



DA

THE DA GETS THINGS DONE

*FIGHTING STATE
CAPTURE*



EXECUTIVE SUMMARY

Before 'State Capture' became a common South African term, the official opposition, (DA) had been raising the alarm bells about the phenomenon's growing influence and destruction on our society. The DA took allegations of State Capture seriously from the start and sought to hold implicated persons to account long before official investigations began.

The DA's contributions in Parliament throughout society were central to exposing the State Capture project. Some of our earliest contributions involved pursuing investigations into the Waterkloof Air Force landing, summoning the Guptas before Parliament, investigations into the Estina Dairy Farm project, and bringing 5 Motions of No Confidence against scandal-plagued President Jacob Zuma.

Since the 1990s, the DA has been warning that cadre deployment would ultimately result in State Capture. The DA foresaw how the ANC's policy of cadre deployment would lead to the grand scale corruption that came to light in the mid to late 2020s.

The DA is also proud to have lodged the initial complaint to the Public Protector, Thuli Madonsela, alleging the President's improper conduct in relation to the Gupta family's involvement in the appointment of Cabinet members and directors of state-owned enterprise (SOE) boards.

This complaint directly resulted in Madonsela instituting a full investigation, which ultimately culminated in the release of her '*State of Capture*' report. This report concluded with the requirement that the President appoint a commission of inquiry - which is today known as the 'State Capture Commission'. There is therefore a direct link between the actions of the DA and the establishment of the State Capture Commission, which has exposed the gravity and scale of State Capture during the Zuma administration.

The party also sought to expose instances of State Capture within Parliamentary Committees, with James Selfe (MP) and Manny De Freitas (MP) seeking to establish investigations and oversight into State Capture with contracts relating to BOSASA and corrupt tenders at PRASA.

The DA has also been actively participating in the State Capture Commission, through provision of extensive evidence and testimony, outlining our attempts to expose and end State Capture. The DA's testimonies have resultantly led to Judge Raymond Zondo wondering if the ANC's oversight mechanisms within Parliament may be structurally broken. We also secured the public release of all available minutes for the ANC's Cadre Deployment Committee through the commission, with a hope that this will further expose this unconstitutional practice of state appointments.

Finally, in late 2020, the DA submitted our 'End Cadre Deployment Bill' in Parliament. This Bill will bring the practice of cadre deployment to its final end, and thereby prevent any future occurrences of state capture from emerging.

Without the DA's relentless pressure applied upon all who sought to capture our state, it is unlikely the full extent of this scourge would ever have been fully exposed. The DA is proud of our contributions and has prepared this document to outline some of our most important work in this area.

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INTRODUCTION

On 21 August 2018, the State Capture Commission began its investigation into allegations of state capture which occurred over the previous decade. Explosive testimony at the Commission from Paul Holden, estimated that the total cost of State Capture may total almost R50 Billion. This was money that could have uplifted the poor, improved our infrastructure and secured vaccines during the Covid crisis.

As we approach the Commission’s 3rd anniversary, these shocking revelations have continued unabated. However, as distressing as these revelations may be, it is important that the truth of how the ANC, NPA and even our Chapter 9 institutions became beholden to state capture is fully revealed.

While President Ramaphosa commissioned this inquiry, what is still largely unknown is the pivotal role the Official Opposition (DA) played in making the public aware of State Capture, and in bringing about the establishment of the State Capture Commission itself.

The DA has from the start, been at the forefront of investigating and exposing State Capture, even in the face of adversity and obstacles placed in our way. This document aims to outline some of the important contributions DA public representatives have made in holding the ANC government to account and exposing State Capture wherever it emerged. Without this firm and principled opposition provided by the DA, during the darkest days of State Capture, much of the progress we see today would likely have never occurred.

THE ORIGIN OF STATE CAPTURE

The DA raised the alarm about State Capture long before it became part of ordinary South African lexicon. The origins of State Capture stretch back to November 1997, when the ANC formally adopted the policy of cadre deployment at its 50th National Conference in Mafikeng. This policy was a dramatic move away from the appointment of senior public servants on the basis of competency and qualifications, to a system that favoured the appointment of loyal ANC members (“cadres”) to all positions of authority within the state.

Deployment Committee Procedures

Dear Comrades,

The Deployment Committee has taken the decision that the following procedures should be followed with regards to deployments of the following positions;

- Director Generals
- Chairpersons
- CEO's
- All boards of SOE's

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. This process is to allow for Comrades who meet the criteria on the database to be allowed to apply.

The objective of cadre deployment is to extend and concentrate ANC power within state institutions. This amounts to a form of party ‘State Capture’. Cadre deployment seeks to place ANC aligned individuals in positions of authority throughout the State, thereby blurring and ultimately destroying all separation between party and state institutions.

The ANC has since 1997, through a system of “Deployment Committees”, placed its own cadres into high-level state positions. These employees are subsequently expected to implement the ANC’s wishes, without regard for the important non-partisan duties of the office they occupy. This policy rapidly transformed into a complex web of

patronage, under the guise of ‘transformation’, where loyalty to party and leader was rewarded with well-paying and high-status positions.

Cadre deployment is ultimately responsible for the modern incapable South African state. This party deployment policy slowly crept into all facets of public life, resulting in the Arms Deal, load-shedding, the bankrupting of the SABC and SAA, and the wholesale destruction of Transnet.



