STATE AND PARTY, BLURRED LINES

Report on an investigation into allegations of irregular distribution of food parcels and a R100 000 South African Social Security Agency (SASSA) statutory grant by Mr J Malema, former President of the African National Congress in an event that was organised by SASSA

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The “misuse of public resources” is widely recognised as the unlawful behaviour of civil servants, incumbent political candidates and parties to use their official positions or connections to government institutions aimed at influencing the outcome of elections

European Commission for Democracy through Law (Venice Commission)

(i) "State and Party: Blurred Lines" is my report as the Public Protector issued in terms of Section 182(1) (b) of the Constitution of the Republic of South Africa, 1996, and Section 8(1) of the Public Protector Act No 23 1994.

(ii) The report communicates my findings and the appropriate remedial action I am taking in terms of Section 182 (1) (b)) of the Constitution, pursuant to an investigation into the alleged maladministration by the Department of Social Development and the South African Social Security Agency (SASSA) regarding the distribution of Food Parcels and a SASSA Grant by the President of the African National Congress Youth League (ANCYL) at Heinz Park and Phillipi in Cape Town, on 01 December 2009.

(iii) The complaint was lodged by the Democratic Alliance’s Shadow Minister of Social Development, Ms Patricia Kopane, who alleged that the distribution of food parcels by Mr Malema, as President of the youth league of the governing party, the African National Congress (ANC), to the communities referred to in paragraph (ii) above was irregular as it created the incorrect impression that the food parcels were distributed by a political party and not an organ of state.

(iv) The investigation included correspondence with the Minister BEE Molewa, who was Minister of Social Development at the time, her former special advisor and senior SASSA personnel as well as interviews with selected witnesses. Applicable legislation, policies and other relevant prescripts were also considered and applied.
(v) Key prescripts taken into account were those imposing responsibilities and specific standards to be complied with by public functionaries regarding proper use of public power and resources. In this regard Section 6(4) of the Public Protector Act prohibiting maladministration within the affairs of government and Section 96 of the Constitution and paragraph 2.1 of the Executive Ethics Code prohibiting or members of the Executive from acting in a way that is inconsistent with their office and to act in any way that exposes them to a situation involving the risk of a conflict between their official responsibility and their private interest, were taken into account. The principles of Public Administration set out in Section 195 of the Constitution were taken into account in so far as they provide parameters for proper use of state power and resources.

(vi) In view of the matter being about alleged misuse of state resources for political party gain and confilation of state and party, I also took into account applicable international instruments, among them being Article 17 of the African Charter on Democracy, Elections and Governance and Article 25 of the International Convention on Civil and Political Rights.

(vii) On analysis of the complaint the following four (4) issues were considered and investigated:

(a) Whether the South African Social Security Agency (SASSA) organize the said event allegedly held at Heinz Park and Philippi, Cape Town, on 01 December 2009 improperly allow the ANCYL President to distribute SASSA purchased food parcels.

(b) Whether SASSA improperly authorized then ANC President to distribute its food parcels and to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes a confilation of party and state and accordingly maladministration.
(c) Whether the ANCYL and SASSA banners were displayed alongside each other during the event and if so does that constitute conflation of party and state and accordingly maladministration.

(d) Whether the then Minister of Social Development, Ms Edna Molewa instructed SASSA officials to have food parcels organized for distribution at the event, and if so whether such conduct constitutes abuse of state power and a violation of the Executive Members’ Ethics Act.

(viii) In arriving at the findings, I have been guided by the standard approach adopted by the Public Protector South Africa as an Institution, which simply involves asking: What happened? What should have happened? Is there a discrepancy between what happened and what should have happened? If there is a discrepancy, does the conduct amount to improper conduct or maladministration? If there was indeed improper conduct or maladministration, what would be the appropriate remedial action?

(bx) As customary, the "what happened" enquiry is a factual question settled on the assessment of evidence and making a determination on a balance of probabilities. To arrive at a finding on what happened, the investigation, like all others, relied on oral and documentary submissions by the Complaint and affected SASSA management and Minister Molewa. The question regarding what should have happened on the other hand, relates to the standards that the conduct in question should have complied with.

(x) In determining the standard that Minister Molewa and SASSA should have complied with, to avoid improper conduct or maladministration, I was guided, as is customary, by the Constitution, national legislation and related regulatory instruments. Key among regulatory frameworks that informed the investigation was the Handbook for Members of the Executive and Presiding Officers, which Incorporates the Ethics Code.
(xi) The Executive Ethics Code outlines the standards to be upheld by a minister in the execution of their duties. The Code requires a minister to act in good faith and in the best interests of good governance.

(xii) After a careful examination of the evidence and information obtained during the investigation and regulatory framework setting the standards that should have been upheld by Minister Molewa and SASSA, my findings are the following:

(a) Regarding the veracity of the allegation that the SASSA organized the said event allegedly held at Heinz Park and Philippi, Cape Town, on 01 December 2009 and improperly allowed Mr Malema to distribute SASSA purchased food parcels, my finding is that:

(aa) The allegation that the SASSA improperly organized the event that was held at Heinz Park and Philippi, Cape Town, on 01 December 2009 is unsubstantiated. The allegation that Mr Malema was allowed to distribute SASSA purchased food parcels during the event, is also not substantiated. However the food parcels he distributed were obtained by SASSA as a donation for a private company.

(bb) The event was organized by the ANCYL in terms of its own internal resolution and using its own resources.

(cc) Mr Malema, who was the President of the ANCYL, did distribute SASSA provided food parcels during the event.

(dd) The conduct of SASSA and its officials in distributing state provided food parcels at a political party event and allowing a leader of a political party who does not work for government to distribute such food parcels was inconsistent with the provisions of Section 195 of the Constitution requiring “services to be provided impartially, fairly and equitably without basis” and accordingly constitutes improper conduct abuse.
of state resources, and maladministration. This constitutes improper conduct as envisaged in Section 195 of the Constitution.

(b) Regarding the alleged improper authorization of then ANCYL President by the South African Social Security Agency to distribute its food parcels and to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes conflation of party and state and accordingly maladministration, my finding is that:

(aa) The allegation that SASSA authorized then ANCYL Preside, Mr Malema to distribute its food parcels and to pledge a R100 000 SASSA statutory grants to Ms Rossie Classen, a prominent member of the ANC, was unsubstantiated.

