

were allowed to paralyse (in the words of the Party itself) the organisation where the leadership was unable or unwilling to hold them accountable for their actions.

572. President Ramaphosa testified that the party lost significant support due to corruption, which made addressing those allegations an “existential challenge”.⁵¹¹ Opinion research at the time indicated that the issue of corruption was among the factors that contributed to the decline in electoral support for the ANC in the 2016 local government elections.⁵¹² The evidence may suggest that loss of electoral support was the main reason that the party finally reacted as it did.

573. The characterisation of the party’s seven years of inaction as a “delay” is itself problematic. The party did not simply take a long time to consider the allegations and arrive at decisions. This was not one continuous process. As is made clear by the evidence, the party made a series of decisions over a number of years *not* to act against Mr Zuma and other complicit parties. That the party later decided otherwise does not absolve it of accountability for those earlier decisions.

Deployment (Cadre Deployment)

The political-administrative interface

574. The Constitution envisages a public administration that maintains a high standard of professional ethics; that is efficient, economic and effective in its use of resources; is development-oriented; provides services in a manner that is impartial, fair, equitable and without bias; encourages participation in policy-making; and is accountable and transparent. It should support good human-resource management and career

⁵¹¹ Transcript of Day 428, 88.

⁵¹² BBB1-MCR-ANC-041 para 103

development. It should promote 'employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation'.

575. Section 197 requires the public service to "loyally execute the lawful policies of the government of the day", while also stipulating that "no employee of the public service may be favoured or prejudiced only because that person supports a particular political party or cause." There is no provision for political criteria to enter into decisions about appointments to fixed posts within the public administration.⁵¹³

576. In *Mlokoti v Amathole District Municipality*,⁵¹⁴ the Eastern Cape Division of the High Court found that in a contestation for the position of municipal manager, despite the fact that there was an expressed political preference for another candidate, the municipality was obliged to appoint the best candidate. Pickering J was severe in his judgment:

"Be that as it may, one fact emerges clearly from VM23, a fact which is not in any way refuted, and that is that the Regional Executive Committee of the ANC instructed the caucus to appoint the second respondent and the caucus carried out this instruction. This is not an example of democracy in action as was submitted by Mr. Quinn, certainly not of constitutional democracy. It, rather than the two legal opinions, amounted to **an usurpation of the powers of first respondent's council by a political body** which, on the papers, does not appear even to have had sight of the documents relevant to the selection process including the findings of the interview panel. In my view, the involvement of the Regional Executive Council of the ANC in the circumstances described in VM23 constituted an unauthorised and unwarranted intervention in the affairs of first respondent's council."

It is clear that **the councillors of the ANC supinely abdicated to their political party their responsibility** to fill the position of the Municipal Manager with the best qualified and best suited candidate on the basis of qualifications, suitability and with due regard to the provisions of the pertinent employment legislation as set out in

⁵¹³ The only exception is the appointment of persons on grounds of policy considerations, usually special advisers of political executives, which are governed by S 197(4) and section 12(A) of the PSA.

⁵¹⁴ [2008] ZAEHC 184; 2009 (6) SA 354 (ECD)

paragraph 1 of the recruitment policy. This was a responsibility owed to the electorate as a whole and not just to the sectarian interests of their political masters.

In the circumstances it is clear that the councillors comprising the ANC caucus failed to exercise the discretion vested in them at all. That abdication of their discretionary powers must result in the decision to appoint second respondent being declared unlawful and being set aside.

The first respondent has demonstrated a **lamentable abdication of its responsibilities by succumbing to a political directive from an external body**, regardless of the merits of the matter. It continues, with an equally lamentable lack of insight into its conduct, to contend that it was proper for it to have done so."⁵¹⁵

577. The Constitution's requirement of a non-partisan public service cuts both ways, and the requirement of loyal execution calls for personnel who, without blind loyalty to any party, are committed to faithfully implementing lawful government policies with which they may personally disagree. Active attention to achieving this by political parties – not least by a majority party democratically elected to govern – may not be considered objectionable in principle.

578. The problem obviously is to reconcile this in practice with the achievement of a 'non-partisan' public service loyally executing only lawful government policies and nothing more. It clearly could not be justified for a party to use its internal 'recommendation' of a candidate for office as a means of placing political pressure on and distorting the objective statutory process of selection and appointment to that office in the state.

The ANC's version

579. Mr Mantashe and President Ramaphosa testified about "cadre deployment".

⁵¹⁵ 379J-381A

580. The ANC is guided in this regard by the ANC Cadre Development and Deployment Policy⁵¹⁶, as well as other party documents. The Deployment Committee ("the Committee") is headed by the ANC Deputy President and comprises fifteen NEC members, including the Deputy Secretary-General.⁵¹⁷
581. According to Mr Mantashe, the strategic deployment of comrades is an important part of the ANC's strategy to control the levers of power in the state. The party seeks to exercise control over the public administration, including the public service and the state-owned enterprises.⁵¹⁸ According to both Mr Mantashe and President Ramaphosa, the ANC accepts the principle that the public service is required to be non-partisan,⁵¹⁹ but they say that there is no conflict or tension between this principle and the ANC's policy.⁵²⁰
582. According to President Ramaphosa, the deployment policy is aimed at ensuring that the person most "fit-for-purpose" is appointed whatever critical position has been identified.⁵²¹ He stated in evidence that the relevant policy aims to ensure the transformation of South Africa's institutions following the end of Apartheid. Deployment ensures that these institutions reflect the demographics of the country. The need to ensure that these changes are "solidified" continues today.⁵²² He said that some of the considerations of the Deployment Committee were political, regarding "key positions where we seek to advance the mandate of the governing party."⁵²³

⁵¹⁶ BBB1-MCR-ANC-118 ff.

⁵¹⁷ BBB1-MCR-ANC-011 f. para 27

⁵¹⁸ Day 374 p 63

⁵¹⁹ Day 374 p 63

⁵²⁰ Day 374 p 65

⁵²¹ BBB1-MCR-ANC-011 para 25

⁵²² BBB1-MCR-ANC-012 para 28

⁵²³ Transcript of Day 384, 43.