It did not take long for this capture and degeneration to soon spread beyond our SOE's, and into the institutions tasked with the lofty goal of protecting our Constitutional democracy itself. The NPA, the Public Protector, a broken and incapable police force, and our deteriorating public health and education systems are all victims of politically motivated deployment policies.

Ultimately, cadre deployment has led to unsustainable national debt, the worlds highest unemployment levels and gross inequality levels.

By placing an emphasis on loyalty to the ANC, rather than competency in appointments to crucial state positions, nepotism, corruption and patronage collectively became the dominant characteristics of most state institutions.

“THE ACCUMULATION OF ALL POWERS, LEGISLATIVE, EXECUTIVE, AND JUDICIARY, IN THE SAME HANDS, WHETHER OF ONE, A FEW, OR MANY, AND WHETHER HEREDITARY, SELF-APPOINTED, OR ELECTIVE, MAY JUSTLY BE PRONOUNCED THE VERY DEFINITION OF TYRANNY.”

- JAMES MADISON

The DA first raised the alarm on cadre deployment as early as 1999, when James Myburgh, then a Parliamentary Researcher for the DP (which would later become the DA), published an article titled, **“Why Cadre Deployment is a Threat to Constitutional Democracy”**.

Myburgh argued that the ANC's cadre deployment policy would create a parallel authority to the state, whereby ANC cadres would be accountable to senior party leadership alone. This would result in an erosion of the doctrine of separation of powers, and ensure that the interests of the deployee would be aligned with the ANC who appointed them, rather than the Constitutional obligations of the position they occupy.

Myburgh presciently warned that instead of capability and hard work determining one's reward, loyalty to the party would be the criteria upon which promotions would be determined. This ultimately would hollow out accountability mechanisms across state institutions.

FOR ANC MEMBERS DEPLOYED TO POSITIONS IN THE STATE OR PARLIAMENT THERE IS NO PERSONAL MOTIVE TO RESIST ENCROACHMENTS BY OTHER DEPARTMENTS. THE INTEREST OF THE CADRE IS NOT CONNECTED WITH THE CONSTITUTIONAL RIGHTS OF THE PLACE HE HAS BEEN DEPLOYED TO, BUT TO THE PARTY THAT APPOINTED HIM THERE.

- JAMES MYBURGH

Myburgh would later release a DP discussion document in March 2000, titled *"All Power to the Party"* which warned that the separation of party and state, and the separation of powers within the state, were crucial to a functional democracy, and that cadre deployment would ultimately lead to the criminalisation, politicisation and weakening of our state.

Former DA leader Helen Zille would also warn against the spread of State Capture as early as October 2013, where in her weekly newsletter she warned that State Capture was in full swing, with capture creep spreading across all institutions in South Africa. At this early stage, she urged South Africans to defend our Constitution and use their power at the ballot box to hold government to account, before it would be too late.



A race against time to prevent "state capture" - Helen Zille

Helen Zille | 13 October 2013

DA leader challenges the SAIRR's recent #IRRKnowYourANC campaign on Twitter

"STATE CAPTURE TYPICALLY INVOLVING A "BIG MAN" LEADER, EXTENDING HIS POWER BY DEPLOYING LOYALISTS TO CONTROL ALL STATE INSTITUTIONS IN ORDER TO PUT THE LEADER'S INTERESTS AHEAD OF THE PEOPLE'S INTERESTS. THE DEAL IS THAT IF THE NETWORK KEEPS THE BIG MAN IN POWER, HE WILL PROTECT AND REWARD THEM IN OFFICE." - HELEN ZILLE



WATERKLOOF

For many South Africans, the symbolic beginning of State Capture occurred on **30 April 2013**, when a commercial aircraft carrying approximately 200 guests to the Gupta family wedding at Sun City landed at the Waterkloof Air Force base. The family was subsequently driven to the venue in a blue light brigade. It would later emerge that almost every rule and procedure was broken in the granting of permission for the Gupta landing at the Military base for private family purposes.

The DA took strong action against the government and all politicians involved from the start.

On **2 May 2013**, the DA wrote to National Assembly Speaker Max Sisulu, to request that he urgently appoint a multi-party ad-hoc committee to probe why the Guptas were allowed to land at the airbase. This was to be conducted alongside the government's own investigation into the events.

On **8 May 2013**, David Maynier, who was then DA Shadow Minister of Defence and Military Veterans, filed a complaint with the Public Protector, Thuli Madonsela, requesting that she investigate the landing of the chartered aircraft at Waterkloof. In particular, Maynier requested that the Public Protector investigate the role of cabinet members and the President in the events leading up to the Waterkloof landing. This was due to the DA's belief that the investigation conducted by the Justice, Crime, Prevention and Security Cluster (JCPS) would not sufficiently cover all aspects of what actually occurred.

Maynier welcomed Madonsela's subsequent agreement to investigate in his response:

"WE HAVE MAINTAINED FROM THE START THAT THE JCPS TASK TEAM'S INVESTIGATION WAS A CAREFULLY CRAFTED DAMAGE CONTROL EXERCISE DESIGNED TO PROTECT PRESIDENT ZUMA AND MEMBERS OF HIS CABINET FROM THE POLITICAL FALLOUT GENERATED BY 'GUPTAGATE'."