(bb) Although Mr Malema distributed food parcels and made a R100 000 pledge to the shelter, he did so in his capacity as president of the political party that organized the event. The pledge that Mr. Malema made during the event was not a statutory grant but one made on behalf of the ANCYL.

(cc) While Mr Malema attended the event by virtue of being a member of the political party that organized the event, the involvement of the former Minister of Social Development and the presence of SASSA officials during the event were improper.

(c) Regarding whether ANCYL and SASSA banners were displayed alongside each other at the event if so, whether this constitutes a conflation of party and state and accordingly maladministration, my finding is that:

(aa) The ANCYL banners and those of the SASSA were displayed alongside each other during the event. The instruction by Mr Letsatsi, the former SASSA Acting Communications and Marketing Manager, that both banners be displayed created an atmosphere of collaboration between SASSA and the ANCYL, which justifies the allegation of conflation of party and state. This was exacerbated by allowing an ANCYL President to distribute the SASSA Food Parcels.
(bb) The conduct of SASSA and its officials is not consistent with section 195 of the Constitution which requires public services to be delivered impartially and fairly and accordingly constitutes maladministration and, ultimately, improper conduct.

(d) Regarding the veracity of the allegation that is was the instruction of the former Minister of Social Development to SASSA officials to have food parcels organized for distribution at the event, and if so whether such conduct constitutes an abuse of state power and a violation of the Executive Members' Ethics Act, my finding is that:

(aa) The allegation that Minister Molewa instructed SASSA officials to have food parcels organized for distribution at the event held at Heinz Park and Phillipi, on 01 December 2009, where Mr Malema distributed the food parcels is substantiated.

(bb) Minister Molewa’s request to have food parcels arranged for distribution during an event that was organized by ANCYL, being a youth league of her political party, the ANC, was in violation of Section 96(2) (b) (c) of the Constitution, and therefore constitutes improper conduct.

(cc) The utilization of SASSA resources and attendance of an ANCYL political event by SASSA and Departmental personnel, which was commissioned by the Minister through her request to the former CEO, abetted the ANCYL to achieve its party-political objective and thus creating a conflict of interest and favoritism. The conclusion that her conduct amounted to favoritism of one political party over others is accordingly justified. The conduct constitutes maladministration as envisaged in section 6 (4) (a) (1) of the Public Protector Act, 1994 and amounts to improper conduct as envisaged in section 182 (1) of the Constitution.
(xlii) Taking into account the lapse of time, the appropriate remedial action I am taking in pursuit of Section 182 (1) of the Constitution, is:

(a) The Minister of the Social Development to:

(aa) Ensure that a policy is developed and circulated in all government institutions, setting out a clear separation between state and party activities at all times and that all provincial state functionaries and employees are made aware of this policy;

(bb) Ensure that no government platform or state functionary is required or allowed to use their position, power and public resources under their control to market political party matters; and

(cc) Ensure that proper written communication is transmitted to responsible personnel in case an instruction is dispatched in particular when government resources are utilized as well as ensuring that records of such communication are kept for future reference.

(b) The Director General of Social Development to:

(aa) Ensure officials, including high level officials, are capacitated through workshops or memoranda concerning implications of confliation of party and state and integrate in their respective performance agreements in order to ensure maximum compliance.
REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION BY THE MINISTRY OF SOCIAL DEVELOPMENT AND THE SOUTH AFRICAN SOCIAL SECURITY AGENCY SASSA) INVOLVING THE DISTRIBUTION OF FOOD PARCELS AND A SASSA GRANT BY THE PRESIDENT OF THE ANCYL

1. INTRODUCTION

1.1 "State and Party: Blurred Lines" is my report as the Public Protector issued in terms of Section 182(1) (b) of the Constitution of the Republic of South Africa, 1996 (the Constitution) read with Section 8(1) of the Public Protector Act No 23 1994 (the Public Protector Act).

1.2 The report is submitted to the following persons:

1.2.1 The former Minister of Social Development, Hon BEE Molewa; and
1.2.2 The former Acting Communication and Marketing Manager of the South African Social Security Agency, Mr P Letsatsi.

1.3 To take cognizance of the report, copies are circulated to:

1.3.1 The Complainant, Hon Ms Kopane P, MP;
1.3.2 The Minister of Social Development, and
1.3.3 The Chief Executive Officer of the South African Social Security Agency.
1.3.4 Hon Mr JS Malema, MP

1.4 The report relates to an investigation into allegations of maladministration by SASSA and Department of Social Development regarding allowing of the distribution of food parcels by then ANCYL President during World Aids Day In 2009.
2. **THE COMPLAINT**

2.1 The Complainant was lodged by the DA shadow minister for Social Development Ms P Kopane, MP on 04 December 2009 who alleged that Mr Malema\(^1\) distributed food parcels to shelters in Cape Town on behalf of the Department of Social Development. The complaint emanated from a *Mail and Guardian* online newspaper article, posted on 03 December 2009, which was attached to the letter of complaint.

2.2 Primarily, the *Mail and Guardian* newspaper reported that Mr. Malema apparently handed out 200 food parcels on behalf of SASSA under the banner of the African National Congress (ANC) in what was perceived as a clear conflation of party and state.

2.3 According to the online article, Mr Malema also gave a R100 000 SASSA statutory grant to Ms Rosie Classen, a prominent member of the ANC, who runs a soup kitchen and a home for orphans, when he visited Heinz Park in Phillipi, Cape Town.

2.4 The Complainant was quoted, on 03 December 2009, by the *Mail and Guardian* as saying that "the African National Congress youth Leagues' behavior was in direct contravention of the code of conduct of public servants, which explicitly states that public servants must be honest and accountable in dealing with public funds and may only use funds for authorised official purposes"

2.5 In her covering letter the Complainant stated that the conduct was a clear conflation of party and state since SASSA is a state institution that is funded by public money and tasked with the responsibility of providing social security in a partisan and objective manner, to qualifying citizens.

