



30 June 2020

Deputy Chief Justice Raymond Zondo
Chairperson of the Commission of Inquiry into Allegations of State Capture
Per e-mail: submissions@sastatecapture.org.za

Second request for the Commission to examine the role of the African National Congress’ “cadre deployment committee” in facilitating state capture

Dear Deputy Chief Justice Zondo,

Nearly a year ago, on 17 July 2019, I wrote to you requesting that the Commission of Inquiry into Allegations of State Capture investigate the role played by the African National Congress’ (ANC) cadre deployment committee in facilitating state capture and corruption.

In my original letter, I quoted from testimony delivered by former minister Barbara Hogan, where she described the deployment committee as “a handful of people [that] just simply decide that this is their preferred candidate, on what basis, what transparency is there?” She went on to say that “the weakness of the system is that if that deployment committee is captured by whatever forces it can have a fundamental impact on government...the ANC saw it as their right to instruct a minister who should be appointed and not appointed. That is an abuse of power and that is usurping executive authority...It cannot be that closeness too or membership of the ANC should be the determining factors in the selection of candidates to senior positions.”

During the exchange with former minister Hogan, the chairperson of the Commission commented that this “issue may become quite a big issue in regard to the work of this Commission because one of the things that we have to look into is what environment existed that may or may not have provided fertile ground for state capture.” The chairperson further asked: “Is there anything in our legislation, is there anything in our electoral system, is there anything in our laws that may have made it easy for certain things to happen which should not have happened?”

As the chairperson noted, this testimony raises serious questions about both (1) the legal framework for how senior government appointments are made in South Africa, and about (2) the specific role of the ANC’s cadre deployment committee in appointing people to powerful positions in the state.

In my original letter, I requested that the Commission invite testimony from:

- (1) All members of the ANC’s deployment committee, specifically including its former chairperson during the period under examination, President Cyril Ramaphosa, to explain and account for the role of the ANC’s cadre deployment policy and committee in allegedly facilitating state capture by usurping executive authority and appointing compromised individuals; and
- (2) The chairperson of the Public Service Commission (PSC), Advocate Richard Sizani, to explain how the Public Service Commission Act and the Public Service Act potentially facilitates state capture and patronage by disempowering the independent and non-political PSC in terms of the appointment of Directors-General, executive managers of State-Owned Enterprises and other public servants, and instead empowering *politicians* to appoint such senior officials.

I would now like to draw the Commission’s attention to a leaked memorandum from the ANC (attached below). The memorandum – which, according to media reports, has been confirmed as authentic by at least five “highly-placed sources” in the ANC – confirms that ANC cadre deployment continues to undermine the separation between party and state, thereby continuing to facilitate state capture by the governing party.

The memo specifically instructs members of the executive that “No appointment should be taken to cabinet without passing through the [ANC] deployment committee first.” It also stipulates that “The office of the Deputy Secretary General should be informed of all posts prior to them being advertised and be sent the advert once they have been published.” The memo notes that these rules apply for all appointments of “Directors-General, Chairpersons, CEOs, and all boards of state-owned enterprises.”

In light of this new evidence that ANC cadre deployment continues to facilitate the capture of the state by a political party, I repeat my plea that the Commission:

- (1) Urgently invite testimony from members of the ANC’s deployment committee under President Jacob Zuma, including from its chairperson at the time, President Cyril Ramaphosa;
- (2) Invite expert testimony from PSC chairperson advocate Richard Sizani; and
- (3) In light of the latest developments, I would also urge the Commission to invite testimony from the current members of the ANC’s deployment committee, which is now chaired by Deputy President David Mabuza.

The latest leaked memorandum confirms that ANC cadre deployment continues to undermine the independence, capacity and ethics of the state. Given that a capable state staffed by highly-skilled professionals will be critical to any effort aimed at rebuilding South Africa in the wake of the Covid-19 lockdown crisis, I submit that it is now more urgent than ever that the Commission investigates how cadre deployment serves to facilitate state capture.

Yours sincerely,



Dr Leon Schreiber MP