- David Maynier (DA MPL)

This suspicion was confirmed when the JCPS report was released on **23 May 2013**. The report exonerated President Jacob Zuma and his Ministers while implicating two lower individuals - Bruce Koloane (ambassador to the Netherlands) and Lieutenant Colonel Anderson. It was widely understood that the blame was placed on these two individuals to protect ANC cabinet members and the President above them. Madonsela agreed to conduct an investigation into the alleged insufficiencies of the JCPS investigation.

The DA's sustained insistence on the truth being revealed, and our pressure applied against the white-washed JCPS report ultimately resulted in the case being withdrawn against Anderson on **19 January 2015**. This vindicated the DA's belief that the JCPS report was nothing more than an attempt to protect those in power from accountability.

Meanwhile, the responsibility to release the final Public Protector's Report was left in the hands of the newly appointed Busisiwe Mkhwebane. However, she refused to release the report on the grounds that the withdrawal of charges against Anderson had led to this matter being closed.

The DA once more believed that this was an attempted coverup on the part of Mkhwebane to protect implicated high-level officials. These suspicions were confirmed when Madonsela, commenting on Mkhwebane's refusal to release the report, stated that:

"THE REPORT WAS IMPORTANT BECAUSE IT POINTED TO SECURITY FAULT LINES BEYOND ANDERSON'S CASE."

"THE TRUTH IS THE INVESTIGATION WAS COMPLETED AND ALL WE NEEDED WAS A REPORT. HOW AFTER THAT THEY CLOSED THE INVESTIGATION IS A MYSTERY."

On **18 June 2017**, Glynnis Breytenbach, DA Shadow Minister of Justice, called on Mkhwebane to release the completed report she had been sitting on for over 8 months.



The consistent pressure applied by the DA, eventually led to Mkhwebane releasing the report on the Waterkloof investigation to the State Capture Commission on **21 June 2019**. This report was initially requested by the DA back in 2013, thereby demonstrating that the pressure applied by the DA against State Capture eventually produced tangible results.

ESTINA DAIRY FARM

In **2013**, one of the most notorious instances of State Capture revealed itself in the Estina Dairy Farm project. DA Free State Leader, Roy Jankielsohn, played a pivotal role in exposing this egregious State Capture project, and he ensured that the powerful figures behind this project were held to account.

A 4 400 hectare dairy farm was gifted to Estina, a Gupta linked company, under a free 99-year lease by the Provincial Agriculture Department. R220-million was transferred by the state to Estina, with only 1% of this money being spent on actual farming activities. A whopping R180-million of these funds ultimately found their way to entities and individuals with ties to the Guptas. In **May 2017**, leaked emails revealed that at least R30 million of these funds was used to pay for the family's extravagant Sun City wedding.

On **3 July 2017**, David Maynier (DA MP) laid criminal charges against Mosebenzi Zwane, and the Guptas for racketeering, money laundering, and acquiring, possessing or using the proceeds of unlawful activities in terms of the Prevention of Organised Crime Act (POCA). Maynier also wrote to the South African Revenue Service (SARS) to request an investigation into tax evasion, due to allegations that the Gupta wedding expenses were irregularly deducted as businesses expenses by the Gupta controlled Linkway Trading (pty) Ltd.



In addition, the DA Free State Provincial Leader, Roy Jankielsohn submitted three complaints to the Public Protector in respect of the project between **2013** and **2016**. Jankielsohn called on the Public Protector to probe the involvement of then Free State Premier Ace Magashule in the project.

In **2016**, Mkhwebane assumed the office of Public Protector from Madonsela and inherited the provisional report initially requested by the DA. In **2018**, Mkhwebane released her own version of the report, which the DA believed had failed to properly probe and investigate senior politicians. Resultantly, the final report failed to investigate the

roles of Free State provincial leaders Ace Magashule and Mosebenzi Zwane in establishing the project. It appeared to the DA that there had been a political coverup in the findings of the final report.

The DA took strong action in **2018** against this seemingly ‘white washed’ report by approaching the Gauteng High Court in Pretoria to request the report be reviewed, with an aim to having it set aside. In **May 2019**, the High Court ruled in the DA’s favour by finding Mkhwebane’s report to be unconstitutional, invalid and subsequently it was set aside. This was a major victory for the DA in ensuring that high-level politicians responsible for the mass looting at Vrede Dairy Farm would not find an easy escape from accountability.

High Court Judge Ronel Tolmay summed up the travesty which the Public Protectors original report amounted to, and the need to institute a fresh investigation when he stated:

“IN THIS INSTANCE, HER DERELICTION OF HER DUTY IMPACTED ON THE RIGHTS OF THE POOR AND VULNERABLE IN SOCIETY, THE VERY PEOPLE FOR WHOM HER OFFICE WAS ESSENTIALLY CREATED.”

- Judge Ronel Tolmay

The DA in the Free State subsequently insisted on the establishment of a joint committee which would include the Public Accounts and Agriculture Committees in the Free State to investigate the Vrede Dairy Project.

This Joint Committee, subsequently established on the DA’s request, visited the project in **February 2020**, where it confirmed that the Indian equipment purchased for the farm was outdated, in a state of decay and completely ineffective.

On **9 September 2020**, the DA met with the original intended beneficiaries of the project and received their blessing to proceed with legal proceedings on their behalf.