2.6 The Complainant stated in this regard that:

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\(^1\) Mr Malema was the president of the African National Congress Youth League from 2007 until April 2012 when he was relieved of this responsibility following a conviction of sowing division between the African National Congress Youth League and its mother body, the African National Congress.
"Sassa's role as a public institution in this incident needs to be investigated and those responsible held to account. In this regard I bring to your attention the justification offered by Sassa's spokesperson Paseka Letsatsi who said according to the Cape Times that Sassa viewed the ANCYL as an NGO 'Involved in the social upliftment in the impoverished communities'. Obviously, the ANCYL is not an NGO, it is a political party, and its presence at the public event represents a conflict of interest."

2.7 The Complainant concluded by stating that the distribution of the food parcels by the ANCYL office bearers together with SASSA to underprivileged people under one banner gave a false impression that they are one and the same institution.

3 THE POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1 The Public Protector is an independent constitutional institution established in terms of Section 181(1) (a) of the Constitution to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2 Section 182(1) of the Constitution provides that:

"The Public Protector has the power, as regulated by national legislation-

(a) to investigate, as any conduct related to state affairs, or public administration in any sphere of government, that is alleged or suspected to be improper or that would result in any impropriety or prejudice;

(b) to report on that conduct;

(c) and take appropriate remedial action."

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3.3 Section 182(2) directs that the Public Protector has additional powers and functions prescribed by national legislation.

3.4 The Public Protector’s powers are regulated and amplified by the Public Protector Act which states, amongst others, that the Public Protector has the power to investigate and redress maladministration and related improprieties in the conduct of state affairs. The Public Protector Act also confers powers to resolve the disputes through conciliation, mediation, negotiations or any other appropriate dispute resolution mechanism as well as to subpoena persons and information from any person in the republic for the purpose of an investigation.

3.5 The Public Protector is further mandated by the Public Protector Act to investigate and redress maladministration and related improprieties by the state and to resolve the disputes through conciliation, mediation, negotiation or any other appropriate alternative dispute resolution mechanism.

3.6 The investigation relates to abuse of power and misuse of state resources; as a result this matter falls within the jurisdiction of the Public Protector.

3.7 The jurisdiction of the Public Protector was not disputed by any of the parties.

4 The Investigation

4.1 Methodology

4.1.1 The investigation was conducted in terms of Section 182 of the Constitution of the Republic of South Africa, 1996, and Sections 6 and 7 of the Public Protector, 1994. The investigation was restricted to the period December 2009 (the period during which the complaint was lodged and the event took place in Cape Town) to 03 August 2015.
4.1.2 The Public Protector Act confers on the Public Protector the sole discretion to
determine how to resolve a dispute of alleged improper conduct or maladministration.
Section 6 of the Public Protector Act gives the Public Protector the authority to
investigate and report her findings regarding any complaint lodged.

4.2 Approach to the investigation

4.2.1 Like every Public Protector investigation, the investigation was approached using an
enquiry process that seeks to find out:

(a) What happened?
(b) What should have happened
(c) Is there a discrepancy between what happened and what should have
Happened and if there is deviation does that deviation amount to Improper
conduct or maladministration.
(d) In the event of improper conduct or maladministration what would it take to
remedy the wrong or to place the Complainant as close as possible to where
they have been but for the maladministration or improper conduct?

4.2.2 The question regarding what happened is resolved through a factual investigation
relying on the evidence provided by the parties and independently sourced during the
investigation and making a determination based on balance of probabilities. In this
particular case, the factual enquiry focused on the organizers of the event and
whether the displaying of SASSA and ANCYL banners next to each other was
Improper. It also dealt with the nature of Minister Molewa’s role.

4.2.3 The enquiry regarding what should have happened, focused on the law or rules that
regulate the standard that should have been met by the Department or the organ of
state to prevent maladministration and prejudice.

4.2.4 The enquiry regarding the remedy or remedial action seeks to explore options for
correcting maladministration and redressing its consequences.
4.2.5 The substantive scope of the investigation focused on compliance with the law and prescripts regarding the conflict of interest during the execution of duties by a Minister and public officials.

4.3 On analysis of the complaints the following four (4) issues were considered and investigated:

4.3.1 Whether the South African Social Security Agency improperly organized the said event allegedly held at Helnz Park and Philipp, Cape Town, on 01 December 2009 and improperly allowed the ANCYL President to distribute SASSA purchased food parcels?

4.3.2 Whether the South African Social Security Agency improperly authorised the ANCYL President to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes a conflation of party and state and accordingly maladministration?

4.3.3 Whether the ANCYL and SASSA banners were displayed alongside each other during the event and if so, whether this constitutes a conflation of party and state and accordingly maladministration?

4.3.4 Whether the then Minister of Social Development, Hon Edna Molewa issued an instruction to SASSA officials to have food parcels organised for distribution at the event, and if so whether such conduct constitutes an abuse of state power and a violation of the Executive Members Ethics Act?

4.4 The Key Sources of Information

4.4.1 Correspondence sent and received

4.4.1.1 The letter of complaint dated 03 December 2009;

4.4.1.2 Written correspondence with the Complainant dated 04 December 2009;
4.4.1.3 Various written and e-mail correspondence with the Department of Social Development including the former Minister, the South African Social Security Agency, the South African Broadcasting Cooperation news desk and office bearers of the African National Congress Youth League:

(a) Letter dated 10 December 2009 from the Public Protector to the Head Of Department of the Department of Social Development, Ms Kholeka Lulelwane;

(b) Letter dated 10 December 2009 from the Public Protector to the former Acting Chief Executive Officer of the South African Social Security Agency, Mr C Pakade;

(c) Letter dated 25 January 2010 from the Public Protector to the Regional Executive Head of the Western Cape South African Social Security Agency, Dr. W Terblanche;

(d) Letter dated 26 January 2010 from the Public Protector to the former Secretary General of the Western Cape Region of the ANCYL, Ms Vuyiswa Tulelo;

(e) Letter dated 27 January 2010 from Mr Lebogang Rametsi to the Public Protector;

(f) Letters dated 01 March 2010, 07 May 2010, 25 July 2011 and 24 November 2011 from the Public Protector to the former Minister of Social Development, Ms BEE Molewa, MP;

(g) Letter dated 17 December 2011 from the Acting Chief Director: Legal Services, Department of Social Development, Ms Simphiwe-Mkosana to the Public Protector;

(h) E-mail correspondences dated January 2011 and 02 August 2011 from the Legal Advisor to the former Minister of Department of Social Development, Mr Govender Karunan to the Public Protector;

(i) Letter dated 17 September 2011 from the former Minister to the Public Protector;

(j) E-mail correspondence dated 20 April 2012 from the Public Protector to the former Acting Communications and Marketing Manager of SASSA, Mr P Letsatsi.

