REPORT OF THE PUBLIC PROTECTOR 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, 1994

PUBLIC PROTECTOR
SOUTH AFRICA

REPORT NO: 37 OF 2024/2025

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INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION AND/OR ABUSE OF POWER BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, MR MATAMELA CYRIL RAMAPHOSA WHEN HE ALLEGEDLY HANDED OVER A GOVERNMENT SUBSIDED HOUSE TO MS MARTHA LOUW AT DONKERHOEK, NORTHERN CAPE DURING THE AFRICAN NATIONAL CONGRESS POLITICAL PARTY, LETSEMA CAMPAIGN HELD ON 01 OCTOBER 2022

TABLE OF CONTENTS		
ITEM	**DESCRIPTION**	**PAGE**

LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS/ ABBREVIATIONS	DISCRIPTION
ANC	African National Congress
BNG	Breaking New Ground
CoGHSTA	Department of Cooperative Governance, Human Settlement and Traditional Affairs
Constitution	Constitution of the Republic of South Africa, 1996
EFF	Economic Freedom Fighters
EMEA	Executive Members Ethics Act, 1998
Housing Act	Housing Act, 1997
Housing Subsidy System	Housing Subsidy System: Application Status FB Individuals 2021/2022
MEC	Member of the Executive Council
National Housing Policy	National Housing Policy and Subsidy Programme, 2010
Occupational Certificate	Occupational Completion Certificate/ Happy Letter
Public Protector Act	Public Protector Act, 1994
Public Protector Rules	Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018 as amended
RDP	Reconstruction and Development Programme
The Code	Executive Members' Ethics Act provides for a Code of Ethics No. 21399 Notice No. 41 Regulation 6853
The Presidency	The Presidency

Executive Summary

(i) This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (Constitution) and section 8(1) of the Public Protector Act, 1994 (Public Protector Act), as well as Rule 40(b) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018 as amended (Public Protector Rules) as promulgated under section 7(11) of the Public Protector Act.

(ii) The report relates to an investigation into allegations of maladministration and/or abuse of power by the President of the Republic of South Africa (the President), Mr Matamela Cyril Ramaphosa regarding his conduct when he allegedly handed over a Reconstruction and Development Programme (RDP) house to Ms Martha Louw (Ms Louw) in Donkerhoek, Northern Cape during the African National Congress (ANC) political party, Letsema campaign held on 01 October 2022.

(iii) The complaint was lodged by Mr E Muller (the Complainant) on 01 October 2022.

(iv) In essence, the Complainant alleged*, inter alia,* that:

(a) He submits a complaint against the President for abuse of power and violation or contravention of section 96 of the Constitution of the Republic of South Africa, 1996 (Constitution);

(b) The President went to the Northern Cape as part of the ANC's Letsema campaign, which is not a government campaign and handed over an RDP house;

(c) It is irregular and unjustifiable for an RDP house built with taxpayer's money, to be issued by a political party instead of government. The President abused his powers during his party's Letsema campaign,

as he previously used a *"machine"* belonging to Mpumalanga municipality to fix potholes during the said campaign, and on 01 October 2022, the President was in the Northern Cape and *"did a similar thing or worse";*

(d) The President exposed himself to a situation that creates a conflict between his private and public interests and might likely continue, unless he is "*urgently stopped and reminded of his oath of office";*

(e) The Public Protector should investigate the President's conduct in relation to the allocation of an RDP house on 01 October 2022 to Ms Louw in Donkerhoek, Northern Cape province;

(f) The complaint was based on an internet article published on 01 October 2022, by Ms Devina Haripersad (Ms Haripersad) titled: *"Ramaphosa hands over new RDP home as Letsema campaign continues despite criticism".*

(g) The article, *inter alia*, stated that the President arrived at the home of Ms Louw in Donkerhoek as part of his campaign activities, where he celebrated her eighty second birthday, as well as officially handing over her new RDP house.

(h) The Complainant further submitted an affidavit deposed on 27 February 2023, in support of his complaint, wherein he stated amongst others that:

(aa) He submitted a complaint while relying on an article published in the Citizen on Saturday, 01 October 2022 which was written by Ms Haripersad and has no other evidence or documents supporting the allegations except the said article that reported on the allegations that he is now requesting the Public Protector to investigate;

(bb) The article reported that the President continued with his Letsema campaign in the Northern Cape, despite serious backlash and criticism from the public;

(cc) According to the President and the ANC, the campaign seeks to strengthen its connection with the people and to renew its social contract with residents across communities in the country;

(dd) On Saturday, the President arrived at the home of Ms Louw in Donkerhoek, as part of his campaign activities, where he celebrated Ms Louw's eighty second birthday and handed over a new RDP house to her;

(ee) The Letsema campaign has come under heavy criticism from opposition parties and South Africans, who are seeing right through the ANC's intent, with many such as Mr Nyiko Floyd Shivambu (Mr Shivambu), the former Deputy President and Chief Whip of the Economic Freedom Fighters (EFF) calling it a *"desperate attempt";*

(ff) *Twitter* users asked why these tasks were suddenly being carried out by high-profiled ANC officials, when there are municipalities in place for this, and if the campaign was being run with state or ANC funds;

(gg) The building of RDP houses is the program of the government, and the said houses are built with taxpayer's money, not funds from political parties. Therefore, the handing over of RDP houses should be done by government, not any political party. It is wrong for an RDP house built with taxpayers' money to be handed over by the President during his party's campaign;

(hh) In terms of section 195(1)(a) and (f) of the Constitution, public administration must be governed by the democratic values and principles enshrined in the Constitution, which include, *inter alia*, the promotion of a high standard of professional ethics and accountable

public administration. These principles enjoin public institutions, public representatives, and public servants to exercise a high level of professionalism and ethics, including accountability in the performance of their duties. Public institutions, public representatives and public servants should also strive to be beyond reproach;

(ii) If the allegations contained in the article are founded, it will then suggest that the President might have conducted himself in a manner that is inconsistent or in contravention of the said section; and

(jj) The President's conduct in handing over an RDP house during his political party's Letsema campaign, seems to be inconsistent with or in contravention of section 96(1) and section 96(2)(b) of the Constitution. It was unethical of the President to hand over an RDP house that was built with taxpayers' money and the alleged conduct of the President was inconsistent with his office. He also exposed himself to a situation involving the risk of a conflict between his official and private interests.

