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Zondo commission – Push-back from ANC led to delays in SOE probe

Former ANC MP Zukiswa Rantho admitted before the commission of inquiry into state capture on Tuesday that divisions within the party's parliamentary caucus led to a delay in an investigation into state capture. Rantho was chairperson of the portfolio committee on public enterprises at the time of its inquiry into alleged corruption at Eskom in 2017.

She revealed that there was resistance to the establishment of the inquiry from some members of the ANC in Parliament, while another group supported it.

"The issue of the inquiry was taken to the caucus of the ANC. In the caucus it was discussed. There were members that felt that it was not necessary to have an inquiry in the portfolio committee, because if the inquiry continues, members of the ANC might be implicated and that means the ANC will be divided," said Rantho.

But the position to launch the investigation did not begin until allegations surfaced in 2017 of an intention by former Eskom CEO Brian Molefe to get a R30-million pension pay-out from the power utility, under controversial circumstances. Until then, there had not been an appetite as allegations brought forward offered no evidence beyond media reports.

Molefe had left Eskom in November 2016, following the release of the public protector's *State of Capture* report that implicated him in malfeasance in dealings with Gupta-owned Tegeta Exploration and Resources.

In early 2016 DA MP Natasha Mazzone contacted then minister of public enterprises, Lynne Brown, in an effort to get an investigation started into a transaction in late 2015 between Eskom and Tegeta. Brown refused, citing that Tegeta's commercial sensitivity would have to be considered. The DA went on to demand through parliamentary structures that the Guptas be brought to Parliament to account for their holding of several contracts across state-owned entities. This too did not receive favour, and as Rantho admitted before the commission, her committee did not feel it was necessary.

"As much as the allegations were open to everybody to know, we did not really take a stand as a committee to say we are going to follow those allegations, because we had a procedure that we needed to follow," she said.

The committee's tight programme for the year was also a factor, as it could not deviate from its scheduled commitments. This revelation got the attention of commission chairperson Deputy Chief Justice Raymond Zondo, who wanted to know if Rantho meant that committees that are placed to conduct oversight duty could not entertain requests of inquiries because of their tight schedules.

"I agree that the committee did not do its best to follow up on the allegations, because we had a programme that we set up that we needed to follow as per parliament proceedings. The

programme of Parliament is rigid, and it has an annual cycle that we need to follow,” was Rantho’s response.

But Zondo pressed on: “I want you to consider whether it was really the programme that created the problem, or whether there was simply no will on the part of the majority of the committee members to follow up.”

“That is why I said when I was responding to the question in the first instance, I agree that the committee did not do [due] diligence in its work because the committee did not make any follow up in any allegation that we had.”

This was not because the ANC holds majority position in the committee, said Rantho. “it is just that we didn’t really have that oomph to do the real oversight ...if we had done that at the beginning of the fifth Parliament we would have [had] enough time to probe every entity in public enterprises, but we did not follow any allegations that were in the public domain.”

All political parties were concerned about the local government elections in 2016, added Rantho. “So we did not really have enough time to engage in the year of 2016. Most of the time we were out doing political work as different parties that are in Parliament.”

Evidence leader Advocate Alec Freund challenged Rantho further, asking if the decision to launch an inquiry into Eskom in 2017 had anything to do with the ANC having an elective conference later that year.

“I agree with you, 2017 was the year of the elective conference of the ANC, but that did not influence us as a committee because we were not working as an ANC group, we were working together with opposition parties towards a common goal,” said Rantho.

The afore-mentioned issue of Molefe as well as the Constitutional Court [judgment](#) in 2016 on former president Jacob Zuma’s Nkandla homestead were contributing factors to the establishment of the inquiry in the end.

“That was one of the factors that influenced us to do the inquiry, because it was really evident by the judgment that we were failing to investigate matters of serious concern,” explained Rantho.

When the inquiry eventually got underway, the committee aimed to work in unison, despite pressure from all fronts. Rantho received pressure from members of her party in Parliament and outside, as well as the public. But she also received support from some members of the public, who wrote to her to encourage her to keep fighting for what is right.

There were threats, however, to her family, her son and her husband in particular. But it was the same family that encouraged her to carry on with the work of the inquiry. The committee handed its final report to the office of the national speaker at the end of its term.

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