(k) Correspondence from the Public Protector to HDI dated 28 May 2015;
(l) Correspondence from the Public Protector to the Minister dated 15 June 2015;
(m) Correspondence from the Public Protector to Mr P Letsatsi dated 15 June 2015;
(n) Correspondence from SV Mahlangu Attorney’s to the Public Protector dated 11 May 2015;
(o) Correspondence from the Minister dated 19 June 2015;
(p) Correspondence from the Public Protector to the Minister dated 09 July 2015;
(q) E -mail correspondence from the Public Protector to the South African Broadcasting Corporation dated 17 July 2015, 31 July 2015, 03 August 2015, 12 August 2015; and
(r) E - Mail correspondence from the South African Broadcasting Corporation dated 31 July 2015 and 03 August 2015.

4.4.2 Documents

(a) Individual statement by Minister Molewa MP, the Minister of Water and Environmental Affairs;
(b) Correspondence between senior officials at the South African Social Security Agency and general personnel dated 11 January 2011; and
(c) A South African Broadcasting Corporation news clip of 01 December 2009.

4.4.3 Interviews conducted

4.4.3.1 Meetings and telephonic interviews were conducted with the following South African Social Security Agency officials:

4.4.3.1.1 Mr C Pakade, the former Acting Chief Executive Officer of the South African Social Security Agency on 21 January 2010; and

4.4.3.1.2 A telephonic interview Mr P Letsatsi, the former Acting Communications and Marketing Manager of the South African Social Security Agency in April 2012.
4.4.4 Legislation and other prescripts

4.4.4.1 The Constitution of the Republic of South Africa, 1996;
4.4.4.2 Executive Members' Ethics Act 82 of 1998;
4.4.4.3 The Strategic Overview of the South African Social Security Agency;
4.4.4.4 A Handbook for Members of the Executive and Presiding Officers; and
4.4.4.5 The Code of Conduct for Public Servants.
4.4.4.6 International Covenant on Civil and Political Rights

5 THE STANDARDS THAT SHOULD HAVE BEEN COMPLIED WITH

5.1 The Constitution of the Republic of South Africa No 108 of 1996

5.1.1 Section 96 (1) of the Constitution provides that members of Cabinet are required to act in accordance with the Code of Ethics prescribed by National Legislation.

5.1.2 In terms of Section 96 (2), members of Cabinet may not:

(a) ........
(b) act in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or
(c) use their position or any information entrusted on them, to enrich themselves or improperly benefit any other person.

5.1.3 Section 195 (1) of the Constitution provides that public administration must be governed by the democratic values and principles enshrined in the Constitution, including, inter alia, the promotion and maintenance of a high standard of professional ethics and ensuring that public "services are provided impartially, fairly, equitably and without bias"
5.1.4 Minister Molewa is bound by the Constitution as the supreme law of the land in her performance of duties and therefore may not act in any way that is inconsistent with the provisions of the Constitution and national legislation supporting provisions of the Constitution. The public functionaries from SASSA and the Department of Social Development are equally bound by the same.

5.2 The Executive Ethics Code

5.2.1 The Executive Ethics Code made and issued in terms of the Executive Member's Ethics, was published by the President on 28 July 2000 and amended on 07 February 2007.

5.2.2 The relevant provisions of the Code with which Cabinet Ministers must comply in performing their official responsibilities, provides as follows:

General Standards

2.1 Members of the Executive must act in compliance with the following:

(a) At all times to act in good faith and in the best interest of good governance;

2.2 Members may not:

(a) Act in a way that is inconsistent with their office;
(b) Expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests;
(c) Enrich themselves or improperly benefit any other person; and
(d) Act in a way that may compromise the credibility or integrity of their office or of government.
5.2.3 As a member a Cabinet Minister, Minister Molewa is bound to comply with the provisions of the Executive Ethics Code.

5.3 The Social Security Act

5.3.1 The Social Security Act provides that the eligibility for a social relief of distress is determined by the Minister of Social Development after taking relevant factors into consideration.

5.4 The Strategic Overview of the South African Social Security Agency for the financial year 2009/10

5.4.1 One of the values, which were applicable to SASSA when the distribution of parcels was conducted in Heinz Park and Phillipi, made provision for the maintenance of high standards in the quest for excellence, including equity, professionalism and fairness in the delivery of services.

5.5 The Code of Conduct for Public Servants

5.5.1 In terms of the Code of Conduct for Public Servants public servants are required to serve the public in an unbiased and impartial manner in order to create confidence in the Public Service.

5.6 International Instruments

5.6.1 The ICCPR provides that:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

6 EVIDENCE AND INFORMATION OBTAINED DURING THE INVESTIGATION

6.1 Regarding the allegation that the South African Social Security Agency organised the said event allegedly held at Heinz Park and Phillipi, Cape Town, on 01 December 2009 and did Mr Malema distributed SASSA purchased food parcels?

6.1.1 Issues not in dispute

6.1.1.1 It is not in dispute that an event took place in Heinz Park and Phillipi, Cape Town, on 01 December 2009 where Mr Malema distributed SASSA purchased food parcels.

6.1.2 Issues in dispute

6.1.2.1 The key issue for my factual determination was whether or not SASSA organized the event. I further had to determine whether Mr Malema distributed the SASSA food parcels.

6.1.2.2 In her response dated 18 December 2009, the former Acting Chief Executive Officer of SASSA, Mr C Pakade, explained that he was personally requested by the former Minister to organize donations to two shelters for abused children. He in turn instructed the SASSA Western Cape Regional Office to ensure that the above-mentioned request was made possible.
6.1.2.3 Mr Pakade informed me that Minister Molewa also indicated that she will not be available to attend the event due to other commitments but that Minister Baloyi will attend the event instead.