583. According to President Ramaphosa, the Committee considers things like gender balance, demographic representation and the developmental agenda of the governing party in making its recommendations. President Ramaphosa asserted that the need to ensure the transformation of state institutions still continued.
584. President Ramaphosa stressed that this policy was not unique to the ANC, and was practised in various forms worldwide and by other parties in South Africa.
585. The version put forward by President Ramaphosa and Mr Mantashe is that the ANC's Deployment Committee is a "recommending structure" that:
- 585.1. identifies vacancies in strategic positions in the state;
 - 585.2. encourages suitable persons to apply for positions;
 - 585.3. provides advice and recommendations to appointing authorities (such as Ministers) on important appointments.
586. They contend that the Committee has no power to decide on appointments and issues no instructions. They said that the Committee simply presents recommendations based on the outcomes of the mandated appointment processes.
587. However, the above evidence is not borne out in other evidence before the Commission.

Records and minutes

588. The Commission requested the minutes of the ANC Deployment Committee under the chairmanship of President Ramaphosa. The Commission was informed that there were no minutes for the period 2012 to 2017. The Commission then requested to be provided

with Deployment Committee minutes for the later period (any portion of 2017 and the period 2018-2021). These records were received shortly before the President's second appearance in August 2021.⁵²⁴

589. President Ramaphosa was asked whether minutes were lost or destroyed, or were simply never taken. He responded that he did not recall minutes ever being taken, which he attributed to "unfortunate record-keeping processes."⁵²⁵

590. It is concerning that basic record-keeping, arguably a necessity for ensuring transparency and good governance, may have been neglected for at least five years under President Ramaphosa. It is difficult to conceive how the Party would have any oversight over the Committee without any records. It is also difficult to conceive how the Committee would report on its activities to the party membership and leaders. Finally only with an accurate and comprehensive written record could the Committee be held accountable for its decisions and recommendations.

What is the scope of the Deployment Committee?

591. There is a difference between the deployment of public representatives to elected positions in legislative and executive bodies in government, and the deployment of cadres to strategic positions in the state and state employment. The appointment and election of public representatives (for example, to Parliament or city councils) is the prerogative of the party. The Commission is concerned largely with the deployment of party cadres to positions in state institutions and in the civil service.

592. According to President Ramaphosa and Mr Mantashe, the ANC deployment policy applies to senior positions in government such as Directors-General and Deputy

⁵²⁴ CR-REF-BUNDLE-038 ff.

⁵²⁵ Transcript of Day 427, 10.

Directors-General as well as leadership in critical institutions including the private sector.⁵²⁶ It does not apply to the appointment of Ministers, which is the prerogative of the President.⁵²⁷

593. The ANC Cadre Deployment Policy contains the following provisions:

“10. The following are the key centres of authority and responsibility within the state that should be given priority:

- 10.1 Cabinet;
- 10.2 The entire civil service, but most importantly from director level upwards;
- 10.3 Premiers and provincial administrations;
- 10.4 Legislatures;
- 10.5 Local Government
- 10 .6 Parastatals;
- 10.7 Educational institutions;
- 10.8 Independent statutory committees, agencies, boards and institutes;
- 10.9 Ambassadorial appointments; and
- 10.10 International organisations and institutions

...

20. A core or pool of comrades needs to be identified for deployment in each of the key strategic centres of authority and responsibility, particularly in relation to the legislatures, civil service, parastatals, independent bodies and ambassadorial appointments.”

594. President Ramaphosa confirmed that this list falls within the scope of activity for the Deployment Committee, although *in practice* the Committee did not consider all of these categories. The Committee, he said, “has set itself its own limit.” Of those categories

⁵²⁶ BBB1-MCR-ANC-011 para 25; Day 374 p 105

⁵²⁷ BBB1-MCR-ANC-011 para 26

above, the Committee tends to focus on civil servants of DDG level and above and SOE executives and Board members only.⁵²⁸

595. The question of judicial appointments was a contentious issue. It was eventually conceded that the Committee does sometimes make recommendations on judicial appointments. There is a danger that this could compromise the transparency and independence of the JSC process, and that internal party concerns such as factionalism could be carried into the judiciary.⁵²⁹

596. Although President Ramaphosa contended that as a matter of *practice* the Committee limits itself, the party's deployment policy nevertheless applies to all the positions mentioned above.⁵³⁰

Does the Committee give recommendations or instructions?

597. Echoing Mr Mantashe and Mr Zuma⁵³¹, President Ramaphosa testified that the Deployment Committee operates "like a recommendations committee" and does not make appointments or instruct appointing authorities to appoint certain persons. He also noted that the wishes of the Deployment Committee often do not materialise, which must show that the Committee has no real power.⁵³²

598. However, the Committee may have more power in reality than it does on paper. The Chairperson noted that appointing authorities, who are themselves ANC members and therefore bound to the decisions of the party, such as ministers, might feel pressured

⁵²⁸ Transcript of Day 384, 59–60.

⁵²⁹ Transcript of Day 427, 35–36.

⁵³⁰ Transcript of Day 384, 63.

⁵³¹ Jacob Zuma, transcript, 17 July 2019, p.10.

⁵³² Transcript of Day 384, 42–43.

to appoint the Committee's chosen candidate, and that this would confer said candidate with an unfair advantage.⁵³³

599. President Ramaphosa testified in response to this proposition that ministers often seek to *convince* the Committee to support their choice.⁵³⁴ President Ramaphosa's argument is that the Committee therefore serves as a "filter" or a type of "quality assurance" in order to ensure that the minister's candidate is fit-for-purpose.⁵³⁵

600. Later in his testimony, he remarked:

PRESIDENT RAMAPHOSA: And may I add deployment committee level, I know of ministers who have been there three times or more just to get a list recommended. So it is not as easy as that where you just have a list which is underpinned by nefarious intentions, just approved, it is quite vigorous and I have known and I have seen ministers coming out of that type of process just pulling the sweat off their foreheads because it means they have achieved something. It is not an easy process.⁵³⁶

601. The fact that ministers seek to convince the Committee, and go through such lengths to do so, implies however that the true and ultimate decision-making power lies with the Committee itself.

602. This is also clear in the Deployment Committee records (2017 onwards), which were carefully reviewed by the Commission. The following trends were observed in the minutes:⁵³⁷

⁵³³ Transcript of Day 384, 47–48.

⁵³⁴ Transcript of Day 384, 49.

⁵³⁵ Transcript of Day 384, 49–50.