(i) He requests the Public Protector to investigate the following:

(aa) Whether the President violated section 96(1) and section (2)(b) and (c) of the Constitution in handing over the RDP House to Ms Louw;

(bb) Whether the President abused his powers in anyway; and

(cc) Whether the President violated section 195(1)(a) and (f) of the Constitution.

(v) On analysis of the complaint, the following issue was identified to inform and focus the investigation:

(a) Whether the President handed over an RDP house to Ms Louw in Donkerhoek, Northern Cape province, during the ANC Letsema campaign thereby conflating his official responsibilities with his political interests, if so, whether such conduct amounts to improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) and (ii) of the Public Protector Act.

(vi) On 28 February 2025, a Notice in terms of Rule 41(1) was issued to the Complainant and the President to provide an opportunity to make submissions in relation to the proposed closure of the investigation.

(vii) On 16 March 2025, the Complainant acknowledged receipt of the Notice and stated that he perused the content of the Notice and wish to indicate that he does not have objections to the Public Protector finding that the allegation is unsubstantiated, due to the evidence that was obtained. He submitted this complaint while under the impression that the President was present during the handover of the house, which is something that the evidence before the Public Protector proves not to have been the case.

(viii) The President did not respond to the Rule 41(1) Notice.

(ix) Having considered the evidence uncovered during the investigation against the relevant regulatory framework, the following findings are made:

(a) Whether the President handed over an RDP house to Ms Louw in Donkerhoek, Northern Cape province, during the ANC Letsema campaign thereby conflating his official responsibilities with his political interests, if so, whether such conduct amounts to improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) and (ii) of the Public Protector Act.

(aa) The allegation that the President handed over an RDP house to Ms Louw, in Donkerhoek, Northern Cape province, during the ANC, Letsema campaign thereby conflating his official responsibilities with his political interests, **is not substantiated.**

(bb) Ms Louw's housing subsidy was approved in 2004 in line with the provisions of section 26(1) and (2) of the Constitution, read with sections 3(1), 7(1) and 9(1)(i) of the Housing Act, Paragraphs 1.1.1 and 1.4.15 of the White Paper, 15 November 1994 and Paragraph 2 of the National Housing Policy.

(cc) The house was built on Erf 20878, which Ms Louw had been occupying from the date of her application in 2000 and was handed over to her on 30 September 2022 by Mr Vass and officials of CoGHSTA and the Municipality.

(dd) There is no evidence to indicate that the President handed over the house to Ms Louw when he visited her on 01 October 2022, thereby acting contrary to the provisions of section 96(1) and section 96(2)(b) and (c) of the Constitution.

(ee) The evidence in the form of responses received and pictures from the Sunday Times/Times Live published on 01 October 2022 indicate that the President visited Ms Louw for the purpose of celebrating her birthday.

(ff) Accordingly, the conduct of the President does not constitute improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration as contemplated in section 6(4)(a)(i) and (ii) of the Public Protector Act, 1994.

(x) The Public Protector considers this matter as finalised and cannot take it further.

1. INTRODUCTION

1.1. This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa,1996 (the Constitution), and section 8(1) of the Public Protector Act, 1994, (the Public Protector Act).

1.2. The report is submitted in terms of sections 8(1) read with section 8(3) of the Public Protector Act, which empowers the Public Protector to make known the findings of an investigation to affected parties (including the Complainant) for such persons to note the outcome of the investigation:

1.2.1. Mr M C Ramaphosa, President of the Republic of South Africa;

1.2.2. Mr B Lenkoe, Head of Department of Co-operative Governance, Human Settlement and Traditional Affairs; and

1.2.3. Mr E Muller, the Complainant.

1.3. The notice relates to an investigation into allegations of maladministration and/or abuse of power by the President of the Republic of South Africa (the President), Mr Matamela Cyril Ramaphosa regarding his conduct when he allegedly handed over a Reconstruction and Development Programme (RDP) house to Ms Martha Louw (Ms Louw) in Donkerhoek, Northern Cape during the African National Congress (ANC) political party, Letsema campaign held on 01 October 2022.

2. THE COMPLAINT

2.1. The investigation originates from a complaint lodged on 01 October 2022, by Mr E Muller (the Complainant).

2.1.1. The Complainant alleged, *inter alia,* that:

2.1.2. He submits a complaint against the President for abuse of power and violation or contravention of section 96 of the Constitution;

2.1.3. The President went to the Northern Cape as part of the ANC's Letsema campaign, which is not a government campaign and handed over an RDP house;

2.1.4. It is irregular and unjustifiable for an RDP house built with taxpayer's money, to be issued by a political party instead of government. The President abused his powers during his party's Letsema campaign, as he previously used a *"machine"* belonging to Mpumalanga municipality to fix potholes during the aforesaid campaign, and on 01 October 2022, the President was in the Northern Cape and *"did a similar thing or worse";*

2.1.5. The President exposed himself to a situation that creates a conflict between his private and public interests and might likely continue, unless he is "*urgently stopped and reminded of his oath of office";*

2.1.6. The Public Protector should investigate the President's conduct in relation to the allocation of an RDP house on 01 October 2022 to Ms Louw in Donkerhoek, Northern Cape province;

2.2. The complaint was based on an internet article published on 01 October 2022, by Ms Haripersad titled: *"Ramaphosa hands over new RDP home as Letsema campaign continues despite criticism".*

2.3. The article, *inter alia*, stated that the President arrived at the home of Ms Louw in Donkerhoek as part of his campaign activities, where he celebrated her eighty second birthday, as well as officially handing over her new RDP house.