Subsequently, on **28 October 2020**, Free State DA leader Roy Jankielsohn filed an application in the High Court in Bloemfontein on behalf of the 80 intended beneficiaries of the Vrede Dairy Project. Our application requested that the Court force the Free State Department of Agriculture and Rural Development to recognise, verify and appoint the original beneficiaries of the project. This was done to ensure that the R20 million per annum which continues to be paid to this failed project would be distributed amongst the original intended beneficiaries and thereby benefit the local community.



The DA’s persistence in holding the government to account for the Estina project was finally vindicated in **June 2021**, when three senior government officials were arrested by the NPA and appeared in court on charges of fraud, money laundering and contravening the Public Finance Management Act.

In a statement, Jankielsohn welcomed the arrest of these officials and announced that he would also be requesting that the SIU institute investigations on the roles of senior politicians who were both the architects and approved the funding of the project.

On **20 August 2021**, the MEC for Agriculture and Rural Development in the Free State, Mr William Bulwane, announced that his Department will be officially handing over the Estina project to its originally intended beneficiaries on 17 February 2022. The DA welcomed this development, as it is a direct result of the sustained pressure applied by the party through our court proceedings and within the Free State Legislature. This promised action by the MEC will be monitored closely by the DA, to ensure the promised action is ultimately taken. The DA will also be continuing our fight to ensure that political and criminal accountability is brought to bear on all implicated individuals in this dubious state capture project.

THE DA HAS BEEN FIGHTING FOR JUSTICE FOR BOTH THE PEOPLE OF THE FREE STATE WHOSE RESOURCES HAVE BEEN ABUSED IN THIS PROJECT, AS WELL AS FOR THE BENEFICIARIES WHO AFTER NINE YEARS CONTINUE TO BE SIDE-LINED,”

- ROY JANKIELSOHN (DA FREE STATE LEADER)

MOTIONS OF NO CONFIDENCE

The DA applied consistent pressure against President Zuma during the heights of State Capture. The party brought a total of 5 “Motions of No Confidence” against President Zuma. These motions provide a powerful illustration of the DA’s relentless fight against the leaders of State Capture on behalf of the South African public.

MOTION 1 - 17 MARCH 2015

In Favour - 113 vs Against - 221

MOTION 2 - 1 MARCH 2016

In Favour - 99 vs Against - 225

Motion 3 - 5 April 2016

In Favour - 143 vs Against - 235

Motion 4 - 10 November 2016

In Favour - 126 vs Against - 214

Motion 5 - 9 August 2017

(Secret Ballot)

In Favour - 177 vs Against - 198



A CAPTURED PUBLIC PROTECTOR

State Capture affected almost all state institutions. Even Chapter 9 institutions, tasked with the goal of strengthening our constitutional democracy, all too often fell victim to the pernicious effects of state capture. One such institution was the office of the Public Protector, which experienced a rapid fall from grace after the end of Thuli Madonsela's term.

The DA opposed the appointment of Busisiwe Mkhwebane from the start, when Glynnis Breytenbach, DA Shadow Minister of Justice, highlighted the fact that Mkhwebane's qualifications and experience made her unsuitable for the job. The DA's initial opposition to Mkhwebane's appointment would over the years prove to be highly prescient as her ongoing disastrous tenure brought the office of the Public Protector into increasing disrepute.

Mkhwebane would release a number of questionable reports that would be overturned by the courts. Her report, which proposed the Reserve Bank's mandate be amended, was set aside by the High Court. The DA believed that the High Court decision amounted to a damning indictment of her fitness to hold office.

Following the DA's criticism of Mkhwebane and her report, she proceeded to call the DA "unpatriotic" for criticising her work. Nevertheless, the DA continued to do its job in holding Mkhwebane to account regardless of her distaste of our close scrutiny.

Allegations emerged later in **2018**, that Mkhwebane had altered crucial remedial action in the Vrede Dairy Farm report prepared by her predecessor, Thuli Madonsela. The DA subsequently took this report on review, and issued a statement outlining the urgent need that our request to initiate proceedings to remove Mkhwebane be expedited.



On **23 May 2019**, after the Gauteng High Court ruled in favour of the DA by declaring the Public Protector's report to be unconstitutional and invalid, the DA's then Chief Whip and now leader, John Steenhuisen submitted a request to the Speaker of the National Assembly to initiate a Section 194 removal process. One month later, the DA received confirmation that its request would be referred to the Justice Portfolio Committee.

Evidently, Adv Mkhwebane is unfit to hold office as a result of her gross incompetence. Accordingly, in light of this judgment and as well as the issues raised with you in my letter of 13 September 2017 and those contained in this letter, it is now absolutely paramount that the proceedings in accordance with section 194 of the Constitution and section 2(1)(c) of the Public Protector commence and be expedited.

The DA took follow-up action on **3 September 2019**, by submitting to the speaker a set of draft rules to guide the conduct of Parliament when it considers the removal of heads of Chapter 9 institutions.

The then proceeded to submit a list of suggested names of individuals to serve on the independent panel. This panel was tasked with determining whether there was a *prima facie* case for Parliament to continue with its removal process against the Public Protector.