6.1.2.4 The Regional Executive Manager (REM) of the Western Cape Office, Dr Terblanche, explained that on 30 November 2009 she received a telephonic call from Mr Pakade requesting her to arrange food hampers (or what could be an appropriate gift) for the former Minister to hand over during her visit to Cape Town, on 01 December 2009.

6.1.2.5 According to Dr. Terblanche, the REM, she was requested by Mr Pakade to liaise with Ms Vuyiswa Tulelo, who at the time was Secretary General of the Western Cape Region of the ANCYL and whose mobile phone was also provided. On the same day, the REM received a call from the former Minister in respect of which she confirmed having arranged the food hampers for the day in question. He was also claimed to have been briefed by Minister Molewa about an alleged arrangement with Hon Baloyi who would be standing in for her during the event.

6.1.2.6 A copy of the requisition from SASSA shows that on the same day of the request by Mr Pakade referred to in paragraph 6.1.2.5 above; the REM made a requisition for provision of the food parcels from SDI Support, an entity that was registered on SASSA data base. He explicitly states that:

"It was about time for us to speak again.
Thank you for your support.
I wish to confirm our discussion earlier today that the value of 40 food parcels (120.00x40) and 80 blankets should please be delivered to the Heavens Shelter, People Centre, and Orion Crescent in Woodlands on 1 December at around 10H00."

6.1.2.7 Information that was submitted by SASSA reveals that there was uncertainty as to which shelter would be visited but Ms Tulelo clarified this apparent confusion by
informing Dr. Terblanche that Minister Molewa would visit both the 'Heavens' and the 'Heinz Park' shelters.

6.1.2.8 On arrival at the shelter on the day of the event, the REM claimed to have noticed the presence of ANCYL members and Ms Tulelo introduced herself to her as the contact person. Immediately after the arrival of Mr Malema, the REM explained that she received a call from Hon Baloyi’s driver asking for directions to the venue and further confirming that Hon Baloyi would be joining the event shortly afterwards.

6.1.2.9 According to the REM, when it became apparent that Hon Baloyi could not make it on time for the dissemination of the parcels, Ms Tulelo requested that they proceed with the programme. She further requested the REM to address the congregants about the mandate of SASSA. The REM further indicated that he raised concerns about the co-ordination of the event since SASSA’s Western Cape Region had neither arranged the event nor did it partake in the drafting of the programme, if it existed.

6.1.2.10 An e-mail correspondence addressed to Dr. Terblanche, dated 12 March 2009, reveals that SDI Support resolved to donate the food parcels to various shelters including the two orphanages in question.

6.1.2.11 Evidence that was considered during the investigation reveals that, *in toto*, the food parcels in question amounts to R8 400.

6.1.2.12 In as far as the involvement of Mr Malema was concerned, Minister Molewa stated that:

"... I submit that I bear no knowledge thereof and that I cannot be faulted for things that happened in my absence, without my knowledge and control, if they indeed happened".
6.1.2.13 In her response to my office dated 17 September 2011 Minister Molewa stated that government events are public events and attendance is not limited to members of the public and that it is not unusual for political party representatives to attend such events in either their personal capacity and/ or as members of the political parties they represent.

6.1.2.14 According to Minister Molewa, her involvement during the event was limited to her issuing of instructions to Mr Pakade to make available food parcels to be distributed during the event of 01 December 2009.

6.1.2.15 SASSA Western Cape officials advised that the food parcel supply company SDI, resolved to donate the food parcels to the two shelters and therefore no state resources were utilized in this regard.

6.1.2.17 In her response regarding the communication that allegedly took place between herself and the ANCYL, through Ms Tulelo, in connection with the request for a donation and her presence for distribution of the donation during the event, former Minister denied the assertion that such communication ever occurred.

6.1.2.18 Ms Vuyiswa Tulelo, former Secretary-General of the ANCYL in the Western Cape Region, explained that the National Working Committee of the ANCYL resolved, in view of World Aids Day, to visit and support shelters for abused children in Heinz Park and Phillipi, during its sitting held in Cape Town on 25 November 2009.

6.1.2.19 Ms Tulelo explained through e-mail correspondence, dated 27 January 2010, that the ANCYL task team that was delegated to implement the decision referred to in paragraph 6.1.2.18 above, identified an orphanage run by Ms Rosie Classen in Phillipi and a second orphanage which cares for children with TB and HIV.
Ms Tulelo further stated that subsequent to the identification of the beneficiaries, she corresponded with the Minister of Social Development and Early Childhood Development, Molewa, requesting assistance with food parcels for the event. According to her, the Minister undertook to introduce her to Dr. Terblanche, the head of SASSA in the Western Cape Region.

In her e-mail correspondence dated 28 January 2010, Ms Tulelo explained that Dr. Terblanche dispatched an investigation team to the two orphanages to determine their respective eligibility for the Social Relief Grant. She then invited Minister Molewa to hand over the food parcels during the World Aids Day activity of the ANC YL, which was allegedly accepted.

Ms Tulelo could not present evidence in support of the assertion that the ANC YL’s request for a donation was made and accepted by the Minister Molewa, despite the Public Protector’s request.

The South African Broadcasting Corporation, reported on various activities conducted during the World Aids Day on 01 December 2009 including events steered by Government, Political Parties and Non-Governmental Organizations. During its coverage of the event, a television news reader of the South African Broadcasting Corporation (SABC) recounted in Xhosa stating that “Komnye umsitho ebekwiziko labantwana abazinkedama e Mitchell’s Plain ebeququzelwe yl African National Congress Youth League ......”.

The above-mentioned statement is translated as follows “In another event held at the children’s orphanage at Mitchell’s Plain that was organized by the African National Congress Youth League” (Emphasis added)

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2 To differentiate between the two portfolios she held during 2009 and 2013, Minister BEE Molewa will be referred to as the former Minister in this report.
6.1.3 Reshuffling of Cabinet in 2010

6.1.3.1 The reshuffling of the Cabinet on 24 October 2010 resulted in the redeployment of Minister Molewa from the Ministry of Social Development to the Ministry of Water and Environmental Affairs.

6.1.3.2 The new Minister of Social Development became Ms Bathabile Dlamini, MP.

6.2 Regarding the alleged improper authorization of Mr Malema, then ANCYL President, by the South African Social Security Agency to distribute its food parcels and to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes a conflation of party and state and accordingly maladministration.