⁵³⁶ Transcript of Day 384, 115–16.

⁵³⁷ Transcript of Day 427, 14–16.

- 602.1. While the language is consistent in part with the Committee making recommendations, in other part the language is peremptory.
- 602.2. The Ministers make recommendations to the Deployment Committee and seek permission to appoint their chosen candidates, which the Committee “approves” or sends back for “refinement”.
- 602.3. Ministers have been taken to task by the Deployment Committee for presenting their choices as final and irrevocable, or presenting names to Cabinet which were not approved by the Committee.
- 602.4. The Committee insists that even before posts are advertised the Deployment Committee should be notified.
603. It therefore appears that the Committee does not always merely make recommendations but in fact often instructs appointing authorities on who to appoint.
604. President Ramaphosa insisted that cadre deployment is “safe” as the Committee has no formal power to appoint, and appointments are still governed by the legally mandated processes.⁵³⁸ However this sidesteps the question of how deployment actually functions in reality, and whether appointing authorities have to accept or rubber-stamp decisions made by the Committee. As I put to President Ramaphosa, the party is where the real decisions are taken.⁵³⁹ President Ramaphosa conceded that “the party is where the power resides”.⁵⁴⁰

⁵³⁸ Transcript of Day 427, 17–20.

⁵³⁹ Transcript of Day 427, 23.

⁵⁴⁰ Transcript of Day 427, 23–25.

605. The minutes reveal that the Committee has been frustrated that people accountable to the Committee do not really understand the principle of “democratic centralism”. President Ramaphosa explained that, according to democratic centralism, party members are bound by decisions taken by higher bodies. It is therefore “a sign of indiscipline” in the ANC to disobey and not follow the decisions of a higher structure.⁵⁴¹ It is also notable that the party’s deployment policy states that “decisions of the organisation ... are final and a breach of this policy shall constitute a serious offence”.⁵⁴² Democratic centralism, applied to the system of deployment, would ensure that the power to appoint did indeed lie with the party, in its higher echelons.

606. Other witnesses have testified to the effect that the Deployment Committee has and exercises more power than the Party would like to concede:

606.1. In her testimony, Ms Hogan claimed that the Committee *determines* who gets certain positions in government, and that the NWC instructs Ministers on appointments, which is an abuse of power.^{543 544}

606.2. Ms Lynne Brown, in her affidavits to the Commission, made repeated references to consultations with the Deployment Committee concerning appointments to SOEs. For example, she stated that “before the names of proposed Directors were relayed to Cabinet for approval, the ANC Deployment Committee had to give its endorsement first”⁵⁴⁵ and “all appointments to the

⁵⁴¹ Transcript of Day 427, 26–27.

⁵⁴² Transcript of Day 374, 113-115

⁵⁴³ Barbara Hogan, Transcript Day 21, 12 November 2018, pp.39-42 & 46.

⁵⁴⁴ Barbara Hogan, Transcript of Day 21 (12 November 2018), 41.

⁵⁴⁵ Brown affidavit of Sept 2020, pg 33, para. 109

boards of State owned Entities must also be approved by the African National Congress' Deployment Committee whereafter it gets approved by Cabinet."⁵⁴⁶

606.3. Dr Ben Ngubane spoke about cadre deployment unprompted. He said:

"There has been a very strong deployment of cadres. So it may be competitive, but when the elite, the governing party, knows someone they think can fulfil their objectives, they will make sure that person gets it ... people are earmarked for some type of jobs."⁵⁴⁷

606.4. Ambassador Francis Moloi said that ambassadorial and Head of Mission positions have consistently been dominated ("grotesquely and disproportionately so") by political appointees and party deployees to the exclusion of professional diplomats, and that this is driven by the ANC's policy of cadre deployment.⁵⁴⁸

607. The *Amathole* case referred to earlier is a clear example of a Committee making appointment decisions.

608. The evidence referred to above gives credence to the proposition that appointing authorities, including Cabinet, are *de facto* bound by the decisions of the Committee, which means that its 'recommendations' are in fact instructions.

What are the Committee's selection criteria?

609. Appointments in the public service are governed by a number of laws and policies, most significantly the Public Service Act, which seek to ensure that appointment processes are fair, effective, and in line with the Constitution. If appointment decisions are not

⁵⁴⁶ Lynnette Brown, Exhibit DD21, DD21-LB-083, para 65 (Annexure B).

⁵⁴⁷ Day 320, p. 35-36

⁵⁴⁸ Dr Moloi, Affidavit, at para 25.

made within this governance regime, but rather made behind the closed doors of the Party, these checks and balances are circumvented.

610. Furthermore, if the Party does have the power to decide appointments, the concern is that the Party can *abuse* this power to achieve ends which are not in the best interests of the country. If the Party prioritises loyalty or party membership as selection criteria, there is a risk that it will not select the best person for the job, and moreover that deployees will serve the interests of the party even to the detriment of the country.
611. In her testimony, Ms Hogan claimed that the Committee did have power and deliberately chose candidates for their loyalty to the party, and after the ANC 2007 Polokwane conference, for loyalty to a particular faction.⁵⁴⁹ Part of Ms Hogan's evidence was that the Deployment Committee did not have the necessary expertise or resources to properly consider these appointments.
612. President Ramaphosa responded that appointing authorities, such as ministers, do use selection committees or panels and external entities as a "layer" in the appointment process. He also asserted that the Committee is composed of diverse and knowledgeable persons, which produces a "wealth of wisdom".⁵⁵⁰
613. He stated that those persons deployed must understand that they sit there on behalf of the ANC. Mr Mantashe said that once deployed and responsibility is assumed, the cadre must be non-partisan in his or her approach because they are a public representative.
614. Mr Zuma stated that, of course, they would want people who are known to the party, who 'would implement the policies appropriately', and that this is normal in other

⁵⁴⁹ Barbara Hogan, Transcript Day 21, 12 November 2018, pp.39-42 & 46.

⁵⁵⁰ Transcript of Day 384, 79-80.

countries where the winning party will “remove everybody out and put their people.” He also stated that the party could not take people they did not know and “of course” there were people who were there because they were loyal to the party and believe in its policies.⁵⁵¹

615. Furthermore, many of the minutes scrutinised by the Commission show that the Committee did consider loyalty and party membership when evaluating candidates. This would give an unfair advantage to ANC members, which would effectively contravene section 197(3) of the Constitution, which states that “No employee of the public service may be favoured or prejudiced only because that person supports a particular political party or cause.”

