceedings is provided for in Rule 25.9 and 25.10 of the ANC Constitution.

**3.3.5** Rule 25.9 provides that: *“The Officials, NEC, the NWC, the PEC, the PWC, the REC, the RWC, the BEC or office bearers of any of these structures exercising its right to invoke disciplinary proceedings under this Constitution, may initiate and/or institute disciplinary proceedings against any member, office bearer or public representative of the Organization in respect of any act of misconduct referred to in Rule 25.17 below.”*

**3.3.6** In terms of Rule 25.10 an REC, RWC or BEC or office bearers of these structures must obtain the written approval of the Provincial Secretary before commencing with the institution of such disciplinary proceedings.

**3.3.7** Once disciplinary proceedings have been invoked and instituted against a member, office-bearer or public representative the NEC, NWC, PEC or PWC may at any stage prior to the commencement of disciplinary proceedings against a member summarily suspend the membership of that member.

**3.3.8** In terms of Rules 25.56 – 25.69: *“The NEC, NWC, PEC or PWC, as the case may be, may, at any stage prior to the commencement of disciplinary proceedings against a member summarily suspend the membership of that member in accordance with the provisions of this Rule.”*

**3.3.9** In terms of Rule 25.57: *“Before making such a decision, the NEC, the NWC, the PEC or the PWC, as the case may be, shall:*

*25.57.1 Have due regard to the nature and seriousness of the alleged violation or act of misconduct;*

*25.57.2 Consider the likelihood of the member engaging in further acts of misconduct;*

*25.57.3 Consider the impact on the reputation of the Organization of the alleged violation or act of misconduct and/or further acts of misconduct that the member could engage in;*

*25.57.4 Put the accusations to the member for comment;*

*25.57.5 Afford the member 48 (forty-eight) hours to respond to the accusations.”*

**3.3.10** Rule 25.62 provides that: *“In the case of the suspension of a public representative, the NEC, the NWC, the PEC or the PWC, as the case may be, must also provide for any terms and conditions which will regulate the member’s participation and conduct as a public representative during the period of suspension.”*

**3.3.11** The terms and conditions of the suspension of a public representative will be regulated by the relevant structure taking into account the relevant legal and political factors.

**3.3.12** However, in respect of membership of the ANC, Rule 25.67 of the ANC Constitution provides that: *“During the temporary suspension the member shall not be entitled to exercise any of his or her rights in terms of the Constitution, save for attending the disciplinary proceedings and enforcing his or her right of appeal and/or review.”*

## **3.4 Members Facing Allegations of Corruption and or Serious Crime**

### **3.4.1 Initiation of the Process**

**3.4.1.1** Upon the Secretary or Secretary General becoming aware of an allegation of corruption, or serious crime against an ANC member, office-bearer of public representative (“the member”), the Secretary or Secretary General shall perform an initial investigation and submit a report to the appropriate

structure (NEC / NWC / PEC etc). This report shall be submitted to the appropriate structure within 21 days of the Secretary or Secretary General becoming aware of such allegations.

3.4.1.2 This report shall detail the allegations that have been received or that the Secretary or Secretary General has become aware of, the identity of the member/members with respect to whom such allegations apply and a decision as to whether the Secretary or Secretary General shall refer such a matter to the appropriate Integrity Commission. The decision to refer or not refer a matter to the Integrity Commission must be reasonable and objective.

3.4.1.3 The considerations that the Secretary or Secretary General takes into account as to whether to refer a matter to the Integrity Commission shall include:

- a) The nature of the alleged conduct with respect to the Code of Conduct, Conference Resolutions and Decisions of the Structures of the ANC;
- b) The extent or frequency of such alleged conduct if it is a minor infraction;
- c) The source of the allegation and the veracity of the allegation;
- d) The number of independent sources that are consistent with the original source of the allegation;
- e) The balance of interests of the member and the organisation in either having the matter deal in front of the Integrity Commission immediately or be delayed till some other process is completed or an imminent event occurs, as long as such delay is not so long as to be unreasonable;
- f) The impact on perceptions and reputation of the organisation resulting from the alleged conduct should it be true;
- g) Whether any proof other than a bare allegation was provided;
- h) The role and standing of the member in the organisation or the State; and,
- i) Specific referral requests by NEC/PEC/REC to deal with matters that result from agendas or matters arising of these structures.