The DA also submitted over 7000 pages of supplementary evidence to the Speaker of the National Assembly to strengthen our motion to remove Mkhwebane as Public Protector. In these documents, the DA outlined some of the Mkhwebane's most egregious blunders, which included:

- The Constitutional Court finding that she acted in bad faith and was not honest with the High Court regarding her investigation procedure in the Reserve Bank matter.
- Mkhwebane jumping to the defence of former President Zuma by laying criminal charges against former Public Protector, Thuli Madonsela, for releasing the transcript of her interview with him.
- In late 2019, the North Gauteng High Court dismissed her appeal to overturn Judge Ronel Tolmay's scathing judgment which lamented her handling of the Estina Dairy Farm matter.
- Reports which emerged that Mkhwebane had celebrated her 50th birthday party with individuals implicated in State Capture – the very people she was meant to be investigating.

However, Mkhwebane was not going to leave without a fight. She filed an urgent application to interdict Parliament's inquiry into her fitness to hold office. The DA successfully opposed Mkhwebane's application in the Western Cape High Court, with her application being dismissed on **9 October 2020**.

Thanks to the unrelenting pressure of the DA, the independent panel, tasked with determining if there was a *prima facie* case to remove the Public Protector was appointed on **26 May 2020**. Three experienced legal experts, Justice Bess Nkabinde, advocate Dumisa Ntsebeza SC and Advocate Johan de Waal SC were appointed to compile the report. This report was released just short of a year later, and confirmed that there was indeed a *prima facie* case for Parliament to institute removal proceedings given the repeated examples of her incompetence, and lack of credibility.

Finally, the DA's efforts were rewarded on **16 March 2021**, when the National Assembly voted to initiate removal proceedings against the Public Protector. This kicked off the official Parliamentary process to remove Mkhwebane. While this journey has been procedurally taxing, the DA has consistently kept up the pressure, on behalf of ordinary South Africans to remove Mkhwebane. We take great pride in seeing our efforts produce tangible results.



ESTABLISHMENT OF THE STATE CAPTURE COMMISSION

On **18 March 2016**, the DA lodged a complaint with the Public Protector based on a significant number of media reports alleging the existence of improper relations between former President Zuma and the Gupta family. These allegations related to the Gupta family's involvement in the appointment of cabinet members and directors of SOE boards.

The DA's complaint directly requested an investigation into President Zuma's role in allegedly offering Cabinet positions to deputy Minister Jonas and Ms Mentor. It was also requested that the investigation look into the President's conduct in relation to these corrupt offers and the Gupta family's influence over high-level Presidential appointments.

In the DA's complaint, it was alleged that the President had violated Section 2.3 of the Code of Ethics which states that a Member of the Executive may not:

"(d) use their position or any information entrusted to them,

to enrich themselves or improperly benefit any other person ..."

The DA contended that President Zuma had breached this Code of Ethics by

(i) exposing himself to a situation involving a risk of a conflict between his official responsibilities and his private interests, (ii) acted in a way that is inconsistent with his position and (iii) used his position and the information entrusted to him to enrich himself or improperly benefit any other person.

The Public Protectors "State of Capture" report was finally released on **2 November 2016**, and concluded that the extent of State Capture issues which required investigation, and the insufficient resources provided to Madonsela's office, rendered her investigation incapable of fully unveiling the true extent of State Capture in South Africa.

As a result, the final report ordered that the President appoint a Commission of Inquiry within 30 days, to be headed by a judge solely selected by the Chief Justice.

8.4. The President to appoint, within 30 days, a commission of inquiry headed by a judge solely selected by the Chief Justice who shall provide one name to the President.

Ultimately the selected judge would be Justice Raymond Zondo, which led to the Commission being colloquially referred to as the Zondo Commission.

There is therefore a direct link between the Public Protector complaint lodged by the DA, and the establishment of the Zondo Commission itself. The importance of the DA's initial spirited Parliamentary opposition to state capture has been confirmed by the jaw-dropping revelations at the Commission which have revealed the true scope and extent of state capture during the Zuma presidency. The DA is proud of our contribution to establishing this important Commission, which is contributing to the establishment of a more accountable government.

PARLIAMENTARY INQUIRY ATTEMPTS

Long before the Public Protector began her investigation into State Capture, and the subsequent establishment of the State Capture Commission, DA MP and current Chief Whip of the Opposition, Natasha Mazzone, had sought to get to the bottom of State Capture allegations in the Portfolio Committee on Public Enterprises.

It is heart-breaking, but also vindicating to know that if only the ANC had given serious consideration to the DA's evidence on state capture, when we first raised our concerns, South Africa would not still be dealing with the Zondo Commission and its related corruption investigations in 2021.

President Ramaphosa admitted at the State Capture Commission that the ANC failed to take action when the DA brought our requests for an inquiry before it:

“WHERE YOU COULD SAY THERE WAS FAULT, IT WAS THE DELAY [ON PARLIAMENTARY OVERSIGHT]”

“WHAT I CAN SAY, DEPUTY CHIEF JUSTICE, YOU ARE ABSOLUTELY RIGHT IN SAYING THE DELAYED REACTION WAS NOT A CORRECT WAY TO HANDLE MATTERS. AND I WILL CONCEDE THAT.” - CYRIL RAMAPHOSA

1ST REQUEST

On **8 March 2016**, Mazzonne issued a statement outlining her intention to write to the Chairperson of the Portfolio Committee of Public Enterprises. Natasha wished to request that the Gupta brothers be summoned to Parliament to answer for what appeared to be the undue influence they exerted over President Zuma, the Government and its officials.