The possible role of deployment in State Capture

616. Even if it is true that the Committee has no formal power, and that it does not issue explicit instructions to appointing authorities (which is ultimately not accepted), the evidence shows that this is not the end of the matter.
617. The ANC recognises that “there are several instances where individuals appointed to positions may not have been fit for purpose”. The ANC claims to have addressed this problem at its 54th National Conference by resolving that “the merit principle must apply in the deployment to senior appointments, based on legislated prescripts and in line with the minimum competency standards.”⁵⁵² The unfortunate implication is that the merit principle did not apply to such deployments until the resolution in December 2017, thus rendering the resolution necessary.

⁵⁵¹ Jacob Zuma, transcript, 17 July 2019, p.10.

⁵⁵² BBB1-MCR-ANC-017 para 41

618. The ANC's deployment policy itself identifies that the process can be abused. It notes that "the potential for NEC members to have political or other interests in the deployment of particular cadres to particular positions cannot be ruled out".⁵⁵³ President Ramaphosa agreed that this section of the deployment policy, which details a number of ongoing problems concerning cadre deployment, is correct:

"The ANC's range of national and regional deployment committees ebbed and flowed over time as the movement battled intra organisation positioning, optimisation of state governance, factionalism, careerism and opportunism, desperation for employment and the organisational dilemmas of having to act against corrupt comrades."⁵⁵⁴

619. The danger of political influence in appointments is perhaps best articulated in the ANC's 'Eye of a Needle' document from 2001:

"Because leadership in structures of the ANC affords opportunities to assume positions of authority in government, some individuals then compete for ANC leadership positions in order to get into government. Many such members view positions in government as a source of material riches for themselves. Thus resources, prestige and authority of government positions become the driving force in competition for leadership positions in the ANC.

Government positions also go hand-in-hand with the possibility to issue contracts to commercial companies. Some of these companies identify ANC members that they can promote in ANC structures and into government, so that they can get contracts by hook or by crook.

Positions in government also mean the possibility to appoint individuals in all kinds of capacities. As such, some members make promises to friends, that once elected and ensconced in government, they would return the favour. Cliques and factions then emerge within the movement, around personal loyalties driven by corrupt intentions. Members become voting fodder to serve individuals' self-interest."⁵⁵⁵

⁵⁵³ BBB1-MCR-ANC-130 para 49

⁵⁵⁴ Transcript of Day 384, 69–71.

⁵⁵⁵ BBB2-MCR-ANC-ADDITIONAL-378 f.

620. President Ramaphosa was asked about the appointments of specific individuals who have been implicated in corruption and state capture at the Commission, and whether these individuals were 'deployed'. He responded:

"PRESIDENT RAMAPHOSA: Let us accept, Chairperson, that some of those deployments were done in a particular era and in a particular way and right now as we look at that past slate we were able to look at it and say we actually need to do things differently."⁵⁵⁶

621. He went on to say that the Deployment Committee "would not have dealt with a whole lot of those" appointments during his chairmanship of the Deployment Committee.⁵⁵⁷ There were some cases where former President Zuma bypassed the Committee entirely, which he believed was unintentional. In these cases President Ramaphosa would approach Mr Zuma to ask why the Deployment Committee was not consulted on an appointment and Mr Zuma who would take responsibility and apologies.⁵⁵⁸
622. It must be noted that President Ramaphosa was the Chairperson of the Deployment Committee a period of five years, between December 2012 and December 2017, and that many of these appointments (and indeed the excesses of State Capture) occurred during this period. Notably, this is also the period for which the party could produce no minutes or records. It is not sufficient for President Ramaphosa to focus on the future of the party and his envisaged renewal process. Responsibility ought also to be taken for the events of the previous "era". He did so, partially and only in the most general terms.

⁵⁵⁶ Transcript of Day 384, 100.

⁵⁵⁷ Transcript of Day 384, 100.

⁵⁵⁸ Transcript of Day 384, 101–4.

623. According to President Ramaphosa, some of those appointments did go through the Deployment Committee, but the Committee did not know that those individuals would engage in any corrupt acts.⁵⁵⁹ If this was the case, Deployment Committee had been *unable* to select or recommend individuals who were “fit for purpose.” What is true is that during a certain period a lot of people who occupied senior positions in SOEs and government departments as well as in Boards of SOEs would have been appointed to those positions after their names were put through and approved by the Deployment Committee. Many of these people are people who enabled state capture.
624. Yet President Ramaphosa repeatedly stressed the importance of cadre deployment, and said that the Deployment Committee process is “vigorous” and adds an extra level of scrutiny (a “filter”) to the selection process.⁵⁶⁰ His argument was that the deployment process makes appointments processes *more*, not less, rigorous.
625. President Ramaphosa conceded that there was “massive system failure” in the state and SOEs and some of that occurred because “certain people were put in certain positions to advance certain agendas.” He also conceded that there was a practice of “poorly qualified individuals being parachuted into positions of authority through political patronage”.
626. President Ramaphosa spoke at length about the proposed National Implementation Framework towards the Professionalisation of the Public Service. The draft Framework was approved by Cabinet in November 2020 and is currently undergoing public consultation. He said that he aimed to “capacitate” those in the civil service who are not

⁵⁵⁹ Transcript of Day 384, 117–18.

⁵⁶⁰ Transcript of Day 384, 115.

“fit for purpose.” The policy also aims to ensure that “fit for purpose” individuals with the proper experience and expertise are appointed into the civil service.⁵⁶¹

627. It may be that many politically motivated appointments in fact occurred independently of the Deployment Committee. The party has indeed made much of its struggles with factions and divisions.
628. Lastly, the ANC has acknowledged that it has been, for an extended period of time, beset by problems including patronage, factionalism and corruption. The ability to position individuals in strategic positions in the state is a substantially powerful one. It would be naïve to think that these systemic problems would not spill over into the deployment process.
629. The evidence has demonstrated that state capture has been facilitated by the appointment of pliant individuals to powerful positions in state entities. The essential danger remains that appointment processes which are conducted behind closed doors and outside of the Constitutionally and legally stipulated processes are open to abuse:

“If external bodies, a party structure or otherwise, control a politician, then they can control appointments within that politician’s authority. The essential mechanism of ‘state capture’, where administrative decisions regarding procurement and other matters are effectively externalised into undemocratically-constituted and opaque fora, thus comes into view. Resources that are by this mechanism extracted from the state are used, in part, to purchase, by patronage, the mass political support necessary to win elections and retain power.”⁵⁶²

⁵⁶¹ Transcript of Day 384, 94–97.