2.4. The Complainant further submitted an affidavit deposed on 27 February 2023, in support of his complaint, wherein he stated amongst others that:

2.4.1. He submitted a complaint while relying on an article published in the Citizen on Saturday, 01 October 2022 which was written by Ms Haripersad and has no other evidence or documents supporting the allegations except the said article that reported on the allegations that he is now requesting the Public Protector to investigate;

2.4.2. The article reported that the President continued with his Letsema campaign in the Northern Cape, despite serious backlash and criticism from the public;

2.4.3. According to the President and the ANC, the campaign seeks to strengthen its connection with the people and to renew its social contract with residents across communities in the country;

2.4.4. On Saturday, the President arrived at the home of Ms Louw in Donkerhoek, as part of his campaign activities, where he celebrated Ms Louw's eighty second birthday and handed over a new RDP house to her;

2.4.5. The Letsema campaign has come under heavy criticism from opposition parties and South Africans, who are seeing right through the ANC's intent, with many such as Mr Shivambu, the former Deputy President and Chief Whip of the EFF calling it a *"desperate attempt";*

2.4.6. *Twitter* users asked why these tasks were suddenly being carried out by high-profiled ANC officials, when there are municipalities in place for this, and if the campaign was being run with state or ANC funds;

2.4.7. The building of RDP houses is the program of the government, and the said houses are built with taxpayer's money, not funds from political parties.

Therefore, the handing over of RDP houses should be done by government, not any political party. It is wrong for an RDP house built with taxpayers' money to be handed over by the President during his party's campaign;

2.4.8. In terms of section 195(1)(a) and (f) of the Constitution, public administration must be governed by the democratic values and principles enshrined in the Constitution, which include, *inter alia*, the promotion of a high standard of professional ethics and accountable public administration. These principles enjoin public institutions, public representatives, and public servants to exercise a high level of professionalism and ethics, including accountability in the performance of their duties. Public institutions, public representatives and public servants should also strive to be beyond reproach;

2.4.9. If the allegations contained in the article are founded, it will then suggest that the President might have conducted himself in a manner that is inconsistent or in contravention of the said section; and

2.4.10. The President's conduct in handing over an RDP house during his political party's Letsema campaign, seems to be inconsistent with or in contravention of section 96(1) and section 96(2)(b) of the Constitution. It was unethical of the President to hand over an RDP house that was built with taxpayers' money and the alleged conduct of the President was inconsistent with his office. He also exposed himself to a situation involving the risk of a conflict between his official and private interests.

2.5. He requests the Public Protector to investigate the following:

2.5.1.1. Whether the President violated section 96(1) and section (2)(b) and (c) of the Constitution in handing over the RDP House to Ms Louw;

2.5.1.2. Whether the President abused his powers in anyway; and

2.5.1.3. Whether the President violated section 195(1)(a) and (f) of the Constitution.

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1. The Public Protector is an independent constitutional institution established under 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 any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
(b) to report on that conduct; and
(c) to take appropriate remedial action".

3.3. Section 182(2) directs that the Public Protector has additional powers and functions prescribed by national legislation. The Public Protector's powers are regulated and amplified by the Public Protector Act which states, amongst others, that the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.

3.4. The President is the Head of State in terms of section 83(a) and (b) of the Constitution and must uphold, defend and respect the Constitution as the supreme law of the Republic. The Presidency is an organ of state as envisaged in section 239 of the Constitution and the conduct of its functionaries amounts to conduct in state affairs, as a result, the Public Protector is satisfied that the complaint falls within its competency to

investigate as envisaged in section 182(1)(a) of the Constitution and section 6(4)(a)(i) and (ii) of the Public Protector Act.

4. ISSUE IDENTIFIED FOR INVESTIGATION

4.1. Based on the analysis of the complaint, the following issue was identified to inform and focus the investigation:

4.1.1. Whether the President handed over an RDP house to Ms Louw in Donkerhoek, Northern Cape province, during the ANC Letsema campaign thereby conflating his official responsibilities with his political interests, if so, whether such conduct amounts to improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) and (ii) of the Public Protector Act.

5. THE INVESTIGATION

5.1. Methodology

5.1.1. The investigation was conducted in terms of section 182 of the Constitution and sections 6 and 7 of the Public Protector Act.

5.1.2. The Public Protector Act confers on the Public Protector, the sole discretion to determine how to investigate complaints with due regard to the circumstances of each case.

5.2. Approach to the investigation

5.2.1. The approach to the investigation included an exchange of documents, analysis of the relevant documentation and consideration, as well as application of the relevant laws, regulatory framework, and prescripts.

5.2.2. The investigation was approached using an enquiry process that seeks to determine:

(a) What happened?
(b) What should have happened?
(c) Is there a discrepancy between what happened and what should have happened and does that deviation amount to improper conduct or maladministration?
(d) In the event of a violation, what remedial action should be taken?

5.2.3. The question regarding what happened is resolved through a factual enquiry, relying on the evidence provided by the parties, and independently sourced during the investigation. Evidence is evaluated and a determination is made on what happened based on a balance of probabilities. In this case, the factual enquiry principally focused on whether the alleged conduct of the President exposed him to a situation involving the risk of a conflict between his official responsibilities and political interests.

5.2.4. The enquiry regarding what should have happened, focuses on the law and/or rules that regulate the standards that should have been met by the President in the execution of his duties in relation to the subject of the complaint.

5.3. Key sources of information

5.3.1. Complaint e-mail from Complainant dated 01 October 2022;

5.3.2. Allegations letter from the Public Protector to Mr MC Ramaphosa, dated 16 August 2023;

5.3.3. Response letter from Ms P Baleni to the Public Protector, dated 08 September 2023;

5.3.4. Allegations letter from the Public Protector to Mr B Lenkoe, Head of Department of Co-operative Governance, Human Settlement and Traditional Affairs, dated 14 September 2023;

5.3.5. Response letter from Mr B Lenkoe to the Public Protector, dated 30 November 2023;

5.3.6. Letter from the Public Protector to Ms V Sereo, Assistant Manager of Human Settlement Policy and Research: Co-operative Governance, Human Settlement and Traditional Affairs, dated 20 June 2024;

5.3.7. E-mail the Public Protector to Ms N Mokoditoa, Assistant Manager: Department of Home Affairs Contact Centre, dated 20 June 2024;

5.3.8. Response letter from Mr B Lenkoe to the Public Protector, dated 22 July 2024;

5.3.9. E-mail to Ms V Sereo requesting further information dated 07 August 2024;

5.3.10. Response letter received from Mr B Lenkoe to the Public Protector, dated 30 September 2024;

5.3.11. E-mail from the Public Protector to Ms V Sereo dated 22 October 2024, seeking clarity regarding response received, dated 30 September 2024;

5.3.12. Response letter received from Ms V Sereo the Public Protector, dated 31 October 2024;

5.3.13. Letter to Ms V Sereo to the Public Protector, dated 05 November 2024;

5.3.14. Response letter from Ms V Sereo dated 21 November 2024; and

5.3.15. Notice in terms of Rule 41(1) issued to the Complainant and the President, dated 28 February 2025; and

5.3.16. Email dated 16 March 2025, received from the Complainant to the Public Protector in response to the Rule 41(1) Notice.

