

TABLING OF THE REPORT OF THE MOERANE COMMISSION OF ENQUIRY INTO THE UNDERLYING CAUSES OF THE MURDER OF POLITICIANS IN KWAZULU-NATAL IN THE KWAZULU-NATAL PROVINCIAL LEGISLATURE

20 SEPTEMBER 2018

Mr Speaker;
Honourable Members;

As I rise to table the Report of Commission of Enquiry into underlying causes of the murder of politicians in KwaZulu-Natal, I do so with a measure of trepidation. This is in its very nature a grave and grim topic, but one we as the political leadership of this Province have no option but to face with the seriousness and resolve it deserves.

Honourable Members will recall that the appointment of this Commission of Enquiry arose out of concern and call by the ANC to the KwaZulu-Natal Provincial Executive Council over politically related killings which had become particularly prevalent since 2011 and had escalated rapidly during 2016. This concern was shared by all political parties in the Province and there was substantial consensus that this matter required urgent attention and appropriate intervention.

This Commission was established on 28 October 2016 in terms of section 127(2) of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), read with section 2(1) of the KwaZulu-Natal Commissions Act, No. 3 of 1999. Advocate MTK Moerane was appointed as Chairperson of this Commission and Advocate V Gounden and Prof C Potgieter were appointed as additional Commissioners. Whereas the original term of this Commission was for a period of 1 year, the complexities of the work of this Commission proved to be such that this term had to be extended and this Report was subsequently completed at the end of May 2018.

The terms of reference of this Commission was to investigate and report on the underlying causes of the murder of politicians in KZN and make recommendations on appropriate actions to be taken to:

- address the underlying causes for the murder and attempted murder of politicians in KZN;
- prevent future incidents of murder and attempted murder involving politicians both as victims and suspects; and
- ensure the successful investigation and prosecution of perpetrators.

Mr Speaker, we are aware that there was a measure of criticism expressed on the need for this Commission when it was first announced, arguing at that stage that that the terms of reference should not have been restricted only to political killings. I do however, believe that those who supported the commissioning of this enquiry will, as we release the findings and recommendations of this Commission today, feel vindicated.

Studying the findings and recommendations of this Report leaves one with a clear understanding of the magnitude of the situation we are faced with and the gravity of consequences if current trends are not immediately arrested and attended, to as a matter of urgency. These consequences are such that the instability it is likely to bring about, if not attended to immediately, will without a shadow of doubt have serious negative impact on the lives of all people in this Province. It will also impact negatively on the country's image and investor confidence.

Honourable Members, I am obviously not able to refer in detail to all findings of this Report in this short introductory statement, but I do wish to point to the following consistent themes or trends which emerge from these findings and the fact that evidence presented to this commission strongly suggests that:

- The murder of politicians was predominantly committed at a local level, involving mainly councillors and branch leaders of all political organisations and was not just prevalent within a single political party.

- There is clear evidence that being elected as a councillor, regardless of political affiliation, is perceived to create opportunity for access to resources through tenders and other financial avenues, leading to corruption, crass materialism and conspicuous consumption. It is for this reason that contestation for entry into politics, in particular at a local level, is fierce and could easily become violent and result in the killing of anyone who is seen as an obstruction to this entry.
- Furthermore, election as a councillor allows for upward mobility in financial and social status and lends itself to the creation of a patronage network. Losing status as a councillor therefore does not only result in the individual losing income and social status, but so does the entire patronage network.
- There is strong evidence suggesting that manipulation of nominations at branch, regional and provincial meetings of political parties seek to marginalise some in the battle between different factions, resulting in violent attacks and retaliatory attacks, which is at the core of political murders. This is again a phenomenon which was found to be prevalent across the political spectrum and not confined to a single political party.
- This Commission also found that there are serious weaknesses in the entire criminal justice system, especially the security apparatus, national intelligence, crime intelligence, in terms of the effectiveness of personnel and coordination and coherence among security entities. This obviously hampers the prevention and resolving of cases related to political murders.
- The recruitment of criminal elements by politicians to achieve political ends, resulting in a complex matrix of criminal and political associations, inevitably contributes to political murders.
- In respect of the situation at the Glebelends Hostel, the Commission found it to be neglected and that a lack of maintenance, poor administration, allocation of beds being left to criminal elements, has

resulted in violent competition for control of the lucrative business of controlling the renting of beds.

- A matter which we have all suspected to be the case, is that language used by politicians across the board were found to be provocative and incites violence and contributes to the murder of politicians.

Mr Speaker and Honourable Members, in concluding its findings, this Commission also found that a culture of violence has taken root in the Province and that this culture can be traced as far back as colonial and apartheid eras. The killing of Griffiths and Victoria Mxenge, assassinated in 1981 and 1985 are examples of high profile cases from that era.