Mazzonne also referred to the controversies at the time surrounding:

- Eskom
- The taxpayer subsidisation of the “New Age” Breakfasts
- The culture of “corporate capture’ by the Guptas and the influence they exerted on cabinet ministers outside of the ordinary procurement processes

On **14 March 2016**, Mazzonne addressed a letter to the Committee on Public Enterprises Chairperson to request “a full Parliamentary inquiry into the capture of SOE’s by the Gupta’s”. The letter had 3 key proposals:

- 1) Immediately summon the Guptas to appear before it to answer allegations of State Capture.
- 2) Call former Ministers of Public Enterprises, Barbara Hogan and Malusi Gigaba, to provide full details of their relationship with the Gupta family.
- 3) Summon the CEOs and Chairpersons of the largest SOEs to appear before the Committee to answer questions about their ties to the Guptas.



On **22 March 2016**, Mazzonne sent a follow-up letter indicating that she had still not received a reply to her previous correspondence. She reiterated her call for the Portfolio Committee to conduct a full Parliamentary inquiry into the capture of SOE’s by the Gupta’s.

Finally, on **6 April 2016**, Mazzonne received a response from the Committee stating that it was not authorised by law to initiate a Parliamentary inquiry on its own and that a House resolution would be required. Natasha replied to these assertions and argued that the Committee’s legal reasoning was incorrect.



Democratic Alliance
@Our_DA

"If you had given us a chance and met with us - we wouldn't be still dealing with the Zondo Commission in 2021."

DA Chief Whip, Natasha Mazzone, reacts to President Ramaphosa's testimony.

For years he has been privy to ANC corruption, he did nothing but chose to protect Zuma.

2ND REQUEST

The DA decided to persuade the National Assembly to establish an *ad hoc* committee to investigate the alleged capture of state resources and undue influence over the government by the Guptas. The DA proposed that this committee also establish measures that would prevent such incidents from occurring in the future.

The motion was brought before the House by David Maynier (DA MP) on **8 September 2016**. The motion was widely supported by opposition parties but was ultimately defeated by all ANC members present voting against our motion.



Let's stand up against state capture – David Maynier

David Maynier | 08 September 2016

DA says an ad hoc committee must be established to investigate any and all allegations of state capture

The issue of ANC opposition to our motion was raised at the State Capture Commission on **8 February 2021**, when Deputy Transport Minister Dikeledi Magadzi stated that she was proud to always toe the party line. Her direct response about the ANC voting down the DA's motion to establish an ad hoc committee was most revealing in relation to the obstacles the DA faced in its attempts to hold the government to account.

"WHEN I AM IN PARLIAMENT I AM REPRESENTING THE ANC AND I WILL ALWAYS MAKE SURE I TOE THE PARTY LINE"

"ON THE MOTION [BY THE DA TO ESTABLISH AN AD-HOC COMMITTEE], THE ANC SAID WE ARE NOT GOING TO SUPPORT THAT MOTION. WHEN THE PARTY SAYS THIS IS THE ROUTE WE ARE GOING TO TAKE, YOU CANNOT DEVIATE."

"I DID NOT ASK THE REASON WHY. I BELIEVE WHEN MY PARTY SAYS WE ARE NOT GOING TO SUPPORT THE MOTION, I DO EXACTLY JUST THAT,"

"I DID NOT GO TO PARLIAMENT OF MY OWN ACCORD, I WENT TO PARLIAMENT REPRESENTING THE ANC. KNOWING WHAT I KNOW NOW, I STILL BELIEVE WHAT THE PARTY HAD INSTRUCTED US TO DO WAS CORRECT."

-Dikeledi Magadzi (ANC MP)

BOSASA

Back in 2008, Bosasa's catering contract for the Department of Correctional Services was set to end. The Minister of Correctional Services at the time demanded that the contract be renewed. However, the Director-General of Correctional Services was uncomfortable with a further blank cheque renewal. This conflict had subsequently created instability at the department.

DA Shadow Minister of Correctional Services, James Selfe, testified at the State Capture Commission, where he stated that his Committee was informed by the Minister that it would be inappropriate to discuss the instability brought on by the renewal of the Bosasa contract, despite allegations that there had been collusion in the drawing up of the specifications of the contract.

"IT WAS THE MOST EXTRAORDINARY EVENT. IN ALL MY YEARS IN PARLIAMENT, I NEVER CAME ACROSS A MINISTER TELLING A COMMITTEE WHAT IT COULD AND COULDN'T DO"

James Selfe (DA MP)

Selfe told the Commission that his calls for an investigation into allegations of corruption relating to Bosasa had consistently fallen on deaf ears within Parliament, with his calls for an independent or Parliamentary inquiry ultimately being obstructed by the majority ANC.

Many calls over many years, that these events should be investigated, either by the committee or by some appropriate inquiry – but it normally fell on deaf ears and there was very little acceptance of that suggestion from the majority party." - James Selfe (DA MP)

"HOW MUCH OF THE BILLIONS OF RAND ALLEGEDLY LOOTED BY THE GUPTAS AND THEIR ASSOCIATES WOULD HAVE BEEN SAVED HAD YOUR COMMITTEE AND HAD THE NATIONAL ASSEMBLY ACTED A YEAR EARLIER?"