### **3.4.2 Integrity Commission (IC) Process**

#### **3.4.2.1 Commencement and Inquiry**

3.4.2.1.1 Upon receipt of a referral from the Secretary or Secretary General of a matter for its consideration with respect to allegations of impropriety by a member, the IC shall commence its process immediately in this regard.

- 3.4.2.1.2 Within 7 days of having received such a referral from the Secretary or Secretary General, the IC shall inform the member of the referral, including the allegations that have been raised against the member.
- 3.4.2.1.3 Within 14 days of having received such a referral from the Secretary or Secretary General the IC shall appoint a Task Team or Investigator, depending on the complexity of the matter to investigate the matter and compile a report containing the available evidence and analysis on the matter.
- 3.4.2.1.4 Within 21 days of an investigation commencing, the Investigator or Task Team shall submit their Investigation Report to the IC.
- 3.4.2.1.5 The IC shall provide the member with a copy of the Investigation Report and request that the member submit their response to the Investigative Report within 14 days of receipt thereof.
- 3.4.2.1.6 Upon receipt of the members response to the Investigative Report, the IC shall review the report and the response and determine whether it is required that oral evidence be led by any person or persons and if so, shall schedule a hearing within a reasonable time at which the matter shall be heard. The IC shall also consider an application by the member if they wish to have oral evidence heard.
- 3.4.2.1.7 The IC shall have the discretion to regulate its proceedings at its hearings in any manner that it sees fit and is appropriate for the nature of the matter under consideration provided that fair regard shall be had to the rules of natural justice referenced elsewhere herein.

#### **3.4.2.2 IC Decision**

- 3.4.2.2.1 Upon completion of the submission of documentation and or the conclusion of the hearing or hearings, the IC shall deliberate on all evidence and argument heard and received and make a determination as to whether:
  - a) The Investigative Report identifies credible evidence of an infraction and the nature and detail of such infraction, or the Investigative Report does not identify credible evidence of an infraction;
  - b) The member has submitted an acceptable explanation and response to the Investigative Report and or allegations and as a result no further action is required;
- 3.4.2.2.2 If an adverse finding is made against the member, recommending that the NEC/NWC/PEC/PWC/REC/RWC/BEC should request the member to “Step Aside” or in the event that the member refuses, that they proceed with

disciplinary action against the member; and

3.4.2.2.3 Advising that the NEC/NWC/PEC/PWC should consider suspending the member in accordance with Clauses 25.56 to 25.69 of the ANC Constitution, if disciplinary action is taken.

3.4.2.2.4 The IC shall then submit their decision to the NEC/PEC/REC/BEC as is appropriate, through the office of the Secretary or Secretary General.

### **3.4.3 Processing the Recommendation of the IC**

3.4.3.1 When the Secretary or the Secretary General receives the recommendation of the IC, they must table the recommendation in their relevant structure. The structure (NEC/PEC/REC/BEC) must then decide how to respond to the recommendations of the IC.

3.4.3.2 In the event that the IC decision does not make an adverse finding against the member or makes adverse findings, but does not recommend Step Aside or Disciplinary Action be taken, the findings must be presented to the member and an appropriate public communication in this regard must be made by such structure.

3.4.3.3 The recommendation, if it includes an adverse decision against a member recommending that the member Step Aside or face disciplinary action, must be presented to the member. If the Secretary or Secretary General with the authority of the relevant structure has decided, after due consideration, that an appropriate response is to commence a disciplinary process, the member must be requested to Step Aside, failing which the Disciplinary Action shall commence in accordance with the ANC Constitution.

3.4.3.4 Should the member refuse to Step Aside, and considering the recommendations of the IC, the NEC/NWC/PEC/PWC under rule 25.56 may suspend the member pending the institution of a disciplinary process. A disciplinary process shall then follow in accordance with the ANC Constitution and with due regard to the member's substantive and procedural rights under South African Law.