Issues not in dispute

6.2.1.1 It is not in dispute that the food parcels that were distributed by Mr Malema during the event were purchased by SASSA. This was conceded by Dr Terreblanche in his submission on 26 January 2010.

6.2.1.2 SASSA submitted in a letter dated 26 January 2010 that when it was apparent that neither of the Ministers was going to attend the event, Ms Tulelo instructed Dr. Terblanche to proceed with the programme.

6.2.1.2 According to Dr. Terblanche and subsequent to the above, Mr Malema took the podium and addressed the people who had attended the event. Mr Malema then handed out the parcels that would have been dispensed by the Minister Molewa, had she attended. During his address he also pledged R 100 000 for the shelters concerned.
6.2.1.3 However, Dr. Terblanche explained that she was not certain of the identity of
the person who handed the parcels to Mr Malema to distribute, but
explained that it could have been a staff member, volunteer, or even
someone from the entourage that had accompanied Mr Malema.

6.2.1.4 Evidence that was independently obtained from the South African
Broadcasting Cooperation show that during its coverage of the event
Messer's Malema and Mr Andile Lungisa, who were both ANCYL office
bearers at the time, are shown dispatching food parcels to beneficiaries and
later delivered statements to the media.

6.2.1.5 However, the footage referred to above could not successfully disclose the
identity of the person who handed the food parcels to Mr Malema to
distribute.

6.2.1.6 Under the circumstances and given the discussions above, I am persuaded
to accept Dr. Terblanche's explanation of events regarding the identity of
the person who handed the food parcels to Mr Malema to distribute.

6.2.1.7 According to Mr Pakade, Mr Malema's pledge to the shelters was unrelated
to the event that was organized by SASSA and the Department of Social
Development. He added and stated that:

"It must be emphasized that the ANCYL was not invited by the Minister of
Social Development or SASSA in this event. If the ANCYL had invited the
(sic) members of the media in anticipation by their announcement of their
pledge, this should not be seen as an invitation by the Minister or SASSA.
SASSA did not pay for such items from its own coffers and therefore
no public funds were utilized"
6.2.1.7 In as far as Ms Classen’s political affiliation is concerned, Ms Tulelo explained that “we did not have any idea that one of them was run by an ANC member, until you informed us of that fact”\(^3\).

6.2.1.8 However, Ms Classen confirmed through a telephonic conversation that she was a member of the ANC when the event took place in December 2009.

6.3 Regarding whether ANCYL and SASSA banners displayed alongside each other during the event and if so, whether this constitutes a conflation of party and state and accordingly maladministration?

6.3.1 Issues not in dispute

6.3.1 It is not in dispute that SASSA and ANCYL banners were displayed alongside each other during the event; SASSA conceded this in its letter to my office dated 26 January 2010.

6.2.1 Issues in dispute

6.3.3.1 The key issue for my factual determination was whether SASSA personnel were responsible for the displaying of SASSA and ANCYL banners alongside each other.

6.3.3.2 Dr. Terblanche explained that she immediately ordered her staff to remove the banners after noting that the ANCYL had also displayed its banners alongside those of SASSA.

6.3.3.3 She further expounded stating that the then Acting Senior Manager of Communications and Marketing Mr Letsatsi ordered that SASSA’s banners be put back alongside those of the ANCYL. Information collated during the

\(^3\) The usage of the phrase "them" refers to the orphanages and "you" refers to the Public Protector South Africa.
investigation shows that the banners were displayed alongside each other for the duration of the event.

6.3.3.4 When asked to provide an explanation regarding the above, in an e-mail correspondence dated 20 April 2012, Mr Letsatsi could not respond to the allegation that he had instructed SASSA officials to return the banners that had been removed to be displayed alongside those of the ANCYL during the event.

6.3.3.5 However, in his response to the notice issued to him in terms of Section 7 (9) of the Public Protector Act, 1994, Mr Letsatsi, through his legal representatives stated that his recollection was that a decision was taken to move SASSA banners away from those of the ANCYL, which decision was duly implemented. He therefore did not recall instructing that the banners be returned.

6.3.3.6 Mr Letsatsi lawyers further stated that their client "was called by a certain gentleman from your offices but denies that he did not respond. in fact our client explained to the gentleman what happened and after their conversation the gentleman promised to call our client for further discussion".

6.3.3.7 However, news coverage of the event during a media briefing afterward shows both banners of the ANCYL and those of SASSA displayed alongside each other.

6.4 Regarding whether the Minister of Social Development issue an instruction to SASSA officials to have food parcels organised for distribution at the event, and if so whether such conduct constitutes an abuse of state power and a violation of the Executive Members Ethics Act?
6.4.1 Minister Molewa conceded that she instructed SASSA officials to have organize the food parcels distribution at the event, which according to her was one organised at her specific request.

6.4.2 The key issues for my determination was whether Minister Molewa’s authorisation of SASSA officials to organise food parcels for her to distribute at the event that was organised by a political party was improper.

6.4.3 In his response addressed dated 18 December 2009, the then Acting Chief Executive Officer of SASSA, Mr C Pakade, explained that he was personally requested by the Minister Molewa to organize donations to two shelters for abused children. He in turn instructed the SASSA Western Cape Regional Office to ensure that the above-mentioned request was addressed.

6.4.4 The Regional Executive Manager (REM) of the Western Cape Office, Dr Terblanche, submitted that on 30 November 2009 she received a telephonic call from Mr Pakade requesting her to arrange food hampers (or what could be an appropriate gift) for Minister Molewa to hand over during her visit to Cape Town, on 01 December 2009.

6.4.5 In a response to my enquiry dated 17 August 2011, Minister Molewa placed it on record that the event that took place on 01 December 2009 was organized at her request with the assistance of SASSA officials, the purpose of which was to hand over food hampers and blankets to shelters for abused children under the Social Relief Distress Programme which was meant to address the plight of destitute and abused children. According to her, the shelters were identified through the normal departmental and SASSA procedures.

6.4.6 The organisers of the event are discussed in detail in paragraph 6.1.
6.4.7 In her response to a notice in terms of section 7 (9) of the Public Protector Act, 1994, Minister Molewa stated that:

"......