"THERE WERE SOME MEMBERS OF PARLIAMENT IN THE ANC WHO EFFECTIVELY THOUGHT THEY WERE PROTECTING THE ANC IF REVELATIONS THAT COULD SHOW WRONGDOINGS OF SOME MEMBERS OF THE ANC WERE NOT BROUGHT TO THE OPEN."

RAYMOND ZONDO (DEPUTY CHIEF JUSTICE)

PRASA

A further example of the DA's relentless pursuit of allegations of corruption, and the ANC's dogmatic determination to protect the corrupt in their ranks, was outlined by Manny de Freitas (DA MP), when he testified at the State Capture Commission on 4 February 2021 about concerns he had raised regarding the Passenger Rail Agency of South Africa (PRASA).

De Freitas represented the DA in the Portfolio Committee on Transport, when Public Protector Thuli Madonsela released a report titled "Derailed". This report exposed allegations of extensive corruption within the railway agency. In addition, the Auditor General was simultaneously raising serious concerns about the endemic corruption within the railway agency at the time.

De Freitas had called for Parliamentary investigations on 3 different occasions, in order to probe an alleged R51 billion in corrupt tenders at PRASA. His first attempt was rejected by the ANC outright. This first attempt was on **8 July 2016**, where a letter was written to the Chair of the Transport Committee, Ms Magadzi, requesting that an inquiry be launched into the R51 Billion PRASA tender process.

On his second attempt, on **8 March 2017**, the ANC indicated that they would support his motion for an investigation, however a mere week later the ANC had completely lost its appetite to support the DA's calls for an investigation.

Suddenly, the ANC says there is no need for an inquiry, it was clear Luthuli House got to the ANC members." - Manny De Freitas

The 3rd attempt to institute an inquiry was in February 2018. By this time, PRASA's annual report which was meant to have been tabled in September 2017 had still failed to be tabled in Parliament.

It finally appeared that an inquiry would occur when a subcommittee was appointed and terms of reference were drawn up, however, this inquiry also failed to ever materialise. Excuses would continue to be made as to why the inquiry could not take place, such as a lack of time for this undertaking and the need to focus on passing other "urgent" legislation.

On **21 August 2018**, in an attempt to kickstart the Portfolio Committee inquiry into PRASA, De Freitas tabled a motion in the National Assembly. In this motion, De Freitas called on the Minister to commence its planned inquiry into PRASA immediately. This motion however still failed to get the ANC to act, and the Road Accident Benefit Scheme Bill (RABS) was used as an excuse for the inquiry never taking place.

The Committee Chairperson at the time, Dikeledi Magadzi, denied that the Transport Committee had failed to act on De Freitas's requests. She alleged that there was no need to investigate the Guptas at the time. This nonchalant ANC attitude towards investigating State Capture has certainly not stood the test of time.

"ALL CORRESPONDENCES... WERE DEALT WITH IN COMMITTEE... THE COMMITTEE FELT IT WAS NOT AN OPPORTUNE TIME, HOW CAN I PUT IT? THEY FELT THERE WAS NO NEED FOR US TO ENGAGE THE GUPTA BROTHERS AT THAT POINT IN TIME."

DIKELEDI MAGADZI - (ANC MP)

END CADRE DEPLOYMENT BILL

At the State Capture Commission on **11 August 2021**, the DA secured a victory for the South African public, when the Commission acceded to the DA's request that the ANC be subpoenaed to provide records and minutes of all Cadre Deployment Committee meetings dating back to 2013 - the period when Cyril Ramaphosa became the Committee chairperson. Disappointingly, it was revealed that minutes and records could only be obtained from 2018 onwards, as Ramaphosa claimed that for the period between 2013-2018 - when he was the chairperson - the minutes had been lost.

Following this success in revealing the ANC's Deployment Committee minutes, the DA took firm legislative action to bring the practice of cadre deployment - the root cause of state capture - to an end. Dr Leon Schreiber, DA Shadow Minister for Public Service and Administration, officially tabled the 'Public Administration Laws General Amendment Bill' or 'End Cadre Deployment Bill' with the Speakers Office on **12 August 2021**. This Bill, which took over a year to develop, seeks to put the interests of the South African public first by:

- ✓ Making it a criminal offence to appoint someone on the basis of political loyalty rather than demonstrated merit;
- ✓ Making it illegal for anyone holding office in a political party to work in a government department;
- ✓ Directing the Public Service Commission (PSC) to ensure that all appointments are based strictly on merit;
- ✓ Giving the PSC the power to take remedial actions against corrupt officials; and
- ✓ Making the PSC wholly independent of the Department of Public Service and Administration.

The DA believes that this Bill, if passed, will succeed in rebuilding the important principle of separation between party and state and thereby begin to dismantle the root cause of state capture in South Africa.



GETTING RESULTS

State Capture created a culture of corruption and impunity within the ANC-led government. Many members of the Executive developed attitudes of entitlement, and stemming from this a feeding frenzy of corruption and state tenders ensued.

The DA has consistently drawn attention to allegations of corruption, and taken strong action against all implicated individuals. This has been done to keep these individuals as far away from our public funds as possible.