5.4. Meeting

5.4.1. Meeting between the Public Protector's Investigation Team and officials of Co-operative Governance, Human Settlement and Traditional Affairs on 05 November 2024.

5.5. Legal framework

5.5.1. The Constitution,1996;

5.5.2. The Public Protector Act, 1994;

5.5.3. Housing Act, 1997;

5.5.4. The White paper on Reconstruction and Development, 15 November 1994; and

5.5.5. National Housing Policy and Subsidy Programmes, 2010 (National Housing Policy.

5.6. Articles and guides

5.6.1. *Organisation for Economic Co-Operation and Development*2 (OECD): Managing Conflict of Interest in the Public Service, 2003

5.7. Case law

5.7.1. *Public Protector and Others v President of the Republic of South Africa and Others* (CCT 62/20) [2021] ZACC 19; 2021 (9) BCLR 929 (CC); 2021 (6) SA 37 (CC) (1 July 2021); and

5.7.2. *Democratic Alliance and Another v Public Protector of South Africa and Others* [2023] ZACC 25.

5.8. Notice issued in terms of Rule 41(1) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, as amended

5.8.1. Rule 41(1) of the Public Protector Rules provides that when the Public Protector intends concluding an investigation by means of a closing report provided for in Rule 40(b), the Complainant shall be informed in writing accordingly and be given an opportunity to make representations in connection with the intended closure of the complaint within fourteen (14) days of delivery of the notification.

5.8.2. Rule 41(2) of the Public Protector Rules provides that the Public Protector may, if the Complainant has not responded within the prescribed time frame of fourteen (14) days, proceed with the closing of the file.

5.8.3. On 28 February 2025, a Notice in terms of Rule 41(1) was issued to the Complainant and the President. On 16 March 2025, the Complainant responded to the Notice. The President did not respond to the Rule 41(1) Notice.

6. THE DETERMINATION OF THE ISSUE IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS

6.1. Whether the President handed over an RDP house to Ms Louw in Donkerhoek, Northern Cape province, during the ANC Letsema campaign thereby conflating his official responsibilities with his political interests, if so, whether such conduct amounts to improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) and (ii) of the Public Protector Act

Common cause

6.1.1. On 01 October 2022, the President attended an ANC Letsema Campaign event in Donkerhoek, Northern Cape. During the campaign, the President visited the house of Ms Louw.

Issue in dispute

6.1.2. The issue for the Public Protector's determination is whether during the President's visit in the Northern Cape during the ANC Letsema Campaign, he handed over an RDP house to Ms Louw thus exposing himself to a situation involving a risk of conflict of interest between his responsibilities as Head of State and Leader of the ANC.

Complainant's version

6.1.3. The Complainant contended that the President, by handing over an RDP house to Ms Louw on 01 October 2022, during the ANC's Letsema campaign, exposed himself to a situation involving the risk of a conflict between his official and private interests.

6.1.4. He further asserted that the building of RDP houses is the program of government, therefore, it was improper for the President to handover an RDP house built with taxpayers' money during his political party's campaign.

6.1.5. He argued that the President's conduct in handing over an RDP house during his political party's Letsema campaign seems to be inconsistent with or in contravention of section 96(1) and section 96(2)(b) and (c) of the Constitution.

Response from Ms Phindile Baleni to the Investigation Team, dated 08 September 2023

6.1.6. The Public Protector issued an allegations letter dated 16 August 2023 to the President. On 08 September 2023, Ms Phindile Baleni (Ms Baleni), Director-General and Secretary of the Cabinet in the Presidency responded on behalf of the President and stated amongst others that:

6.1.6.1. On 01 October 2022, the President attended the ANC Letsema campaign event in the Northern Cape. During the campaign, the President visited the house of Ms Louw to *"give her wishes"* on her birthday;

6.1.6.2. There was no ceremony for handing over the house as Ms Louw was already occupying the house. The President requested to see the house, as he was aware that Ms Louw had recently been allocated the house by the relevant government structures. The Presidency denies that the President attended any handover ceremony of the house;

6.1.6.3. The Presidency is neither in possession of, nor would it ever be in possession of documents relating to the application of Ms Louw's RDP house, the date of its approval, or any related documents;

6.1.6.4. It is denied that the President violated section 96 of the Constitution. The section refers to risks of conflict between the President's private interest and his official duties. The event did not benefit the President, but it was an opportunity to convey birthday wishes to Ms Louw;

6.1.6.5. The RDP housing campaign referred to in the complaint is the result of policy decisions of the ANC, which it implements according to relevant and applicable prescripts. Highlighting the successes of the ANC's policies is not prohibited conduct; and

6.1.6.6. It is denied that section 195 of the Constitution or any other legal obligation imposed on the President was violated.

Response from the *Department of Cooperative Governance, Human Settlements and Traditional Affairs (CoGHSTA)*

6.1.7. On 14 September 2023, the Public Protector's Investigation Team (Investigation Team) issued an allegations letter to Mr Bafedile Lenkoe (Mr Lenkoe), Head of Department, CoGHSTA. A response was received from Mr Lenkoe on 30 November 2023, wherein he stated, *inter alia,* that:

6.1.7.1. The Constitution enshrines the right for everyone to have access to adequate housing and makes it incumbent upon the state to take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right;

6.1.7.2. One of the mandates of CoGHSTA is the provision of housing to all citizens of the Northern Cape, which in this instance has been delivered;

6.1.7.3. Ms Louw is an elderly person who has been staying in a shack on Erf 20878 in Donkerhoek, Galeshewe for the past twenty (20) years. Her application for a subsidy was approved in 2004, based on the following criteria:

(a) Lawfully resides in South Africa;
(b) Legally competent to contract; and
(c) Has not previously benefited from government assistance.