⁵⁶² Brunette, R. (2020). Position Paper on Appointment and Removal in the Public Service and Municipalities. Position Papers on State Reform. Public Affairs Research Institute.

The legislative scheme rendering the Deployment Policy unlawful

630. To begin with the Constitution, certain provisions of section 195 of the Constitution are paramount in this regard. These are the provisions of section 195(1)(a), (b), (f), (g), (i).

They read:

“Basic values and principles governing public administration -

195(1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a) A high standard of professional ethics must be promoted and maintained.
- (b) Efficient, economic and effective use of resources must be promoted.
- (c)
- (d)
- (e)
- (f) Public administration must be accountable.
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
- (h)
- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.”

631. Section 195(2) and (3) of the Constitution provides:

“(2) The above principles apply to -

- (a) administration in every sphere of government;
- (b) organs of state; and
- (c) public enterprises.

(3) National legislation must ensure the promotion of the values and principles listed in subsection (1).”

632. Section 196 of the Constitution establishes the Public Service Commission for the Republic whose powers and functions are set out in section 196(4). Section 196(2) and (3) reads:

“(2) The Commission is independent and must be impartial, and must exercise its powers and perform its functions without fear, favour or prejudice in the interest of the maintenance of effective and efficient public administration and a high standard of professional ethics in the public service. The Commission must be regulated by national legislation.

(3) Other organs of state, through legislative and other measures, must assist and protect the Commission to ensure the independence, impartiality, dignity and effectiveness of the Commission. No person or organ of state may interfere with the functioning of the Commission.”

633. Section 196(4) of the Constitution reads as follows insofar as it is relevant:

“(4) The powers and functions of the Commission are -

(a) to promote the values and principles set out in section 195, throughout the public service;

(b) to investigate, monitor and evaluate the organisation and administration, and the personnel practices, of the public service;

(c) to propose measures to ensure effective and efficient performance within the public service;

(d) to give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195;

(e) to report in respect of its activities and the performance of its functions, including any finding it may make and directions and advice it may give, and to provide an evaluation of the extent to which the values and principles set out in section 195 are complied with; and

(f) either of its own accord or on receipt of any complaint—

(i) to investigate and evaluate the application of personnel and public administration practices, and to report to the relevant executive authority and legislature;

(ii) to investigate grievances of employees in the public service concerning official acts or omissions, and recommend appropriate remedies;

(iii) to monitor and investigate adherence to applicable procedures in the public service; and

(iv) to advise national and provincial organs of state regarding personnel practices in the public service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service; and

(g) to exercise or perform the additional powers or functions prescribed by an Act of Parliament."

634. In terms of section 196(5) of the Constitution, the Public Service Commission "is accountable to the National Assembly".

635. Section 197(1) of the Constitution provides:

"Public Service

197(1) Within public administration there is a public service for the Republic, which must function, and be structured, in terms of national legislation, and which must loyally execute the lawful policies of the government of the day."

636. Very importantly, section 197(3) of the Constitution precludes the favouring and prejudicing of any employee for supporting a particular political party or cause. The section reads:

"No employee of the public service may be favoured or prejudiced only because that person supports a particular political party or cause."

637. Apart from the Constitution, it is also necessary to consider certain provisions of the PSA. Section 9 reads:

"9 Powers of executing authority -

(1) The appointment of any person or the promotion or transfer of any officer or employee in the employ of a department shall be made by the relevant executing

authority or by an officer or officers to whom the said authority has delegated his or her power of appointment, promotion or transfer.

(2) Subject to the provisions of this Chapter, appointments and promotions in, and transfers in or to, the public service shall be made in such manner and on such conditions as may be prescribed."

638. In the PSA, the word "prescribed" is defined as meaning "prescribed by or under this Act". That means "prescribed by or under" the PSA. In other words, no appointment, promotion or transfer may be made or effected or decided upon in a manner that is not prescribed by or under the PSA. Anything in the appointment, promotion or transfer of an officer or employee in the public service that is not prescribed by or under the PSA is unlawful or renders the appointment, promotion or transfer unlawful

639. A very important provision of the PSA concerning appointments and the filling of posts is section 11. It provides:

"11 Appointments and filling of posts -

(1) In the making of appointments and the filling of posts in the public service due regard shall be had to equality and the other democratic values and principles enshrined in the Constitution."

640. What this provision does is to direct anyone who seeks to make an appointment or to fill a post in the public service to have due regard to "equality and the other democratic values and principles enshrined in the Constitution". The phrase "democratic values" means or at least includes within its ambit the democratic values referred to in section 7 of the Constitution, namely "human dignity, equality and freedom". Equality is already expressly mentioned in section 11(1) of the PSA. The reference to democratic values may well also include some of the values listed in section 1 of the Constitution. Leaving out universal adult suffrage which would not be applicable in the context of section 11 of the PSA, the values listed in section 1 of the Constitution are:

- “(a) Human dignity, the achievement of human rights and freedoms.
- (b) Non-racialism and non-sexism.
- (c) Supremacy of the Constitution and the rule of law.”

641. The term “principles” in section 11 of the PSA is qualified by the phrase “enshrined in the Constitution.” Those principles must include the principles listed in section 195 of the Constitution (see above). It may well be that the principles to which section 11 refers go beyond those listed in section 195 of the Constitution. The constitutional and statutory framework reflected in section 11 includes the following requirements in the context of the appointment and filling of posts:

- 641.1. there must be equality in the treatment of candidates;
- 641.2. there must be transparency;
- 641.3. there must be accountability; and
- 641.4. there must be fairness.

642. The above requirements mean that, if there are two or more candidates competing for appointment to a position, they must be treated equally, there must be transparency in the process and they must be treated fairly; and those making the decision to appoint or to recommend must be accountable.