In order for me to determine a way forward, I request the following:

1. That I be provided with the full report of the said investigation; and
2. That it be noted that on paragraph 13 I have been given the 10th of June 2015 as the deadline for me to respond, although the letter was only submitted to my office on 18 June 2015. As a result, the deadline requires adjustment.
3. That it be noted that from the time I shall have received the full report, I will require time to consider my comments. I am going on a business engagement abroad for two weeks, and I can only comment at the end of July 2015.

..."

6.4.8 In response to the Minister's request as discussed in paragraph 6.1.8.16 above, I dispatched a letter dated 09 July 2015 advising her that a full report could not be made available to her at that stage due to the leaking to the media of my Provisional Reports in other matters and the impact thereof.

6.4.9 In the letter of the same date I explained that I have decided to no longer issue Provisional Reports to parties but rather to deal with the final stages of my investigation strictly in terms of the provisions of the Public Protector Act and further that I am by law, under no obligation to prepare or issue Provisional Reports, but only have to provide implicated persons an opportunity to respond thereof.
6.4.10 Notwithstanding the above, I extended an invite, as I did with other organs of state on other matters, for the Minister to have a controlled access to the Provisional Report at my office, an offer that was not taken.

6.5 Evaluation of evidence regarding the organization of the Event

6.5.1 Having concluded that an event took place on 01 December 2009 where Mr Malema distributed food parcels. An answer to this question sought to help determine if the event at which the food parcels were distributed was a SASSA State event or a political party event.

6.5.2 Correspondence from Ms Tulelo and the Minister Molewa shows that both the ANCYL and the Minister Molewa claim ownership of the event that was held in December 2009, in Cape Town, in which Mr Malema distributed food parcels to two orphanages. The ANCYL could not present evidence of its request to the Minister Molewa nor did she provide written communication or instruction to SASSA or departmental officials requesting them to make proper arrangements for the event.

6.5.3 I find it difficult to conclude that it was a SASSA event or an exclusively SASSA event. At most, it would appear that it was a joint event, although the ANCYL seemed to take ownership of it. This view is supported by the fact that the orphanages were identified by the ANCYL which also directed the programme. The ANCYL version is also corroborated by footage obtained from the SABC, during its coverage of the event.

6.5.4 It is also worth noting that no documentary evidence preparatory minutes including was presented by Minister Molewa or the former SASSA CEO regarding the issuing of instructions about the event.
6.5.5 Given the above discussion and conflicting statement in connection with the ownership of the event, I am inclined to draw an inference that the event on the 01 December 2009 where SASSA obtained food parcels that were distributed was a collaborative event between Department of Social Development and the ANCYL.

7. MEASURING CONDUCT AGAINST THE RULES

7.1 Regarding whether the South African Social Security Agency (SASSA) organized the said event allegedly held at Heinz Park and Philippi, Cape Town, on 01 December 2009 and improperly allowed the ANCYL President to distribute SASSA food parcels.

7.1.1 Regardless of whether the event was a Government event or and ANCYL event or a joint event the conduct of the organs of state involved and public functionaries was required to comply with Section 195 of the Constitution requiring public administration to characterized by "the promotion of a "high standard of professional ethics" and the provision of services "impartially, fairly, equitably and without bias"

7.1.2 The question posed by SASSA allowing the President of a youth league of a political party who is not an employee of government to distribute government food parcels is whether or not such conduct can be said to comply with the requirement of a high standard of professional ethics and the requirement that services be provided "impartially, fairly, equitably and without bias"

7.1.3 It is my considered view that delivering food parcels at an event organized by a political party or a wing of a political party cannot be consistent with the requirement that services be delivered "impartially, fairly, equitably and
without bias". Even if the event is a collaborative venture between an organ of state and a political party, the answer would be the same.

7.1.4 Clearly, the delivery of food parcels at a political party event naturally excluded persons not affiliated with that political party from being considered for those food parcels. It could also be an inducement for people to attend a particular political party event if they knew they would or may get food parcels. This accordingly cannot be consistent with Section 195 of the Constitution. It also cannot be said to be consistent with the provisions of Article 25 of the International Covenant on Civil and Political Rights.

7.2 Regarding whether SASSA improperly authorized the then ANC Youth League President to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes a conflations of party and state and accordingly maladministration?

7.2.1 Given that the evidence points to the fact that the pledge was not initiated by SASSA nor was it about SASSA grant funds, it was not necessary for me to look at the legal implications of the conduct in question.

7.3 Regarding whether the ANCYL and SASSA banners were improperly displayed alongside each other during the event and if so, whether that constitutes a conflations of party and state and accordingly maladministration?

7.3.1 The legal question to be answered regarding whether or not the joint display of banners was consistent with laws and other prescripts regulating proper use of state power and resources. Again the answer lies in Section 195 of the Constitution regarding particularly as it directs that public service should promote a high standard of ethics. One of the ethical considerations in this regard is Section 96 of the Constitution requiring Members of the Executive
to act in a way that could compromise the credibility of their office or government" 

7.4 Regarding whether Minister Molewa instructed SASSA officials to have food parcels organized for distribution at the event, and if so whether such conduct constitutes an abuse of state power and a violation of the Executive Members’ Ethics Act.

7.4.1 Given the fact that the Minister conceded that she instructed SASSA officials to get food parcels for the impugned event, the question this presented was whether her directing the officials to do so was consistent with her obligations under the Constitution particularly Section 96 requiring her to conduct herself ethically and not to place herself in a position where there is a conflict between her responsibilities as a Minister and her private interests including her political interests. Her conduct should have complied with Section 195 of the Constitution requiring among others the delivery of public services in a manner that is fair, equitable and impartial.

7.4.2 Minister Molewa’s conduct and that of all public functionaries had and has to comply with Article 25 of the ICCPR requiring among others fair and equal access to public services for all persons regardless of political affiliation.

7.4.3 It clearly cannot be reasonably concluded that arranging food parcels using a state agency for political party events is consistent with a spirit of high professional ethics and fair delivery of services. As indicated earlier, political party events are only likely to be attended by the political party members themselves.