6.1.7.4. Ms Louw was in line to receive an RDP house, now called the Comprehensive Plan for Sustainable Human Settlement, commonly referred to as Breaking New Ground (BNG) because she falls within the priority group, as an elderly. Her application was approved in 2004 and she has never benefited from a government subsidy for an RDP house. As a result, she was prioritised to receive the house; and

6.1.7.5. Mr Bentley Vass (Mr Vass), the Provincial Member of the Executive Council (MEC) for CoGHSTA, the officials of CoGHSTA Frances Baard Regional and Sol Plaatje Local Municipality (Municipality) were present and formed part of the handover of Ms Louw's house in Donkerhoek.

Documentary evidence received from Mr Lenkoe

6.1.8. Mr Lenkoe provided the Investigation Team with the following documents:

Individual Subsidy Non-Credit linked

6.1.8.1. According to the application for a housing subsidy, Ms Louw lodged an application for subsidy on 26 June 2000. Her application is linked to A20080012/1, under project FB individuals 2021/2022 Phase 1.
Housing Subsidy System: Application Status FB Individuals 2021/2022

6.1.8.2. The Housing Subsidy System report indicates that Ms Louw's application for a subsidy was approved on 03 September 2004 and the stand number linked to the house was 20878.

Occupation Completion Certificate/ Happy Letter

6.1.8.3. The Occupational Certificate for the BNG house was signed by Ms Louw and Ms Noluvuyo Mbatsha, an official of Local Government on 30 September 2022. It is stated on the certificate that the top structure on the stand has been completed, in full compliance with all statutory obligations and it is fit for occupation.

Response from the Department of Home Affairs

6.1.8.4. On 20 June 2024, the Investigation Team sent an email to Ms Ntebeng Mokoditoa (Ms Mokoditoa), the Assistant Manager: Department of Home Affairs Contact Centre to verify whether the handwritten identity number on the Occupational Certificate belonged to Ms Louw. A response was received from Ms Mokoditoa on 15 July 2024, wherein she confirmed that the handwritten identity number on the Occupational Certificate belonged to Ms Louw.

Additional response received from Mr Lenkoe

6.1.9. On 20 June 2024, the Investigation Team sent a letter to Ms Virginia Sereo (Ms Sereo), Assistant Manager of Human Settlement Policy and Research, seeking clarity regarding the subsidy listed as R0.00 for Ms Louw in contrast to another applicant who was born on the same year as Ms Louw but had a subsidy recorded as one hundred and sixty seven thousand and eight hundred and fifty two thousand rand (R167 852. 00). Ms Sereo was also requested to explain the difference between the reference number reflecting as A20080012 and A20080012/1.

6.1.10. On 22 July 2024, a response was received from Mr Lenkoe stating amongst others that:

6.1.10.1 Ms Louw is an elderly person and has been staying in a shack on Erf 20878 in Donkerhoek, Galeshewe for the past twenty (20) years. Her application for subsidy was approved in 2004, as a result, she was moved to individual subsidies. Due to the movement from one project to another, the subsidy amount reflects R0.00, the amount will be adjusted to the current subsidy quantum. Ms Louw was moved because her subsidy was linked to a project where there was no planned development, and she was prioritised due to her age;

6.1.10.2 Reference number: A20080012 is the project number and A20080012/1 relates to the phase of the project, in this instance, phase one (1); and

6.1.10.3 The Occupational Certificate was signed by Ms Louw on 30 September 2022 and the RDP house was handed over to her on 01 October 2022.

6.1.11. Mr Lenkoe also provided the Investigation Team with the Northern Cape Application Information indicating that Ms Louw's application for subsidy was received by CoGHSTA on 26 June 2000 and was approved on 03 September 2004. The application was linked to Erf 20878.

Further response received from Mr Lenkoe

6.1.12. The Investigation Team sent an e-mail dated 07 August 2024, to Ms Sereo, seeking clarity regarding the handing over of the RDP house to Ms Louw, including:

6.1.12.1. Whether there was a ceremony for the handover of the BNG house to Ms Louw;

6.1.12.2. The names of the officials who attended the handover ceremony;

6.1.12.3. Whether the handover was covered by the media, if so, to provide pictures;

6.1.12.4. Whether the MEC was aware of the President's visit to Ms Louw on 01 October 2022 and if the handover was done in collaboration with the President's visit to Ms Louw on the same date; and

6.1.12.5. When the project of building the BNG house started, and when it was completed.

6.1.13. A response dated 30 September 2024 was received from Mr Lenkoe wherein he stated amongst others, that:

6.1.14. The functionaries of CoGHSTA acknowledge the error in the submission made to the Public Protector on 22 July 2024, which indicated that the handover ceremony was on 01 October 2022. The error was identified when the functionaries of CoGHSTA were preparing for the response and the verification of when the handover event was hosted;

6.1.14.1. The handover ceremony was hosted by CoGHSTA on 30 September 2022, and attended by amongst others, Mr Vass and Ms Nontobeko Vilakazi (Ms Vilakazi), the MEC of Social Development;

6.1.14.2. The officials who attended the handover ceremony, were Mr Mzi Mdunge, Regional District Director of CoGHSTA in the Frances Baard Region, Mr Papi Seekoei, the Departmental Photographer from the office of the MEC and Mr Mvuleni Yaso, who was at the time of the handover, the Parliamentary Liaison Officer in the office of the MEC;

6.1.14.3. The MEC was aware of the President's visit, however, the handover ceremony was done on 30 September 2022 by CoGHSTA;

6.1.14.4. The project of building the BNG house started in mid-July 2022 and was completed on 29 September 2022; and

6.1.14.5. CoGHSTA is not aware if the event was covered by the media, but the Departmental Communication unit took pictures during the event.

6.1.15. The pictures hereunder, taken on the day of the handover by the CoGHSTA Communications Unit were provided to the Investigation Team in support of the response.

Figure 1: Cutting of the ribbon by Mr Vass, with Ms Louw and Ms Vilakazi

Figure 2: Government Officials inside Ms Louw's house during the handover

Figure 3: Handover event

Figure 4: Mr Vass with Ms Louw in the house

Figure 5: Mr Vass with Ms Louw (hand showing) and family

Additional response received from Ms Sereo

6.1.16. The Investigation Team sent an e-mail dated 22 October 2024, to Ms Sereo, seeking clarity on the following:

6.1.16.1. Whether Ms Louw's house was built as part of a project, if so, how many other houses were built;

6.1.16.2. Whether the handover event on 30 September 2022, was only for Ms Louw's house or there were other houses handed over; and

6.1.16.3. Reasons for the delay in providing Ms Louw with a house, noting that Ms Louw's application subsidy was approved in 2004 and the house was only built in 2022.