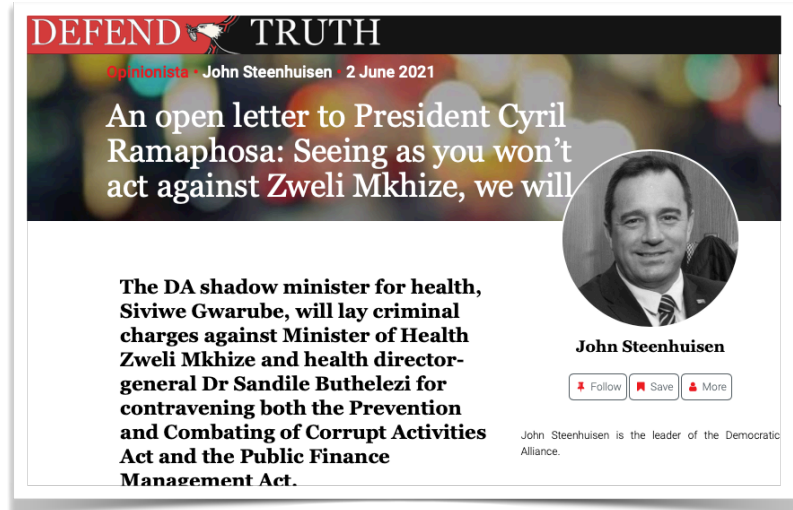
The DA has also consistently taken legal action against corrupt members of the ANC Executive, with tangible results often resultantly following.

One recent prominent example, which shook the nation to its core, was the wide-scale looting of Covid PPE and related expenditure.

During the height of the Covid-19 pandemic, many South Africans began to view former Health Minister Mkhize as a reliable and trustworthy source on medical matters. However, reports soon emerged that he was intricately involved in the ANC government's blatant looting of Covid-relief funds himself.

Reports in the media outlined that Minister Mkhize had personally signed off on a R 150 million contract to Digital Vibes. Allegations also emerged that senior members of this company had ties to Mkhize, and that Digital Vibes had been making contributions to benefit both Mkhize and his family through complex bank account networks. .

DA Leader, John Steenhuisen announced the DA's intention to hold Mkhize to account in an open letter addressed to President Ramaphosa on **2 June 2021**. Steenhuisen stated that since the President seemed reluctant to act against Mkhize, the DA would take action itself.



The following day, DA Shadow MP for Health Siviwe Gwarube, proceeded to lay criminal charges against Mkhize, as well as the Health Director General, Dr Sandile Buthelezi for contravening both the Prevention and Combating of Corrupt Activities Act (POCCA) and the Public Finance Management Act (PFMA).

This action by the DA was met with widespread support by the public, and pressure continued to mount against Mkhize following details of a further Digital Vibes scandal involving a digital mascot, Pelo, which Digital Vibes had outsourced the production of to a 3rd party company. Digital Vibes had subsequently added a 314% markup to be charged to the Department of Health. A tidy profit margin indeed.

This pressure applied by the DA continued to build, within the media and inside Parliamentary Committees, with the DA keeping up the heat on Mkhize while others tried to turn a blind eye. Finally, on **8 June 2021**, Ramaphosa was left with no choice but to place Mkhize on special leave.



This was once more a clear example of the DA delivering tangible results against corruption, and ensuring that accountability is maintained within government. The DA once more demonstrated that it *Gets Things Done*.

CONCLUSION

It is clear that even in the face of immense political hurdles, The DA relentlessly held government to account, and exposed State Capture wherever it arose. The DA did this during the darkest days of State Capture when honest and principled public representatives were in far too short of supply.

Even when others turned a blind eye to state capture, in order to appease their political masters, the DA continued to fight corruption and state capture - a quality which South Africans should certainly expect from their political representatives.

It is clear that without the sustained pressure applied by the DA in Parliament and in civil society at large, much of the fightback against State Capture we see today would never have occurred.

We are proud of our contributions in Parliament and in broader society, where we exposed the State Capture project and held implicated individuals to account. From the Waterkloof Air Force landing, to summoning the Guptas before Parliament, our investigations into the Estina Dairy Farm Project, and bringing 5 Motions of No Confidence against scandal-plagued President Zuma. The DA has been relentless in our opposition to state capture, and the attempts by the ruling ANC to turn a blind eye to corruption within their own ranks.

The DA is also proud to have lodged the initial complaint with the Public Protector that directly resulted in the release of the 'State of Capture' report which concluded with the requirement that the President appoint a commission of inquiry - which is today known as the State Capture Commission. There is therefore, a direct link between the actions of the DA and the establishment of the State Capture Commission, which has won the respect of South Africans across the political spectrum

The DA also sought to expose instances of State Capture within Parliamentary Committees, with James Selfe (MP) and Manny De Freitas (MP) seeking to establish investigations and oversight into State Capture with contracts relating to BOSASA and corrupt tenders at PRASA. We have laid a multitude of criminal charges against corruption accused individuals, with a recent example being the allegations against previous Minister of Health Zweli Mkhize,. Finally, we recently tabled our comprehensive "End Cadre Deployment Bill" in Parliament, which seeks to eradicate the root causes of state capture within our society. It is actions like these that ensure that our government and those in power remain accountable for their actions and that the phenomenon of state capture will be brought to a decisive end within South African society.

All these actions by the DA and the results which have flowed from them stand as testimony that while the DA may have faced stiff opposition from other parties, in their attempts to protect the State Capture project and implicated individuals in their ranks, the DA has continued to take firm and principled action, and ultimately we have succeeded in our mission to

Get Things Done.

