

## News

# Yes, Mbete may – but maybe not

The speaker's political future hinges on her secret ballot decision in the Zuma no-confidence motion

## NEWS ANALYSIS

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**T**he Constitutional Court's ruling on the secret ballot in Parliament has left the speaker, Baleka Mbete, with a choice between her dignity and her quest for power.

Although opposition parties view the ruling as a victory, their chances of securing a secret ballot are likely to be hindered by Mbete's political ambitions and her party loyalty.

On Thursday, the Constitutional Court found that Mbete's assertion that she did not have the discretion to grant a secret ballot was invalid.

Chief Justice Mogoeng Mogoeng clarified the scope of Mbete's powers and ordered that she make a decision. He cautioned the speaker against making a decision informed by political allegiances and called for it instead to be made for the good of the people. Mbete had previously said she was not personally averse to the prospect of a secret ballot.

"There must always be a proper and rational basis for whatever decision the speaker makes in the exercise of the constitutional power to determine voting procedure," Mogoeng said.

Mbete is now caught between the scrutiny of opposition parties and her party, which has said it will not support a motion of no confidence.

With just six months until the ANC's national elective conference, the Constitutional Court's ruling has placed Mbete in a difficult position at a time when she is working at consolidating support in her campaign to succeed Zuma as ANC president.

In an interview with the *Mail & Guardian* earlier this year Mbete confirmed she was willing to make herself available for the presidential position if nominated by branches, saying: "I'm here, in the ANC and in its process."

Some months earlier, she had received a blessing from the ama-Hlubi in the Eastern Cape, where she said she had been approached by party leaders to stand for president.

Considering her presidential ambitions, Mbete risks isolating herself from a potential support base, as well as Zuma, if she fails to protect him by allowing a secret ballot. Yet, by protecting the ANC president she could strengthen her campaign.

It's understood that, before Zuma started canvassing Nkosazana Dlamini-Zuma as his preferred candidate to become the first woman president, it was Mbete to whom he had promised the position. But the Zuma supporters dropped Mbete, arguing she has been discredited by her handling of Parliamentary proceedings – especially during the Nkandla saga debate.

In February, Economic Freedom Fighters (EFF) leader Julius Malema lashed out at Mbete's protection of

Zuma during the state of the nation address.

"You are scared of Zuma. He used you, he dumped you! He promised you that you were going to be president, and you went home and slaughtered a cow," Malema said.

Failure to grant a secret ballot for the motion of no confidence against Zuma could further damage Mbete's already questionable reputation as speaker and amplify pervasive accusations of her unfair bias towards Zuma in Parliament. Given Zuma's increasing unpopularity in the party, any action by Mbete that is deemed unprincipled by some ANC members could lose her support.

In its 2016 ruling on Nkandla the Constitutional Court found Mbete's office and the entire National Assembly had acted unconstitutionally when the Nkandla ad-hoc committee endorsed a report by then police minister Nathi Nhleko that found Zuma was not liable to pay for any of the upgrades to his home.

Added to this, Mbete still faces pressure from the EFF, which has approached the Constitutional Court in a bid to have it force the speaker to discipline Zuma for his conduct in the

Nkandla debacle, a move it believes will result in his impeachment.

Ultimately Mbete will have to decide whether she is willing to risk her reputation to gain support through her allegiance to Zuma – or whether she will restore her reputation, and that of Parliament, by taking a rational decision in deciding whether to allow a secret ballot. This will not only win her support in the opposition benches, but also from a number of ANC members unhappy with Zuma's leadership.

Wits University political analyst Professor Susan Booysen said Mogoeng's judgment could expose Mbete's politics in the ANC.

"This was as close an indication as one can get that this is the appropriate thing to do. She has the power to decide but she could still make an abhorrent ruling. Her politics is going to show very clearly in the ruling she makes and will reveal what kind of pressure she's under [in the ANC]," she told the *M&G*.

Unisa political analyst Dr Somadoda Fikeni added that the timing of the motion in the National Assembly would determine whether it was being used to settle political

scores in the ANC, or whether the party would close ranks.

"That [closing ranks] is a possibility when you are left with only six months of the current leader in office. It's also a possibility because they [the ANC] are going to the policy conference soon to iron out some things. But if they come back after the policy conference, and the other side [the anti-Zuma group] feels humiliated and emasculated by it, they may go back to getting revenge in Parliament," Fikeni said.

Reacting to the judgment, the ANC said in a statement that, even if Mbete decided to conduct a motion of no confidence through a secret ballot, it had full confidence in its MPs not to go against the directives of the organisation.

Mbete spokesperson Moloto Mothapo said the speaker would ensure the Constitutional Court judgment was given effect.

Meanwhile, opposition leaders said they felt vindicated by the ruling and would continue to push until Zuma was removed from office.

See "Ball's now squarely in Baleka's court", Page 4



Out of the box: Baleka Mbete has been assured she may use her discretion in deciding whether to allow a secret ballot for President Jacob Zuma's eighth motion of no confidence. Photo: Paul Botes