7.4.4 The door cannot be totally closed to the possibility that government food parcels could be delivered at a political party event in the event of a tragedy requiring emergency social services. However this was not the case in the
two areas visited on the 1st of December 2009 to support orphans. In this case an appropriate approach that would address the needs of vulnerable groups without violating the principles of social responsibility would have been best served with the Minister and SASSA operating without any aligning or political affiliation.

8. FINDINGS

After a careful examination of the evidence and information obtained during the investigation and regulatory framework setting the standards that should have been upheld by Minister Molewa and SASSA, my findings are the following:

(8.1) Regarding the veracity of the allegation that the SASSA organized the said event allegedly held at Heinz Park and Philippi, Cape Town, on 01 December 2009 and improperly allowed Mr Malema to distribute SASSA purchased food parcels, my finding is that:

(a) The allegation that the SASSA improperly organized the event that was held at Heinz Park and Philippi, Cape Town, on 01 December 2009 is unsubstantiated. The allegation that Mr Malema was allowed to distribute SASSA purchased food parcels during the event, is also not substantiated. However the food parcels he distributed were obtained by SASSA as a donation for a private company.

(b) The event was organized by the ANCYL in terms of its own internal resolution and using its own resources.

(c) Mr Malema, who was the President of the ANCYL, did distribute SASSA provided food parcels during the event.
(d) The conduct of SASSA and its officials in distributing state provided food parcels at a political party event and allowing a leader of a political party who does not work for government to distribute such food parcels was inconsistent with the provisions of Section 195 of the Constitution requiring “services to be provided impartially, fairly and equitably without basis” and accordingly constitutes improper conduct abuse of state resources, and maladministration. This constitutes improper conduct as envisaged in Section 195 of the Constitution.

(8.2) Regarding the alleged improper authorization of then ANCYL President by the South African Social Security Agency to distribute its food parcels and to pledge a R100 000 SASSA statutory grant to Ms Rossie Classen, and if so, whether the conduct of SASSA constitutes conflation of party and state and accordingly maladministration, my finding is that:

a) The allegation that SASSA authorized then ANCYL President, Mr Malema to distribute its food parcels and to pledge a R100 000 SASSA statutory grants to Ms Rossie Classen, a prominent member of the ANC, was unsubstantiated.

b) Although Mr Malema distributed food parcels and made a R100 000 pledge to the shelter, he did so in his capacity as president of the political party that organized the event. The pledge that Mr. Malema made during the event was not a statutory grant but one made on behalf of the ANCYL.

c) While Mr Malema attended the event by virtue of being a member of the political party that organized the event, the involvement of the former Minister of Social Development and the presence of SASSA officials during the event were improper.

(8.3) Regarding whether ANCYL and SASSA banners were displayed alongside each other at the event if so, whether this constitutes a conflation of party and state and accordingly maladministration, my finding is that:
a) The ANCYL banners and those of the SASSA were displayed alongside each other during the event. The Instruction by Mr Letsatsi, the former SASSA Acting Communications and Marketing Manager, that both banners be displayed created an atmosphere of collaboration between SASSA and the ANCYL, which justifies the allegation of conflation of party and state. This was exacerbated by allowing an ANCYL President to distribute the SASSA Food Parcels.

b) The conduct of SASSA and its officials is not consistent with section 195 of the Constitution which requires public services to be delivered impartially and fairly and accordingly constitutes maladministration and, ultimately, improper conduct.

(8.4) Regarding the veracity of the allegation that is was the Instruction of the former Minister of Social Development to SASSA officials to have food parcels organized for distribution at the event, and if so whether such conduct constitutes an abuse of state power and a violation of the Executive Members' Ethics Act, my finding is that:

a) The allegation that Minister Molewa instructed SASSA officials to have food parcels organized for distribution at the event held at Heinz Park and Phillippi, on 01 December 2009, where Mr Malema distributed the food parcels is substantiated.

b) Minister Molewa’s request to have food parcels arranged for distribution during an event that was organized by ANCYL, being a youth league of her political party, the ANC, was in violation of Section 96(2) (b) (c) of the Constitution, and therefore constitutes improper conduct.

c) The utilization of SASSA resources and attendance of an ANCYL political event by SASSA and Departmental personnel, which was commissioned by the Minister through her request to the former CEO, abetted the ANCYL to achieve its party-political objective and thus creating a conflict of interest and favoritism.
conclusion that her conduct amounted to favoritism of one political party over others is accordingly justified. The conduct constitutes maladministration as envisaged in section 6 (4) (a) (1) of the Public Protector Act, 1994 and amounts to improper conduct as envisaged in Section 182 (1) of the Constitution.

9. REMEDIAL ACTION

The appropriate remedial action I am taking in pursuit of Section 182 (1) (c) of the Constitution, with a view to address the malfeasance that has been identified is the following:

9.1 The Minister of the Social Development to:

9.1.1 Ensure that a policy is developed and circulated in all government institutions, setting out a clear separation between state and party activities at all times and that all provincial state functionaries and employees are made aware of this policy;

9.1.2 Ensure that no government platform or state functionary is required or allowed to use their position, power and public resources under their control to market political party matters; and

9.1.3 Ensure that proper written communication is transmitted to responsible personnel in case an instruction is dispatched in particular when government resources are utilized as well as ensuring that records of such communication are kept for future reference.

9.2 The Director General of Social Development to:

9.2.1 Ensure officials, including high level officials, are capacitated through workshops or memoranda concerning implications of confusion of party and
state and integrate in their respective performance agreements in order to ensure maximum compliance.

10. MONITORING

10.1 The Director General of Social Development to:

10.1.1. Submit to the Public Protector, an implementation plan in respect of the remedial action taken in paragraph 9 above, within 30 days from the date of this report.

10.1.2 Ensure that the policy process is finalized within 90 days and to submit a report on the progress made with the implementation of the remedial action taken in paragraph 9 above, within 90 days from the date of this report.

10.2 The Chief Executive Officer of the South African Social Security Agency to:

10.2.1 Submit to the Public Protector, an implementation plan in respect of the remedial action taken in paragraph 9 above, within 30 days from the date of this report and a final implementation report within 90 days of this report.

ADV THULI N MADONSELA
PUBLIC PROTECTOR OF THE
REPUBLIC OF SOUTH AFRICA
DATE: 03/05/2016

Assisted by Adv. EM Masilela
Senior investigator: Governance and Integrity Branch