The murder of politicians is not a new phenomenon in KZN and we all recall where it is that we have come from. The sad reality is that this culture of violence is rapidly establishing itself again and has been become a serious threat to our democracy. This was also one of the key findings during the recent release of the national and provincial crime statistics, as well as in the release of the Results of the 2018 KZN Citizen Satisfaction Survey. We clearly have reason for concern.

Honourable Members, based on the findings as highlighted above, this Commission then also made some pointed recommendations. The Premier is, in terms of the KZN Commissions Act, enjoined to release the report together with an indication of the intended extent of implementation of the recommendations.

We therefore wish to indicate that, in respect of the remedial steps to be taken by political parties (such as membership requirements, internal education / training, discipline / conduct management and amicable dispute resolution mechanisms), we will request the Speaker of the Legislature to refer the recommendations to the forum of political party leaders in this legislature as well as to the Multi-party Political Intervention Committee.

The recommended investigation and revision of the tender / procurement system and procedures to ensure adherence to the constitutional

principles of fairness, equity, transparency, competitiveness and cost effectiveness, will be referred to the National and Provincial Treasury.

In respect of the measures to be taken by the State to depoliticise and professionalise the public service as well as to enforce the separation of powers, duties and functions between public representatives and officials, we will approach the Public Service Commission as well as the Department of Public Service and Administration.

The recommendation to appoint government functionaries with appropriate qualifications will be referred to –

- the Department of Public Service and Administration and the Department of Cooperative Governance and Traditional Affairs;
- the Department of Cooperative Governance & Traditional Affairs to produce an audit report on all section 57 appointments by municipalities indicating the extent to which statutory conditions were adhered to; and
- the Premier's Office to audit all appointments of senior managers in the provincial government to determine whether the prescribed competency requirements were adhered to.

We shall approach the Minister of Police and the Directorate of Priority Crime Investigation regarding the recommended vigorous investigation of corrupt activities.

The National and Provincial Justice, Crime Prevention and Security Clusters State shall be seized with the recommendation to take measures to depoliticise the entire criminal justice system.

The recommendation on the review of the security agencies by an inter-ministerial task force of national and provincial executive authorities shall be referred to the Presidency.

In respect of the recommendation on the improvement of the recruitment, training and deployment of police, we will approach the Minister of Police.

Lastly, the report also recommends the referral of the report to the National Cabinet due to the presence of the identified underlying causes in all provinces, in respect of which we shall approach the President.

Mr Speaker and Honourable Members, we as leaders across the political spectrum in this Province must take specific note of the finding of the Commission “that weak political parties and leadership is what leads to factionalism and intolerance within and between parties, which in turn results in violent conflict, often resulting in the murder of political functionaries”. We must therefore take heed of the Commission calling on all political parties to build a strong membership base that is rooted in democratic values, political competition, tolerance, sound moral values and service to the public. Political parties, together with the state and organs of civil society must enforce a strict code of conduct which prevents politicians, state officials and citizens from using language which incites hatred, prejudice and violence.

In this regard, we wish to emphasise that the launch of the Social Cohesion and Moral Regeneration Council and the imminent launch of similar structures at District Level, is likely to prove extremely beneficial to assist political parties in achieving this objective. If we are serious about social cohesion and moral regeneration, we as a collective of political leadership across the political spectrum in this Province, must lead this drive with full conviction. We clearly need cohesion within and between different political movements in the Province, based on a set of sound moral values and in particular, respect for life.

Honourable Members, you may recall that we once established a Multi-Party Political Intervention Committee under former Premier Mkhize to attend to political killings in this Province. Lessons learned from that process must be drawn on now as we plot our way forward to establish processes and take appropriate action to implement the recommendations of this Commission and to bring this situation under control. We also realise that this process must now be expanded to not only focus on inter-party conflicts, but to equally focus on intra-party conflicts. We will also engage thoroughly with the country’s Electoral Commission on how to strengthen the enforcement of the Code of

Conduct for political parties in the lead up to and during election processes.

Honourable Members, as I conclude, I wish to confirm our commitment to move rapidly to implement the recommendations of this Commission. we intend to interact with the leadership of all political parties, civil society leadership and structures, as well as all necessary institutions in this Province in the coming days to secure commitment for the implementation of these recommendations in a cohesive manner and in the hope that collectively, as leaders from all walks of life, we can turn this tide around.

I wish to express my sincere appreciation to the members of this Commission for work well done and for laying a foundation for us to build a better future.

I also wish to thank you Mr Speaker and the members of the Premier's Portfolio Committee and the Portfolio Committee on Community Safety and Liaison for having processed this Report in terms of the provisions of the Commissions Act and having provided me with your comment and by supporting the implementation of the recommendations contained in this Report.

Mr Speaker, I now hereby table and release this Report of the Commission of Enquiry into underlying causes of the murder of politicians in KwaZulu-Natal, commonly referred to as the Moerane Commission, as required in terms of the Commissions Act.

I Thank You!