643. Section 11(2) of the PSA reads:

- “In the making of any appointment or the filling of any post in the public service -
- (a) all persons who qualify for the appointment, transfer or promotion concerned shall be considered; and
 - (b) the evaluation of persons shall be based on training, skills, competence, knowledge and the need to redress the imbalances of the past to achieve a public service broadly representative of the South African people, including representation according to race, gender and disability.”

644. Section 11(2)(b) is of cardinal importance because it prescribes which matters count in the evaluation of candidates for appointment to a post. In other words, anyone who makes a decision to recommend or appoint a particular candidate among candidates who are competing for appointment to a particular position can only base his or her decision on the matters listed in section 11(2)(b) and on no other matter. Those matters listed in section 11(2)(b) are:

- 644.1. training;
- 644.2. skills;
- 644.3. competence;
- 644.4. knowledge; and
- 644.5. the need to redress the imbalance of the past to achieve a public service broadly representative of the South African people including representation according to race, gender and disability.

645. There is no mention in section 11(2) of membership of a political party including the ANC or current ruling party, nor is there mention of a recommendation made by the Deployment Committee of the ANC or any political party. A factor which falls outside the matters listed in section 11(2) may not be taken into account in evaluating the candidature of the candidates or of any candidate. It means that such a factor cannot be part of the evaluation of any candidate. Therefore, knowledge of the policies of the ANC or any particular political party cannot be taken into account. It is only the policies of the government that may legitimately be taken into account if they are relevant to a particular post. Any policy or policies that are ANC policies or policies of any political party that have not been adopted by the government may not be taken into account. Taking it or them into account would be unlawful since that would fall outside of section 11(2) of the PSA.

646. Section 11(3) of the PSA reads:

“Notwithstanding the provisions of subsection (2), the relevant executing authority may, subject to the prescribed conditions, approve the appointment, transfer or promotion of persons to promote the basic values and principles referred to in section 195 (1) of the Constitution.”

647. The reference to “prescribed conditions” is a reference to conditions prescribed by or under the PSA.

648. For purposes of determining whether the ANC’s Deployment Policy or its implementation is unlawful, section 11(3) does not contain anything that would make it lawful to take into account a recommendation of the ANC’s Deployment Committee or recommendation of any committee or official of any other political party in evaluating various candidates for appointment.

649. The MSA contains provisions that are similar to those contained in the PSA. Section 54A deals with the appointment of a municipal managers and acting municipal managers. Section 54A(2) provides:

“A person appointed as municipal manager in terms of subsection (1) must at least have the skills, expertise, competencies and qualifications as prescribed.”

650. The term “prescribed” means “prescribe[d] by regulation or guidelines in terms of section 120” of the MSA.

651. Section 54A(3)(a) goes on to provide that decision to appoint a person as municipal manager, and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if “the person appointed does not have the prescribed skills, expertise, competencies or qualifications”.

652. Importantly, sections 54A(4) and (5) of the MSA provide:

- “(4) If the post of municipal manager becomes vacant, the municipal council must-
- (a) advertise the post nationally to attract a pool of candidates nationwide; and
 - (b) select from the pool of candidates a suitable person who complies with the prescribed requirements for appointment to the post.
- (5) The municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements.”

653. Section 56 of the MSA deals with the appointment of managers directly accountable to municipal managers. It contains provisions that replicate those outlined above in relation to the appointment of municipal managers.

654. The findings made above in relation to the PSA are equally applicable to the provisions of the MSA. In short, a recommendation by the Deployment Committee would fall outside the scope of legitimate selection criteria (unless expressly prescribed as a requirement).

655. Turning finally to the provisions of the LRA, section 186(2) defines an “unfair labour practice” as including:

- “(a) unfair conduct by the employer relating to the promotion, demotion, probation (excluding disputes about dismissals for a reason relating to probation) or training of an employee or relating to the provision of benefits to an *employee*”.

656. If a government official were to make an appointment regulated by the PSA or MSA based on the recommendation of the ANC Deployment Committee, which would be an impermissible consideration, and pass over an internal candidate for promotion on this basis, this would be actionable as an unfair labour practice.

657. What is said above makes it clear that within the current constitutional and statutory framework it is unlawful and unconstitutional for a President of this country and any Minister, Deputy Minister or Director-General or other government official, including

those in parastatals, to take into account recommendations of the ANC Deployment Committee or any deployment committee or any similar committee of any other political party in deciding who should be appointed to a position in the public service or in organs of state or parastatals

President Ramaphosa's evidence: undue weight will be attached to recommendations

658. Reverting to the evidence of President Ramaphosa, the composition of the Deployment Committee (set out in paragraph 27 of his affidavit) exacerbates concerns about the legality of the Deployment Policy.

659. The Deployment Committee is of high status within the structures of the ANC. It is a committee that is chaired by the second-in-command in the ANC, the ANC's Deputy President. That is the second highest ranking office-bearer or official of the organisation. That is somebody who, in the absence of the President in the country, is the boss of all the Ministers. That is somebody that every ANC Minister is entitled and justified to think unless something very unexpected happens, will be the next President of the ANC. In the period of about 28 years since 1994 except for one, every one of those who occupied the position of Deputy President of the ANC ultimately became President of the ANC.⁵⁶³

660. The significance of the fact that the Deployment Committee is chaired by the Deputy President of the ANC, and this is the second point, is that it naturally will make it very difficult for any cabinet Minister – not to speak of the Deputy Minister or Director-General particularly who is an ANC member to go against a position taken by a Committee headed by the Deputy President of the organisation. To deviate from such a position

⁵⁶³ The only exception is Mr Motlanthe. Although he became the President of the country for a brief period from September 2008 to May 2009, he never became President of the ANC. He was a candidate for the President of the ANC at its elective conference in Mangaung in December 2012 but lost to Mr Jacob Zuma.

may be a career limiting decision by any Minister or Director-General. This is not to necessarily say no Minister who feels strongly that he or she would like to deviate from the position taken by the Deployment Committee may approach the Deployment Committee and seek to persuade it otherwise. I do not know whether there is such a procedure in the processes of the ANC's Deployment Committee. I shall assume in favour of the ANC that there is such a procedure. However, even if such a procedure exists and even if it is permissible for a Minister to make such an approach to the Deployment Committee, it would ordinarily not be an easy thing for a Minister to do and no Minister would want to be seen to be in the habit of doing that. If I am correct about that, which I think I must be, then this means that the pronouncement of the Deployment Committee – whether you call it a recommendation or an instruction to a Minister to appoint a particular candidate to a particular position – will be so weighty that when the Minister considers which candidate to appoint, it will most of the time in all probability carry the day. Apart from the fact that the Deployment Committee is chaired by the Deputy President of the ANC, one of its members is the Deputy Secretary General of the organisation – that is like the Deputy Prime Minister in a country that has such a position – and all its other members are members of the ANC's National Executive Committee. So, what chance does a Minister have of going against the pronouncement of a Committee made up of such high ranking leaders of the organisation. In this regard one must remember that some Ministers might not even be members of the NEC. For all intents and purposes, there is no chance of a Minister or Director-General going against a pronouncement of the Deployment Committee.