## **4. Conclusion**

The ANC has committed itself to fight against corruption in society and within its ranks, particularly among its members, leaders and public representatives. It has done so in order to defend the unity and integrity of the organization and to ensure that the ANC becomes an even more effective instrument of liberation in the hands of the people. Accordingly, this fight must be won. These guidelines and procedures form part of the ANC's arsenal required to win this important fight.

## **ANNEXURE A**

### **RESOLUTION OF THE 54<sup>TH</sup> NATIONAL CONFERENCE ON: ANC CREDIBILITY AND INTEGRITY: DEALING WITH CORRUPTION**

#### **NOTING:**

- An increase in corruption, factionalism, dishonesty, and other negative practices that seriously threaten the goals and support of the ANC.
- That these practices contradict and damage our mission to serve the people and use the country's resources to achieve development and transformation.
- That corruption robs our people of billions that could be used for their benefit.
- That the lack of integrity perceived by the public, has seriously damaged the ANC image, the people's trust in the ANC, our ability to occupy the moral high ground, and our position as leader of society.
- That current leadership structures seem helpless to arrest these practices, either because they lack the means or the will, or are themselves held hostage by them.
- At times we do things that are not according to ANC or government policy, or not legal or constitutional, and wait for courts to correct our actions.
- Our association with, and the closeness of our leaders to, business people facing allegations of corruption.
- That the ANC is endangered to the point of losing credibility in society and power in government.
- That our leadership election processes are becoming corrupted by vote buying and gatekeeping.
- That the state investigative and prosecutorial authorities appear to be weakened and affected by factional battles, and unable to perform their functions effectively

#### **RESOLVES:**

That the 2015 NGC resolutions plus other existing and new measures are implemented urgently by the NEC and PECs to:

1. Strengthen our understanding of our values, ethics and morality and the demands that the people, the constitution and the rule of laws place on us as the guardians of the state, and its resources;

2. **Demand that every cadre accused of, or reported to be involved in, corrupt practices accounts to the Integrity Committee immediately or faces DC processes. (Powers of IC under constitutional changes);**
3. **Summarily suspend people who fail to give an acceptable explanation or to voluntarily step down, while they face disciplinary, investigative or prosecutorial procedures;**
4. We publicly disassociate ourselves from anyone, whether business donor, supporter or member, accused of corruption or reported to be involved in corruption;
5. All ANC members and structures should cooperate with the law-enforcement agencies to criminally prosecute anyone guilty of corruption;
6. The ANC should respect the Constitution of the country and the rule of law and ensure that we get the best possible legal advice in government to ensure our compliance wherever possible, rather than waiting to defend those who stray;
7. The ANC deploys to Cabinet, especially Finance, Police and Justice, should strengthen the state capacity to successfully investigate and prosecute corruption and account for any failure to do so;
8. Secretaries at all levels will be held accountable for any failure to take action or refer matters of corruption or other negative conduct (in terms of ANC code of conduct) to the relevant structures;
9. Within the ANC nomination and election process: Ban all slates and enforce the ANC code of conduct and disciplinary procedures. Investigate and prosecute all cases of vote or support buying, or membership or branch gatekeeping;
10. Implement the NEC resolution on state capture, including the expeditious establishment of a Judicial Commission of Enquiry.