6.1.17. In a letter dated 31 October 2024, Ms Sereo stated that:

6.1.17.1 Ms Louw's house was built as an individual subsidy and not as a project-based house, it was the only house that was handed over; and

6.1.17.2 the delay is sometimes caused by budgetary constraints. The Housing Code of 2009 (Housing Code) provides that even though applicants are approved on the system the delivery of the houses will be done over time, due to the fact that demand is high, however, resources are limited.

Meeting between the Investigation Team and officials of CoGHSTA

6.1.18. On 05 November 2024, the Investigation Team held a meeting with officials from CoGHSTA led by Ms Sereo, wherein clarity was sought regarding the process followed to identify the priority group and policy applicable. GoGHSTA undertook to confirm the discussion in writing. In an email dated 05 November 2024, the Investigation Team requested the following information and/or documentation:

6.1.18.1. Directive/instruction/memoranda relating to the identification of the priority group that Ms Louw was part of, and the process followed that led to the building of the house;

6.1.18.2. Policy that deals with the priority groups; and

6.1.18.3. The names of the individuals that were part of the priority group.

Response from Mr Lenkoe

6.1.19. On 21 November 2024, Mr Lenkoe provided a response to the Investigation Team stating, *inter alia*, that:

6.1.19.1. One of the principles of accessibility espoused in the White paper on Reconstruction and Development, 15 November 1994 (White paper) aims

to achieve an enabling environment for housing and human settlement development whilst taking cognisance of the critical linkages in the housing and human settlements value chain of delivery;

6.1.19.2. The principle of accessibility is established to make housing subsidies accessible to eligible low-income households nationwide. This includes simplifying the application processes, expanding outreach efforts to inform and educate eligible households, and providing support to those who face barriers in accessing subsidies;

6.1.19.3. The records on the Human Settlements System (HSS) indicate a substantial number of housing subsidy applications approved since 1994, wherein beneficiaries have not received their completed houses. The circumstances regarding these approved subsidy applications differ significantly from the different housing projects;

6.1.19.4. Further requirements include persons classified as military veterans, persons classified as aged, with or without financial dependants, persons classified as disabled, and child-headed households;

6.1.19.5. The policy dealing with vulnerable groups is the Housing Code and the White Paper for Human Settlements;

6.1.19.6. The objective of these policies is to provide policy positions regarding demand management and qualification criteria for human settlements and housing services;

6.1.19.7. The Housing Code volume 1, pages 13 and 14 also make reference to the qualifying criteria and vulnerable persons in this regard i.e. aged persons;

6.1.19.8. With regards to the names of the individuals who were part of the priority group, it was explained during the virtual meeting between the Investigation

Team and the functionaries of CoGHSTA that Ms Louw was the only individual subsidy applicant that was identified and approved as an elderly that fell within the category of vulnerable groups; and

6.1.19.9. It was also explained that it is within the MEC's right to use his discretion to prioritise based on the living conditions of the applicant. Ms Louw was the only individual that fell within the list of vulnerable groups as an elderly when the assessment was done at the time.

Independently obtained evidence

6.1.20. The Investigation Team obtained the media article written by Mr Kgothatso Madisa and published by The Sunday Times/Times Live[1] on 01 October 2022, which stated the following:

6.1.20.1. The President was seen in Kimberley during the Letsema campaign in the Northern Cape, where he celebrated the eighty second birthday of Ms Louw in Donkerhoek, Galeshewe. The President made a stop in the Galeshewe township at the eighty second birthday celebration of Ms Louw who had *"coincidentally"* just received a house from the provincial government;

6.1.20.2. The President in his speech indicated that Ms Louw had been one of the people who had spoken about their suffering as well as housing problems they faced when he had visited the province previously. He thanked the provincial government for providing Ms Louw with a house, stating the Northern Cape government had given her dignity by building a house for her; and

6.1.20.3. The President sang happy birthday to Ms Louw and joined her as she cut her cake as depicted in the picture hereunder:

[1] IN PICTURES | Ramaphosa dishes out kisses and hugs in Kimberley (timeslive.co.za)

Figure 6: Image by Thapelo Morebudi: Mr Ramaphosa celebrating with Ms Louw in Donkerhoek, Galeshewe

Applicable law

The Constitution, 1996

6.1.21. Section 7(1) and (2) of the Constitution provides that the Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the right of all people in our country and affirms the democratic values of human dignity, equality and freedom and that the state must respect, protect, promote and fulfill the rights in the Bill of Rights.

6.1.22. Section 26(1) and (2) provides that everyone has the right to have access to adequate housing, the state must take reasonable legislative and other measures, within its available resources to achieve the progressive realisation of this right.

6.1.23. Section 96 deals with theconduct of Cabinet members and Deputy Ministers and determines that:

(1) Members of the Cabinet and Deputy Ministers must act in accordance with a code of ethics prescribed by national legislation.

(2) Members of the Cabinet and Deputy Ministers may not-

(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 responsibility and private interest; or

(c) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person".

Housing Act, 1997 (Housing Act)

6.1.24. Section 3(1) of the Housing Act provides that the national government acting through the Minister must, after consultation with every Member of the Executive Committee (MEC) and the national organisations, representing municipalities, as contemplated in section 163(a) of the Constitution, establish and facilitate a sustainable national housing development process.

6.1.25. Section 7(1) provides that every provincial government must, after consultation with the provincial organisations representing municipalities as contemplated in section 163(a) of the Constitution, do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of the national housing policy.

6.1.26. Section 9(1)(a)(i) provides that every municipality must, as part of the municipality's process of integrated development planning, take all reasonable and necessary steps within a framework of national and provincial housing legislation and policy to ensure that the inhabitants of its

area of jurisdiction, have access to adequate housing on a progressive basis.

The White paper on Reconstruction and Development, 15 November 1994 (White paper, 15 November 1994)

6.1.27. Paragraph 1.1.1 of the White paper, 15 November 1994 provides that RDP is a policy framework for integrated and coherent socio-economic progress. It seeks to mobilise all people and our country's resources towards the final eradication of the results of apartheid. Its goals are to build a democratic, non-racial, and non-sexist future and it represents a vision for the fundamental transformation of South Africa.