Problems with equality, fairness and transparency arising from President Ramaphosa's evidence

661. Out of President Ramaphosa's evidence as contained in his affidavit, there are certain additional features that need special consideration. President Ramaphosa said that in

the case of the deployment of candidates to positions in the state and society – as opposed to the deployment of candidates to legislative bodies and executive bodies – the ANC identifies candidates who would be suitable, by virtue of their skills, experience and personal attributes, to be considered for positions in various entities in the public sector.

662. President Ramaphosa testified that the ANC's Deployment Committee does not decide who should take up specific positions. He said that it discusses who should be encouraged to apply for various positions and makes recommendations to the persons making the appointments. There were, however, certain indications during the hearing that the Deployment Committee effectively decides who must be appointed to certain positions, unless there is a strong reason that emerges why their decision should not be given effect to even if their decisions may be dressed up as recommendations. I am quite happy to approach the matter on the ANC's version that the Deployment Committee makes recommendations and does not appoint. However, it seems to me that, as mentioned above, even if the Deployment Committee's decisions are recommendations, they are such weighty recommendations that any deployee of the ANC – be it the President, a Minister, a Deputy Minister, a Director-General or other government official – would feel bound to give effect to the Committee's recommendation, unless there was really something extraordinary to justify going back to the Committee to ask it to allow that its decision be not given effect to.
663. Part of the difficulty with the recommendation of the Deployment Committee is that it is made by a Committee that would not have interviewed the other candidates who would have applied for a particular position. Indeed, it is made by a Committee that has not considered any information about other candidates against whom the candidate it recommends is competing. The Commission was not told that the Deployment

Committee ensures that it has seen the CVs of other candidates applying for the same position.

664. Since the Deployment Committee makes its recommendations in favour of a particular candidate without having compared the credentials of that candidate with the credentials of other candidates, its recommendations cannot sensibly and legitimately be taken into account. If it is taken into account when it was made by a body that knew nothing about the credentials of the other candidates, that is unfair and is in breach of, amongst others, the injunction in section 195 of the Constitution and section 11 of the Public Service Act that there must be equality and fairness in the appointment of persons and the filling of posts in the public service. Indeed, when a Minister and Director-General, for example, takes into account such a recommendation, he or she will be in breach of the constitutional principle of transparency to be found in section 195 of the Constitution because that recommendation will not have been made known to all concerned including the other candidates. So, the other candidates would not know that there is a candidate who, apart from what is in his or her CV, profile and supporting documents that are official, also carries the special advantage of a recommendation of the ANC's Deployment Committee. The taking into account of such a recommendation also means that the candidates are not treated equally because they would not have been given an opportunity to compete with that candidate for the recommendation of the Deployment Committee. The unequal and unfair treatment caused by the taking into account of such a recommendation is even more pronounced in relation to candidates who are not members of the ANC and, therefore, have no chance of securing a recommendation of the Deployment Committee. This means that the taking into account of the recommendation of the Deployment Committee by a President, Minister, Deputy Minister, Director-General or other government official or Board of a parastatal, constitutes an unfair competition to the prejudice of the other

candidates and in favour of the ANC candidate who is a beneficiary of a recommendation of the Deployment Committee.

665. With reference to paragraph 39.3 of President Ramaphosa's affidavit (quoted above), I am not sure that the President's statement that the ANC does not, through its Deployment Policy and the recommendations of its Deployment Committee, seek to circumvent "the established and often legally-mandated processes for the appointment of individuals to these positions" is correct. I say this because in any advertisement of a post things that are essential or basic requirements and things that will simply be an advantage or are recommended as opposed to required, are typically stated. However, the public and the potential candidates are not told that a recommendation of the ANC's Deployment Committee will be an advantage, and yet the ANC deployees in Government including the President, Deputy President, Ministers, Deputy Ministers and Directors-General would know that a recommendation of the ANC Deployment Committee confers a huge advantage to a candidate and greatly enhances a candidate's candidature. Such a recommendation would sometimes subvert the prospects of a candidate who in the absence of a candidate benefiting from such a recommendation, would have been picked for a position if all that was considered, were the factors in the public advertisement of the post or the factors in the legal framework.
666. Furthermore, as is reflected elsewhere in this section of the Report, recommendations of the ANC's Deployment Committee fall outside the constitutional and statutory framework for the appointment, promotion and transfer of public servants or candidates. Our law does not provide for any government official or body or Minister or the President to take into account a recommendation of the ANC's Deployment Committee or similar body of any political party in filling posts in the public service or in parastatals. If the ANC or any political party wants the recommendations of its Deployment Committee or similar body to be taken into account in the filling of posts in the public service and in

parastatals, it should take steps to ensure that the relevant legislation is amended to include a provision accommodating such a recommendation. Otherwise, taking such a recommendation into account while it is outside the legal framework is unlawful.

667. President Ramaphosa testified that the ANC acknowledged that there had been instances where individuals appointed to positions may not have been “fit-for-purpose” and may also not have performed the tasks in the way that it was envisaged.⁵⁶⁴ He said that at its 54th National Conference the ANC had recognised this problem and resolved on capability and capacity building in the public service that “the merit principle must apply in the deployment to senior appointments, based on legislated prescripts and in line with the minimum competency standards”.⁵⁶⁵ He went on to say that it is the ANC’s view that the practice of cadre deployment should not be inconsistent with the principles of fairness, transparency and merit in the appointment of individuals to public entities.⁵⁶⁶
668. In response to this it needs to be pointed out that in this section of the Report it is shown that the implementation of the Deployment Policy of the ANC as it has happened thus far and in the context of the current constitutional and statutory framework is unfair to other candidates and is not implemented transparently. However, above all it is unlawful for any government functionary to implement a recommendation of the Deployment Committee in the filling of any post in the public service in which section 11 of the Public Services Act applies. Such a recommendation is not contemplated or provided for in the constitutional and legal framework governing the filling of posts in the public service. No President, Deputy President or Minister, Deputy Minister or Director-General may take it into account.