## **ANNEXURE B:**

### **RESOLUTION OF THE 54<sup>TH</sup> NATIONAL CONFERENCE ON: FIGHTING CRIME AND CORRUPTION**

9.1 The Conference noted that:

- a) Coordination between anti-corruption agencies needs strengthening.
- b) Cooperation between the investigators, forensic experts and prosecutors is uneven and consequently some corruption cases are lost due to poorly constructed dockets and cases presented to courts.
- c) Strengthen implementation of legislation preventing public servants from conducting business with the state.
- d) The focus on anti-corruption activities should extend to issues like land, buildings, licenses and permits, and provision of government services.
- e) Further noted that the current number of police officers on the ground is insufficient to the population of the country. The current ratio of the number of police officers to the population is 1:350 (conservative). The Conference noted that like many other countries in the African continent, South Africa continues to face a plethora of national security threats, top among which is the challenge of common crime. The scourge of crime affect the entire nation regardless of class, race and geographic footprint.
- f) Further, the Conference noted that there is limited dedicated and integrated ICT capacity and capability within the Criminal Justice System in South Africa. Further noting that Criminals in South Africa are becoming more sophisticated. This limited capacity hampers the work that should be done by the various role players in the CJS.
- g) The lack of national norms and standards for policing in South Africa.
- h) Further noted that the current lack of norms hampers planning, budgeting and deployment of resources to service communities. The police population ratio as it stands is inadequate and not aligned to a growing population in South Africa. Policing needs and priorities are not aligned to new spatial development including the current community and industry expansions.
- i) There is slow progress in the implementation of the Judge Farlam Conference recommendation with regard to the professionalization and the demilitarization of SAPS. Further noting the appointment of the panel of experts and SAPS Ministerial Transformation Task Team to champion the transformation for the police service in line with the provision of the NDP.
- j) The FICA review has been finalized and enacted by the President.
- k) South Africa has the highest illicit tobacco incidence in the region and is listed amongst the

top five illicit markets globally. This not only poses a danger to the health of the nation, but also undermines revenue collection for the fiscus, whilst sustaining criminal networks involved in human trafficking, drugs and violent criminality.

9.2 The 54th National Conference resolves as follows:

- a) There should be enhanced cooperation of all anti-corruption agencies.
- b) Investigations should be intelligence driven and prosecution led to ensure a high conviction rate.
- c) Public servants including those in the security cluster should be periodically rotated in their areas of deployment so as to prevent unprofessional, overly familiar and frequently corrupt relations with clients, service providers and other persons they interact with and/or are responsible for.
- d) Government should conduct a vetting audit for all employees of the State across all levels including related entities.
- e) The vetting process should be expedited for government employees and all related entities.
- f) There should be a single vetting agency for the State to strategically place public servants (including State owned enterprises) including those who reject promotion even though it comes with improved remuneration packages.
- g) The Deployment Committee policy must include vetting and integrity assessment of deployees.
- h) ANC should take decisive actions against all members involved in corruption including those who use money to influence Conference outcomes.**
- i) Challenge the leadership of the public and private sectors to subject itself to instruments of financial interest disclosure, vetting and lifestyle audits.
- j) Increase the capacity of police officers in line with the reality on the ground (ideally 1:150 over a period of five years) including increasing the number of vehicles and the police stations.
- k) Community Police Forums (CPFs) must be strengthened and adequately trained and resourced.
- l) The Ministry of Police should develop norms and standards for policing.
- m) All new community infrastructure developments should integrate policing and safety plans.
- n) ANC branches must ensure that they actively participate in Community Police Forums.

o) Reaffirm the 52nd National Conference resolution that, ANC branches are to establish Street Committees and ensure that the matter is a standing item in all BEC meetings.

p) All ANC Branch Executive Committees must establish a portfolio of a Safety officer.

**q) ANC should strengthen consequence management system against comrades who participate or found guilty of corruption.**

**r) Reaffirm the 2015 NGC resolution that, ANC leaders and members who are alleged to be involved in corrupt activities, should, where necessary step aside until their names are cleared.**

s) The ranks of senior police officials must be reviewed, in order to adequately align functions and responsibilities.

t) Reaffirm the ANC policy decision for the establishment a Single Police Service.

u) There must be a closer working relationship between police and social workers, especially for aftercare programmes for women and children who have been abused.

v) There must be more police visibility in our tourist routes and sites.

w) Perpetrators of crime against women and children must be subjected to harsher sentences.

x) ANC Volunteers must be encouraged to join and participate as police reservists.

y) ANC branches in partnership with faith based and other Community Based Organizations (CBOs) must champion Moral Regeneration campaigns in various communities.

z) ANC branches and Local Municipalities must intensify campaigns on the fight against drug and alcohol abuse.

aa) The Liquor Boards must review trading hours of liquor trading outlets in the townships and villages;

bb) The Ministry to remain fully accountable as the custodian of the transformation of the South African Police Service.

cc) The FICA regulations should be urgently developed and implemented.

dd) All Municipalities must establish and institutionalize Community Safety forums.

ee) Enhance the role of Traditional Council structures on community safety and security.

ff) Law enforcement agencies, led by the South African Police Service and the South African Revenue Services must work closely with business and social partners to eradicate illicit trade in tobacco, liquor and medicine.

