

News

Mutinous MPs may lose seats

Calls to expel ANC and SACP MPs who did not toe the ruling party's line in the vote of no confidence defy the Constitution Court decision

Paddy Harper & Govan Whittles

President Jacob Zuma's supporters in the ANC want South African Communist Party (SACP) deployees to Parliament to be recalled for backing this week's vote of no confidence in the president.

They have also targeted outspoken ANC MPs Pravin Gordhan, Derek Hanekom (who were part of Zuma's March 31 Cabinet purge) and Makhosi Khoza for "immediate removal" from the legislature over their continued defiance of the ANC party line ahead of the secret ballot.

There are 47 MPs in the ANC caucus who are also members of the SACP, a list that includes ministers Rob Davies, Jeremy Cronin, Thulas Nxesi, Senzeni Zokwana and Gordhan.

ANC Youth League secretary general Njabulo Nzuza told the *Mail & Guardian* after the vote that the three were guilty of a "grave offence" in terms of the ANC constitution. They should be removed "without negotiation" and face immediate sanctions, which could include "expulsion".

"The ballot was secret, but those who have clearly come out and indicated they will vote with the opposition, as Makhosi Khoza and Derek Hanekom have done, [have committed] what is called in the ANC constitution [a] grave offence. They could be subject to expulsion, based on their conduct," he said.

"There is immediate action that must happen and should not be negotiated. Why must we keep them in Parliament? They are there to implement the agenda of the ANC."

Turning to the SACP members, Nzuza said the party was "wrong" to call a press conference ahead of the vote. Its members were not deployed to Parliament by the SACP, but "are sitting in those seats as members of the ANC".

"It is the ANC that has the power to decide. If any one of them has done this grave offence they must be punished and dearly so," Nzuza said.

The youth league's KwaZulu-Natal spokesperson, Mandla Shange, said they would push the party to take action against Gordhan, Hanekom, Khoza and the SACP contingent.

"There are certain individuals who have gone out and stated their intention to defy the directive given [by the ANC]. The leadership has to be decisive and make an example of them,"



In the firing line: Jeremy Cronin and Blade Nzimande, along with other SACP MPs, have been targeted by supporters of President Jacob Zuma after this week's dramatic events in Parliament. Photo: Oupa Nkosi

Shange said. "The first step is to withdraw them from Parliament."

Gordhan referred the *M&G* to the Constitutional Court judgment delivered ahead of the secret ballot.

"I expect all parties concerned to respect the judgment of the court and to take heed of the comments of the speaker and her decision to respect that judgment."

Chief Justice Mogoeng Mogoeng said in his ruling on June 22: "Central to the freedom 'to follow the dictates of personal conscience' is the oath of office. Members are required to swear or affirm faithfulness to the Republic and obedience to the Constitution and laws."

Nowhere does the supreme law provide for them to swear allegiance to their political par-

ties, important players though they are in our constitutional scheme. Meaning, in the event of conflict between upholding constitutional values and party loyalty, their irrevocable undertaking to in effect serve the people and do only what is in their best interests must prevail."

A national executive committee member critical of Zuma said it was clear there was a faction in the party that was not prepared to abide by the Constitutional Court judgment.

"The debate needs to be forced back to the fact that this judgment has already been violated by Nzuza, who said they want a witch-hunt," the source said.

President Zuma also lashed out at the SACP's recent congress resolution to contest elections independently from the ANC, saying people who envisioned the ANC and SACP alliance fracturing were "not real communists".

On Thursday the SACP denied its members were among the 25 ANC MPs who voted with the opposition. Instead, it vowed to "take up the fight" and said that if the ANC was serious about repairing the relationship between alliance partners it would call an urgent alliance political council meeting.

"If someone else takes a factional decision targeting some of our members, we will take up the fight and we will be ready for that. Ordinary members of society will know that it is a factional decision," SACP acting spokesperson Mhleka Nxumalo said.

ANC chief whip Jackson Mthembu disagreed with National Assembly speaker Baleka Mbete's assertion that members of Parliament are protected by the Constitution from facing disciplinary action in their parties over a decision to vote with their conscience.

Mthembu told the *M&G* that members of Parliament cannot vote according to their own beliefs, because they were deployed to Parliament by their political parties.

He said claiming to vote with one's conscience on a motion brought by opposition parties is contradictory and a betrayal.

"All of us who are here, are here on the basis of the parties who brought us here. None of

us who is a member of that Parliament came here on the basis of their own conscience," Mthembu said.

"This is what we took an oath on, that I now subject myself to the whims and wishes of this organisation that I am joining voluntarily. If at some stage I then come to a conclusion that this organisation no longer serves my interests, the best thing I will do is to leave it."

According to the ANC caucus's own calculations, at least 25 of its MPs voted for Zuma's removal, with their actions "condemned" by the party.

ANC spokesperson Nonceba Mhlauli said the roughly 12 ANC MPs who did not vote or tender apologies for their absence would be called to account for their actions. She said only 215 of 238 ANC MPs signed the party register.

ANC KwaZulu-Natal secretary Super Zuma was more guarded in his approach, saying it was "too early" to pronounce on what action should be taken against the dissident MPs, several of whom are provincial deployees.

He said the MPs who were loyal to the organisation would go down in history as "heroes and heroines" who defended the revolution.

"We are going to look at reports from our caucus and our team there coming from KwaZulu-Natal and analyse them. It is too early to speculate as to what the decision will be about them."

He added that the charges the province had laid against Khoza ahead of the vote still stood. She would face a hearing on September 10, he said.

Nxumalo also called on the ANC to condemn suggestions by its head of organising, Fikile Mbalula, that MPs be subjected to lie-detector tests to determine who voted with the opposition.

"We must condemn Mbalula for what he has said and anyone who has made irresponsible calls from Parliament. [The] ANC must face problems of state capture and factionalism. It was irresponsible for Mbalula to go to that level and the ANC must not even consider that."

"[The] ANC must be able to sit down and say what are the problems, instead of trying to shift the blame to other leaders who are not even responsible for that," Nxumalo added.