⁵⁶⁴ Affidavit para 40.

⁵⁶⁵ Affidavit para 41

⁵⁶⁶ Affidavit para 42

669. President Ramaphosa pointed out that, because the ANC's view is that the practice of cadre deployment should not be inconsistent with the principles of fairness, transparency and merit, it seeks to continually revise its cadre deployment policies and practices. He said that that was also why his administration had proceeded to implement ANC resolutions on the professionalisation of the public service.⁵⁶⁷

670. President Ramaphosa said that "the [cadre deployment] policy of the ANC is aimed at ensuring that the person most fit-for-purpose is appointed whatever critical position has been identified".⁵⁶⁸ The difficulty with this statement by President Ramaphosa is that the manner in which the Deployment Committee of the ANC makes its recommendations is completely inconsistent with the objective that the most fit-for-purpose candidate should be appointed to a position. The very manner in which a Deployment Committee's recommendation is arrived at is in conflict with such a goal. When, for example, there are five candidates who have applied for a position, how can you say that you want the most fit-for-purpose of those candidates to be appointed to the position when you recommend one of them to the appointing authority:

670.1. Without having studied the CVs and supporting documents of the other four candidates and without knowing them and their credentials.

670.2. Without knowing whether any of the other four candidates either equally deserves a recommendation or better deserves a recommendation than the candidate you have recommended?

671. If the ANC wants the most fit-for-purpose candidate to be appointed, making a recommendation through its Deployment Committee in the way it does at the moment

⁵⁶⁷ Affidavit para 42

⁵⁶⁸ Affidavit para 25

and in the way it has been doing all these years is not the way to go. The way to go, if that is what it wants, is to allow government officials and bodies to make appointments in accordance with the Constitution and the law. After all, many of those officials who will make those decisions are its deployees such as the President, Deputy President, Ministers, Deputy Ministers, Directors-General, Deputy Directors-General, etc. At the moment, when the ANC insists that these officials should consider its Deployment Committee's recommendations in making certain appointments in the public service or in parastatals, it requires them to take into account something that is not provided for in the law that governs those appointments and, therefore, requires them to act unlawfully.

672. The President testified that the ANC's cadre deployment policy applies to the filling of senior positions in government such as Directors-General, Deputy Directors-General as well as leadership in critical institutions including the private sector. He pointed out, however, that the appointment of Ministers is not a matter that would serve before the Deployment Committee. He said that the ANC respects the President's constitutional prerogative to appoint his or her cabinet.⁵⁶⁹ However, it seems that at the Polokwane Conference of the ANC one of the resolutions that were taken was that the President should consult the officials of the ANC in making appointments to the Cabinet or in dismissing Ministers. That would explain why President Zuma raised the issue of his intention to fire Minister Pravin Gordhan and replace him with Mr Brian Molefe with the officials of the ANC in March 2017 before he fired Minister Gordhan and Mr Jonas.

Why the need for the Deployment Committee?

673. An important question that arises about the ANC's Deployment Committee and its role in the implementation of the ANC's Deployment Policy is why it is necessary for there to be a Deployment Committee that makes recommendations to the President, Deputy

⁵⁶⁹ Affidavit para 26

President, Cabinet Ministers, Deputy Ministers, Directors-General and other Government officials most of whom would be ANC leaders and members and, therefore, would understand ANC policies very well? In other words, why can the ANC not leave its President, Cabinet Ministers and Directors-General to make the staff appointments that need to be made without any recommendation by the Deployment Committee, on the basis that they trust those ANC Ministers etc to make the right decisions? Why must there be a party structure that makes recommendations to government officials as opposed to recommendations to a party structure?

674. It is difficult to understand this alleged need because, if the need is said to be justified on the basis that an ANC government needs personnel who understand the ANC's policy very well and can implement them effectively, there is no reason why the President, Ministers and Directors-General who are ANC deployees cannot be trusted to have due regard to that factor in making appointments if it is lawful to have due regard to it. In other words, the question that arises is: if the ANC legitimately believes that such a factor is a proper factor that should be taken into account in making certain staff appointments, why should it not simply ensure that the law allows the taking into account of such a factor and then leave the selection of a successful candidate to its deployees who are in government?

675. I cannot see why the ANC cannot deal with the matter on that basis if all it wants is the appointment of candidates who have a good understanding of the ANC's policies. The advantage or benefit which the ANC obtains if it has a Deployment Committee that makes recommendations to those in government as to who should be appointed to certain positions is that the ANC individuals who get appointed will feel grateful to the party for giving them such jobs. That may strengthen their loyalty to the party and may make them beholden to the party. This may be particularly so in the case of senior officials such as Directors-General and SOE Chief Executive Officers who are

appointed on fixed-term contracts of five years, because at the end of the contract they would be needing the support of the party in the form of another Deployment Committee recommendation for appointment to another post. So, such people become beholden to the party. That is highly undesirable because such an official should put the interests of the people of South Africa first and there should be no risk that he or she may put the interests of the party above those of the country or of the people, if a conflict arose between the interests of the party and the interest of the country or of the people.

Party funding

676. The Commission has heard evidence that suggests that the ANC may have been the recipient of donations from individuals and companies that received contracts from the state, including instances where the awarding of those contracts are alleged to be unlawful.

The Political Party Funding Act

677. In his evidence, President Ramaphosa addressed the legislative framework for political party funding in South Africa, including the recently adopted Political Party Funding Act (PPFA). He noted that, until the adoption of the PPFA, there were few restrictions on donations to political parties and no reporting requirements. Political party donations were previously only subject to the general laws relating to financial transactions, taxation and the prevention of corruption, money laundering and other financial crimes.

678. President Ramaphosa noted that a lack of transparency in this regard increased the potential for corruption, and that the ANC had therefore resolved to address this at its 52nd National Conference in December 2007.⁵⁷⁰ The Political Party Funding Bill,

⁵⁷⁰ BBB1-MCR-ANC-021 f. para 53