



South African Council of Churches

**CHURCH
IN ACTION**

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FOR IMMEDIATE RELEASE

South African Council of Churches

Bishop Malusi Mpumlwana, General Secretary, SACC.

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CHURCH COMMENDS CONCOURT RULING

JOHANNESBURG: The South African Council of Churches (SACC) is encouraged by the ruling from the Constitutional Court on Thursday 31 March, which has served to restore the faith of the people in the constitutional integrity of our nation, and goes a long way towards upholding accountability in the Office of the President.

The highest court in the land has, today, delivered a devastating judgement on the constitutional and moral conduct of the President, the National Parliament and the leadership of the Speaker. In any normal democracy the State President would go before the nation tonight and announce his resignation. But then we are not a normal democracy.

Yet today every South African, regardless of race, religious or political affiliation, can confidently say that there is no individual at any level that can operate above the authority of our constitution. This makes this day both a sad and a happy day - sad that it had to come to this, and happy that the national integrity has been restored by the ConCourt.

In his unanimous ruling, Chief Justice Mogoeng Mogoeng went to great lengths to demonstrate the constitutional requirements of the Office of the President; the National Assembly and Parliament; and the Office of the Public Protector. This, he did, in an effort to emphasize that the pillars that each of these structures is built on, are interwoven with the DNA of the constitution itself. Any deviation by these three structures, from upholding the rules of the constitution, would jeopardise our young and already-weakened democracy.

The ruling therefore brings us closer to attaining a level of respectability as a nation.

From the time that the Nkandla report was issued by the Office of the Public Protector in 2014, the SACC communicated to both President Jacob Zuma and the African National Congress (ANC) leadership (Top 6 collectively and individually), to advise that the funds in question be swiftly returned, in order to steer us away from the constitutional and moral quandary we now find ourselves in as a nation. This counsel was offered on several occasions, and as late as December 2015. We strongly believe that, had the advice been heeded at the time, we could have avoided the intense embarrassment that is currently experienced



by the Office of the President and the august body that is the Legislature of our nation. We see this as a crisis of great magnitude for both the President and the National Assembly.

We have additionally observed that there is likely a flaw in the National Assembly electoral system, given the resolution of the National Assembly, now set aside by the ConCourt, that blatantly supported the personal interests of the president of the party that lists them for seats in the Assembly. Members of Parliament are meant to represent the interests of the South Africans who voted them into office. However, the actions of the National Assembly point to a complete disregard for the millions of South Africans, in favour of public demonstrations of allegiance to the party president at the expense of the Rule of Law.

This begs the question: is our National Assembly truly representative of the nation? Or has it deteriorated into an 'individual assembly', where 'Honourable' seats in the house are given by the party hierarchy as deposits into a 'favour-bank', from which withdrawals will be made, even at the expense of the Constitution?

Following exactly two years of considerable national strain, we can only hope that President Zuma will act on any shreds of integrity that still remain in the Office of the President, and stand before the people of South Africa, taking ownership of the quagmire he faces, consult with his political advisors and do the Honourable thing in circumstances.

The Nkandla saga is not only a moral dent for the President and Parliament. It is a moral dent for the ANC in government. It surely has a moral duty to remedy this as a matter of urgency. The longstanding values of the party that Luthuli, Tambo and Mandela led would not have allowed for R250 million to be spent by the Treasury in the name of upgrading and securing the home of an individual, in the face of desperate poverty and obscene inequality.

Some of our church leaders are calling on the SACC leadership to formally approach the President and the governing party to request that Mr Zuma's position be reviewed. While we continue to listen and, like all South Africans, mull over this body blow to our constitutional system of governance, we call on the ANC to seriously take stock of this damage to the country and its integrity. After further thought and consultation, the SACC may pronounce further on these developments.

In the meantime, we have certain minimum expectations of Parliament and the President.

We expect our Parliament, through the Office of the Speaker, to acknowledge the disaster they have occasioned.

We expect our Parliament to urgently take appropriate remedial steps to restore confidence in the oversight role of the institution over the Executive.



Up to now, the President has denied knowledge of the various upgrades to his Nkandla residence, including the building of a kraal (isibaya) for his cattle.

We expect President Zuma's tune to change.

We expect President Zuma to say that he was at fault.

We expect President Zuma to apologise to the tax-paying citizens of our country.

We expect President Zuma to settle the entire bill that will be presented to him by the national treasury.

Furthermore, we expect President Zuma to call his political advisors together, to determine what the best political options would be, to restore faith to the Office of the President that he occupies.

We do not believe that this is too much to ask, under the circumstances.

ENDS

Notes to Editors:

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