6.1.28. Paragraph 1.4.15 provides that the implementation objectives of the RDP are bold and innovative. They set out the procedures and the indicators through which the programme will mobilise the participation of the fullest range of social organisations and institutions.

National Housing Policy and Subsidy Programmes, 2010 (National Housing Policy)

6.1.29. Paragraph 2 of the National Housing Policy provides that:

6.1.29.1 The Constitution enshrines the right of everyone to have access to adequate housing and makes it incumbent upon the state to take reasonable legislative and other measures, within the available resources to achieve the progressive realisation of this right;

6.1.29.2 In response to the Constitutional imperative, the Government has in terms of the Housing Act introduced a variety of programmes which provide poor households access to adequate housing. The policy principles set out in the White Paper on Housing aim to provide poor households with houses as

well as basic services such as potable water and sanitation on an equitable basis; and

6.1.29.3 Ten (10) years after the introduction of the housing programme in 1994, a comprehensive review was undertaken of the outcomes of the programme and the changes in the socio-economic context in the country. This led to the approval of the BNG by Cabinet in September 2004.

Articles and guides

6.1.30. In the article by the *Organisation for Economic Co-Operation and Development*[2] (OECD): Managing Conflict of Interest in the Public Service, 2003, conflict of interest is defined as follows:

"Conflict of interest involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of their official duties and responsibilities".

6.1.31. It further provides that, *"conflict of interest"* has the same meaning as *"actual conflict of interest"*. A conflict of interest situation can therefore be current, or it may be found to have existed at some time in the past.

6.1.32. This can be contrasted with an *"apparent conflict of interest which can exist where it appears that a public official's private interests could improperly influence the performance of their duties, but this is not in fact the case*".

[2] The OECD is a unique forum where governments of various democracies work together to address the economic, social and environmental challenges of globalisation. South Africa is a key member state to the OECD having joined on 16 May 2007. The OECD is also at the forefront of efforts to understand and help governments respond to new developments and concerns, such as corporate governance, managing conflict of interests and to seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

6.1.33. On the other hand, a *"potential conflict of interest"* arises where a public official has private interests which are such that a conflict of interest would arise if the official were to become involved in relevant (i.e. conflicting), official responsibilities in the future.

6.1.34. Where a private interest has in fact compromised the proper performance of a public official's duties, that specific situation is better regarded as an instance of misconduct or *"abuse of office",* or even an instance of corruption, rather than as a *"conflict of interest".*

6.1.35. *"Private interests"* are not limited to financial or pecuniary interests, or those interests which generate a direct personal benefit to the public official. A conflict of interest may involve otherwise legitimate private-capacity activity, personal affiliations, associations, and family interests, if those interests could reasonably be considered likely to improperly influence the officials' performance of their duties**.** (Added emphasis)

6.1.36. A conflict of interest, if not managed properly, has the potential to undermine the proper functioning of democratic governments by:

(a) weakening adherence by public officials to the ideals of legitimacy, impartiality, and fairness in public decision-making; and

(b) distorting the rule of law, the development and application of policy, the functioning of markets, and the allocation of public resources.

Case Law

6.1.37. The Constitutional Court, in the matter of the *Public Protector and Others v President of the Republic of South Africa and Others*[3] dealt with the

[3] (CCT 62/20) [2021] ZACC 19; 2021 (9) BCLR 929 (CC); 2021 (6) SA 37 (CC) (1 July 2021).

prohibition of conflict between official responsibilities and private interests and denoted that the essential elements related thereto are:

(a) official responsibilities;
(b) private interests;
(c) the risk of a conflict between (a) and (b); and
(d) a member's conduct that exposes him to that risk.[4]

6.1.38. In *Democratic Alliance and Another v Public Protector of South Africa and Others*[5] *(*Democratic Alliance*), Maya DCJ remarked that:*

"…. the risk must be real. This means the risk must not be imaginary, flimsy or far-fetched. What then is the standard? At the risk of sounding as if I am importing the test for bias, for the risk to be real, it must…. be of such a nature that it would reasonably be apprehended by a reasonable person."[6] *(Added emphasis)*

Analysis

6.1.39. The evidence before the Public Protector indicates that Ms Louw lodged an application for a housing subsidy with the Northern Cape, CoGHSTA on 26 June 2000. Her application was approved on 03 September 2004, in line with the provisions of section 26(1) and (2) of the Constitution read with sections 3(1), 7(1) and 9(1)(i) of the Housing Act, paragraphs 1.1.1 and 1.4.15 of the White Paper and paragraph 2 of the National Housing Policy, which require organs of state to provide adequate housing to poor households. The application was linked to Erf 20878, where Ms Louw was residing at the time.

[4] *Supra*, at par.66.
[5] [2023] ZACC 25.
[6] At para. 118.

6.1.40. The evidence further indicates that a RDP/BNG house was built on Erf 20878 as part of the project titled FB Individuals 2021/2022. The occupational certificate was signed by Ms Louw on 30 September 2022.

6.1.41. The house was handed over to Ms Louw on 30 September 2022, by Mr Vass, the MEC for CoGHSTA and officials from CoGHSTA and the Municipality. There is no evidence before the Public Protector that the President was present at the handover ceremony. However, the Public Protector established that the President visited Ms Louw on 01 October 2022, a day after the house was handed over to her. The Presidency also confirmed that the President visited Ms Louw on 01 October 2022 at her house in Donkerhoek, Northern Cape but stated that the purpose of the visit was to wish her well on her eighty second birthday.

6.1.42. The visit by the President to Ms Louw's house was also captured in the media article published by the Sunday Times/Timeslive dated 01 October 2022, which reported that the President made a stop in Galeshewe township, at the eighty second birthday celebration of Ms Louw and displayed a picture of the President in his ANC regalia cutting a cake with Ms Louw. Although the article points out that Ms Louw had *"coincidentally"* just received a house from the provincial government, it does not state that the President was present during the handover ceremony.

6.1.43. Therefore, the contention by the Complainant that the President went to the Northern Cape as part of the ANC's Letsema campaign, which is not a government campaign and handed over an RDP house is not supported by the evidence at the Public Protector's disposal. Although the evidence confirmed that when the President was in the Northern Cape to attend the ANC Letsema campaign, he visited Ms Louw on 01 October 2022, however, there is no evidence that he handed over the RDP house to her.

