



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

Brian Molefe MP: an affront to the Constitution and good governance

20 February 2017

The announcement by Parliament that Mr Brian Molefe, former CEO of Eskom, is to be sworn in as an ANC Member of Parliament is a further indication of the negation of the values and principles of the Constitution, and the importance of ethical and principled leadership.

It will be recalled that Mr Molefe tearfully stepped down from his position at Eskom in the aftermath of the Public Protector's State of Capture Report in November 2016 – leaving a number of unanswered questions in his wake. For example: the Public Protector found Mr Molefe had been in telephonic communication with Mr Ajay Gupta on 58 occasions, and had been in or around the Gupta residence in Saxonwold 19 times, in the period in which Tegeta Resources (owned by the Gupta family and the President's son) acquired Optimum Coal, thereby securing a contract to supply coal to Eskom. The Report suggests Eskom played an irregular role in facilitating this transaction by paying Tegeta in advance for coal that was yet to be delivered.

The Public Protector made no adverse findings regarding Mr Molefe, and the Report is subject to review before the courts, but Mr Molefe himself said that he resigned from Eskom 'in the interests of good corporate governance'. This was an acknowledgement that his continuation in office would negatively impact on Eskom as he has been implicated in serious wrongdoing.

If by his own admission Mr Molefe was not fit to serve Eskom, it is clear that he is not fit to hold any public office. His nomination to the National Assembly reflects poorly on the party that he will represent, undermining its avowed commitment to clean and transparent governance.

Moreover, his status as an MP will also only serve to further impugn the reputation of Parliament as an institution elected 'to represent the people and to ensure government by the people under the Constitution'.

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