

President must be elected directly by the people

259. In terms of South Africa's electoral system the voters do not elect the President of the country. They vote for political parties. The political parties that get a sufficient number of voters during national and provincial elections send a certain number of people to Parliament in accordance with a certain formula. A political party represented in Parliament may withdraw any of its members serving in Parliament and replace him or her. There is not much an individual can do about it. With regard to a President, he or she first gets put on the list of a political party and takes an oath as a member of Parliament and, after he or she has become a member of the National Assembly, the National Assembly elects the President. When a member of the National Assembly gets elected by the National Assembly as the President, he or she ceases to be a member of the National Assembly.
260. After this Commission heard the kind of evidence it heard over a period of about four years including the evidence played by President Zuma in helping the Guptas loot taxpayers' money in the way they did together with their associates, we are bound to ask the question: how did this country end up having as President someone who would act the way President Zuma acted? Someone that could remove as good a public servant as Mr Themba Maseko from his position just so that he could put someone else into that position who would co-operate with the Guptas and give them business. A President who would fire Minister of Finance just because his friends wanted someone else in that position who would co-operate with his friends and help them to capture the country; National Treasury. Indeed, a President who became party to a scheme created by the Guptas to remove a number of executives from their positions at Eskom so that the Guptas could put their own associates in those positions so as to facilitate the looting of Eskom.

261. The country got Mr Zuma as President because he was able to ascend to the position of President of the African National Congress and the majority of the voters in the 2009 national and provincial elections voted for the ANC. During the elections of 2009 it would have been clear to all that, if the ANC obtained the majority of voters, Mr Zuma would be the President of the country. It may well be that, despite having more than 700 charges pending against him, he would have won the majority of voters if it was a Presidential election where the voters voted for the President directly. However, there may have been voters who voted for the ANC but who would never have voted for Mr Zuma as President if they had an opportunity not to vote for Mr Zuma and still vote for the ANC.

262. No single measure that can be recommended and put in place will on its own be adequate to prevent state capture in the future or will be adequate on its own to rid our country of corruption. It will take a number of measures that will each contribute in their own way towards that goal. As already suggested before, Mr Zuma may have been helped by the fact that there may have been voters who wanted to vote for the ANC but not necessarily for Mr Zuma but felt that they had no choice but to help him because their votes helped the ANC with the election and effectively give the ANC the prerogative to choose the President of the country. In other words, a voter who wanted to vote for the ANC but did not want Mr Zuma to be the President of the country was forced to choose between either not voting for the party that he or she liked, namely, the ANC and thereby enhance the prospects of Mr Zuma being President of the country or not voting at all for the political party for which she wanted to vote. That was a difficult choice to make. Many voters who may have found themselves in that situation may have ended up voting for the ANC and hoped that the ANC would not make Mr Zuma the President of the country. Of course, the ANC made Mr Zuma the President of the country.