6.1.44. Accordingly, in the absence of any evidence that the President handed over the RDP house to Ms Louw or was present at this event, the Public

Protector cannot place any probative value on the *"coincidence"* or conclude on a balance of probabilities, that he abused his power and violated section 96 of the Constitution merely based on the information obtained during the investigation that he visited Ms Louw who was handed over a government subsidised house, a day before he attended the ANC Letsema campaign in the Northern Cape.

6.1.45. Furthermore, the Complainant's contention that the President violated section 96(2)(b) of the Constitution, which provides that members of the Cabinet and Deputy Ministers may not 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 responsibility and private interest, cannot be sustained.

6.1.46. The Complainant seem to suggest that the conduct of the President, by *"handing over the RDP house*" to Ms Louw during the ANC Letsema campaign in Northern Cape, exposed him to a situation involving the risk of a conflict between his official responsibilities as the President of the country and private interests, as the Leader of the ANC.

6.1.47. The Constitutional Court, in *Public Protector and Others v President of the* Republic *of South Africa and Others,* held that the essential elements related to the risk of conflict of interest are official responsibilities, private interests, the risk of a conflict between official responsibilities and private interests as well as the member's conduct that exposes him/her to that risk.

6.1.48. In addition, conflict of interest as defined in the OECD article involves a conflict between the public duty and private interests of public officials which could improperly influence them in the performance of their official duties and responsibilities. Therefore, if the President's political affiliation to the ANC is akin to his private interests and the *"handing over of the RDP"* to Ms Louw during the ANC Letsema campaign resulted in exposing himself to a situation involving a risk of conflict of interest between his official

responsibilities as the President of the country and party-political interest as Leader of the ANC, an enquiry into his conduct would have to be undertaken to determine whether it was in violation of section 96(2)(b) of the Constitution.

6.1.49. In this instance, an enquiry into the President's conduct that may have exposed him to a situation involving a risk of conflict of interest between his official responsibilities as the President of the country and party-political interest as Leader of the ANC envisaged in *Public Protector and Others v President of the* Republic *of South Africa and Others* would be an exercise in futility as the evidence at the Public Protector's disposal indicates that the President was not present during the handover of the RDP house to Ms Louw.

6.1.50. In the *Democratic Alliance and Another v Public Protector of South Africa and Others*[7] *Maya CJ held that the risk must be real, not be imaginary, flimsy or far-fetched.* Whilst the Public Protector does not suggest that the Complainant's contention that the President's conduct amounts to a violation of section 96(2)(b) of the Constitution, as imaginary, flimsy or far-fetched, however, as already canvassed above, based on the evidence before the Public Protector, these allegations cannot be sustained.

6.1.51. On 28 February 2025, a Notice in terms of Rule 41(1) was issued to the Complainant giving him an opportunity to make representations in connection with the intended closure of the complaint with 14 days of delivery of the notification.

6.1.52. The Complainant acknowledged receipt of the Notice and stated that he does not object to the Public Protector finding that the allegation is unsubstantiated.

[7] [2023] ZACC 25.

Conclusion

6.1.53. Based on the evidence and information obtained, the Public Protector concludes that there is no evidence to indicate that the President handed over the house to Ms Louw during the ANC Letsema campaign thereby exposing himself to a risk of conflict of interest between his official responsibilities and party political interest in violation of section 96(2)(b) of the Constitution.

6.1.54. The evidence before the Public Protector reveals that the functionaries of CoGHSTA approved Ms Louw's subsidy in 2004 and handed over the constructed house to her on 30 September 2022. The President visited Ms Louw on 01 October 2022, a day after the RDP house was handed over to her.

6.1.55. Having considered the evidence before the Public Protector, it is concluded that the President did not abuse his power or violate section 96(2)(b) of the Constitution during his visit to Ms Louw when he attended the ANC Letsema campaign thereby exposing himself to a risk of conflict of interest between his official responsibilities and party-political interest.

6.1.56. The Complainant did not provide the Public Protector with evidence that could persuade her to arrive at a different conclusion.

7. FINDINGS

Having regard to the evidence, the regulatory framework determining the standard that the President should have complied with, the Public Protector intends to close this investigation based on the following findings:

7.1. Whether the President handed over an RDP house to Ms Louw in Donkerhoek, Northern Cape province, during the ANC, Letsema campaign thereby conflating his official responsibilities with his

political interests, if so, whether such conduct amounts to improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) and (ii) of the Public Protector Act

7.1.1. The allegation that the President handed over an RDP house to Ms Louw, in Donkerhoek, Northern Cape province, during the ANC, Letsema campaign thereby conflating his official responsibilities with his political interests, **is not substantiated**.

7.1.2. Ms Louw's housing subsidy was approved in 2004 in line with the provisions of section 26(1) and (2) of the Constitution, read with sections 3(1), 7(1) and 9(1)(i) of the Housing Act, Paragraphs 1.1.1 and 1.4.15 of the White Paper, 15 November 1994 and Paragraph 2 of the National Housing Policy.

7.1.3. The house was built on Erf 20878, which Ms Louw had been occupying from the date of her application in 2000 and was handed over to her on 30 September 2022 by Mr Vass and officials of CoGHSTA and the Municipality.

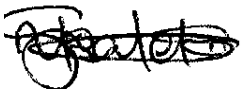
7.1.4. There is no evidence to indicate that the President handed over the house to Ms Louw when he visited her on 01 October 2022, thereby acting contrary to the provisions of section 96(1) and section 96(2)(b) and (c) of the Constitution.

7.1.5. The evidence in the form of responses received and pictures from the Sunday Times/Times Live published on 01 October 2022 indicate that the President visited Ms Louw for the purpose of celebrating her birthday.

7.1.6. Accordingly, the conduct of the President does not constitute improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration as contemplated in section 6(4)(a)(i) and (ii) of the Public Protector Act, 1994.

8. CONCLUSION

8.1. The Public Protector considers this matter as finalised and cannot take it further.



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ADV KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE:31 MARCH 2025

Assisted by Ms Ponatshego Mogaladi
Executive Manager, Investigations Branch