**PROPOSED TERMS AND CONDITIONS FOR THE PARTICIPATION OF MEMBERS, ELECTED OFFICE BEARERS AND PUBLIC REPRESENTATIVES WHO HAVE STEPPED ASIDE VOLUNTARILY**

1. The Guidelines and Procedures on Implementation of National Conference Resolutions on *ANC Credibility and Integrity: Dealing with Corruption and On Fighting Crime and Corruption* were adopted by the NEC at its meeting on 13-14 February 2021.
2. Paragraph 3.1.1 defines stepping aside as follows: *“Stepping aside means that the participation and conduct of a member, office bearer, or public representative, must be guided by the best interests of the organisation, and the undertakings set out in the Members’ Oath prescribed in Rule 4.16. This may include relinquishing, forgoing, or refraining from exercising, temporarily or permanently, in whole or in part, her or his rights, duties and responsibilities as a member, office-bearer, or public representative.”*
3. Paragraph 3.1.2 provides that: *“After deciding to step aside, the member, office-bearer, or public representative must approach the Secretary General or NWC, the Provincial Secretary or PWC, whichever the case may be, to inform them of her or his decision to step aside.”*
4. Paragraph 3.1.3 provides that: *“The Secretary General or Provincial Secretary, NWC or PWC, acting on the authority of the NEC, the NWC, the PEC or the PWC, whichever the case may be, may impose terms and conditions to regulate the participation and conduct of a member, office-bearer, or public representative during the period that he or she steps aside.”*

5. In setting conditions for the participation of a member, elected office bearer, or public representative the Secretary General or Provincial Secretary, acting on the authority of the NEC, NWC, PEC, PWC will have to take into account a number of factors: legal and political to ensure that the best interest of the organisation is served.
6. The ANC Constitution and the Guidelines and Procedures adopted by the NEC must be applied fairly, comprehensively, consistently, without fear or favour.
7. This requires some degree of consistency and uniformity in the setting of terms and conditions on which members, elected office bearers, and public representatives step aside voluntarily, or are suspended in terms of Rule 25.70.
8. Accordingly, the following proposals are made, not as rigid rules, but as guidelines aimed at promoting consistency:

## **9. Terms and Conditions for Elected Office Bearers**

9.1 During the period that s/he steps aside an elected office bearer:

- (a) May not carry out the duties and responsibilities of her/his office.
- (b) May not represent the organisation publicly or in any other forum.
- (c) May not make public pronouncements on matters related to the organisation.
- (d) May not engage in the mobilisation of ANC structures, any other organisations or individuals, including on her/his stepping aside and matters related thereto.

9.2 During the period that a full-time office bearer employed by the organisation steps aside s/he will be entitled to remuneration and other benefits in line with her/his conditions of employment.

9.3 The decision by the elected office bearer to step aside must be reviewed by the relevant structure of the organisation every six months. The affected office bearer must update the SGO/PSO on a monthly basis regarding progress with their case.

## **10. Terms and Conditions for Public Representatives**

10.1 During the period that s/he steps aside a public representative may not:

- a) Occupy any executive office (Minister, Deputy Minister, MEC, MMC) or other position of responsibility in the legislative body of Caucus to which s/he belongs (Speaker, Deputy Speaker, Chairperson, Whip, etc).
- b) Represent the organisation publicly or in any other forum, including speaking in the legislative body that s/he belongs to, other than being a member of that body.
- c) Make public pronouncements on matters related to the organisation.
- d) Engage in the mobilisation of ANC structures, any other organisations or individuals, including on her/his stepping aside and matters related thereto.

10.2 During the period that s/he steps aside a public representative must:

- a) Attend sittings of the legislative body and its committees to which s/he belongs, unless otherwise agreed.

b) Vote on behalf of the organisation when requested to do so.

10.3. During the period that a public representative steps aside s/he will be entitled to remuneration and other benefits in line with her/his conditions of employment.

10.4. The decision by the public representative to step aside will be reviewed by the relevant structure of organisation every six months. The affected member must update the SGO/PSO on a monthly basis regarding progress with their case.