

Letter from Masupatsela a Walter Sisulu to the National Executive Committee of the African National Congress

4 April 2016

We represent the 1980s generation of **Masupatsela a Walter Sisulu**, the pioneer movement of the African National Congress.

We were born and bred in this glorious movement, the African National Congress, under the gallant leadership of President O.R Tambo.

We were schooled in the revolutionary doctrine of the African National Congress, proudly living according to its core values and traditions. We were raised in the service of our people. Many of us rose to participate in one or other of the four pillars of our struggle then - international solidarity, mass mobilization, armed struggle and underground work.

The ANC invested in our academic and professional education across the globe, alongside a cohort of other committed members of the ANC. This investment produced an abounding pool of professionals which includes lawyers, environmentalists, engineers, town planners, medical practitioners, educators, scientists, bankers and agriculturalists.

Since the dawn of our democracy, we have continued to make various contributions to our country through our respective work in the public and private sectors, as well as within civil society. We have done so in a manner that is fully aligned with and in furtherance of our movement's policies, strategies and tactics. We remain disciplined tools for the outcomes of the National Democratic Revolution.

Amongst our learnings at the hands of the movement was the slogan of our pioneer movement; "Masupatsela a Walter Sisulu: Always prepared to defend our people, our country and our organisation". It is in this spirit that we have now chosen to reconvene and engage with our leadership.

We write to you to express, on record, our deep concern regarding what we perceive to be a continuing movement away from the principles which underpin our movement's Constitutional Guidelines as well as the mandate that is derived from the people's parliament as articulated by President O.R. Tambo.

We are particularly perturbed by the developments within our movement which appear to demonstrate a conflation of loyalty to our revolutionary cause with loyalty to individuals - at the expense of the integrity and moral standing of our movement.

We are specifically outraged by the movement's response to the Constitutional Court judgement on Nkandla which is not capable of misinterpretation. We consider the reaction of both the ANC leadership and that of the President in his deployed capacity - which to date has been bereft of an acknowledgement of accountability, remorse and empathy with South Africans' expectations thereof - to have fundamentally undermined the moral integrity of our movement.

The President acted illegally in failing to uphold, defend and respect the Constitution as the supreme law of the land and demonstrated scant regard for the remedial action taken against him by the Public Protector in terms of her constitutional powers. He also failed in his duty and acted illegally in not assisting and protecting the Public Protector so as to ensure her independence, impartiality, dignity and effectiveness by complying with her remedial action.

The National Assembly acted unlawfully by failing in its constitutional obligations to hold the President accountable by not ensuring compliance with the decision of the Public Protector in the absence of a challenge through the courts. It also flouted the rule of law and resorted to self-help by passing a resolution purporting to nullify the findings made and remedial action taken by the Public Protector.

The press conference that was held by our President after the judgment was handed down was also deeply unsettling as he extended no apology for the abuse of public funds for his personal benefit. We are extremely unsettled by his disingenuous and contradictory assertion that he had always been willing to pay for the non-security features at Nkandla.

In his opening address at the ANC 48th National Conference in Durban 2nd July 1991, President O.R Tambo, speaking on the People`s Parliament said that

“even as we provided leadership, we were always conscious of the fact that the ANC was the people`s parliament. The widespread circulation of Constitutional Guidelines was a further assertion of the sovereignty of the people. The unity in action of our people has remained the guiding beacon throughout the days of illegality. To reach our goal of a united, democratic, nonracial and nonsexist South Africa, sooner rather than later, then we must not deviate from this course.

*In this context, we considered it important that decisions of the ANC were to be shaped by popular mass endorsement at all times. Even if such decisions were acceptable within the Movement, they would have come to naught unless they enjoyed popular support beyond the bounds of the ANC itself. Whilst our policies were in terms of our beliefs and convictions, **they also reflected and served the people`s interests.** Above all, we sought to make the people part and parcel of our decisions.”*

These actions and inactions by both the President and the ANC members of the National Assembly relating to the Nkandla matter constitute acts of misconduct in terms of the Constitution of the African National Congress, as amended and adopted by the 53rd National Conference in Mangaung in 2012. The most important breach of the ANC Constitution is clause 25.17.8 which prohibits the "Abuse of elected or employed office in the organisation or in the State to obtain any direct or indirect undue advantage or enrichment".

The NEC's response to the Constitutional Court judgment is indicative of a failure by our leaders to heed and/or adhere to -

- the principles of leadership as clearly espoused in *Through the eye of the needle*;
- the sentiments expressed by President O.R. Tambo on "the peoples parliament";
- the movement's Constitutional Guidelines which are mandated by the people to those entrusted with leading our movement; and
- the preamble of our Freedom Charter which affirms the principle of equality before the law.

The decision by members of the NEC in their capacity as office bearers of the ANC as well as both speakers of Parliament and the National Council of Provinces (NCOP) have by implication directly associated themselves in condoning the conduct of the parties who have been so unreservedly criticized in the unanimous judgment, consequently fundamentally undermining the integrity and the principles of the ANC.

In light of the significant challenges that our movement is faced with, which threaten the moral integrity of our movement, coupled with the perceived disregard for our entrenched principles and values, we call on the NEC:

- to call a **Special National Conference** as a matter of urgency in order to assess the conduct of the organization and the leadership and to determine the appropriateness of the leadership to take the organization forward, recognizing the significant reputational damage that has been caused and the need for the organization to unify itself and to deliver with integrity on its mandate which was clearly articulated by President O.R. Tambo and has been reaffirmed subsequently; and

- to reaffirm its commitment to all of our Constitutional principles, in particular, that which relates to equality before the law.

We call upon you to reflect and be reminded of President O.R. Tambo's wisdom where stated that "*We did not tear ourselves apart because of lack of progress at times. We were always ready to accept our mistakes and to correct them. Above all we succeeded to foster and defend the unity of the ANC and the unity of our people in general.*"

As we navigate these challenging times, we call for a frank and honest acknowledgment of mistakes made and a visible commitment towards self-correction. We also call for a demonstration of courageous leadership for the benefit of and continued unity of the ANC. A failure to act courageously and decisively endangers the legitimacy of our movement as well as the future of South Africa.

AMANDLA!

Masupatsela A Walter Sisulu

We the undersigned, have been prepared to disclose our names, for and on behalf of Masupatsela a Walter Sisulu, without fear or favour and without sheltering behind the cloak of anonymity given the need for us to articulate our opinion as individuals albeit as loyal and disciplined members and supporters of the ANC.

Natalya Dinat

Lindiwe Gadd

Maxine Hlaba

Rebecca Kambule

Andrew Kasrils

Segomotso Lecholo

Patience Luxumo

Them bani Mabandla

Kedi Mahlatji

Zandile Matchaba

Charlotte McClain-Nhlapo

Lesedi Moche

Thandi Modise

Fidel Modise

Sam Mogaki

Themba Ngalo Mogale

Sechaba Mogale

Mpho Molefe

Nikita Montana

Boitumelo Moroka

Thembi Msibi

Mandla Msimang

Themba Msimang

Sisonke Msimang

Nonhlanhla Msimang

Lawson Naidoo

Nadine Nannan

Thandiwe Njobe

Ndlela Nkobi

Milton Opiote

Amina Pahad

Lindiwe Sangweni-Siddo

Gosekwang Serache

Connie Setimo

Vuyisile Sisulu

Ayanda Sisulu

Shaka Sisulu

Vuyo Skweyiya

Zukisa Tshabalala

Pulane Tshabalala-Kingston

Mangaliso Williams

Zwelethu Shabangu