



EXHIBIT CC 22.1

MEDIA BUNDLE

OF

**BALDWIN SIPHO
NGUBANE**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193
Tel: (010) 214-0651
Email: inquiries@sastatecapture.org.za
Website: www.sastatecapture.org.za

INDEX: EXHIBIT CC 22.1

Description	Pages
Personal profile for Baldwin Sipho Ngubane	59 to 78
Factiva-SABC Ben Ngubane Subject Political General News	79 to 107
Dr BS Ngubane - Potential Ccnflicts -SABC	108

DR BALDWIN SIPHO “BEN” DR NGUBANE

Contents

1. PERSONAL PROFILE	2
2. RELATIONSHIPS	2
3. DIRECTORSHIPS	2
4. BACKGROUND	5
5. OVERVIEW	6
SABC	6
ESKOM	7
GUPTA FAMILY	10
GUPTA LEAKS	11
KANHAYM DEAL	11
GADE OIL AND GAS	11
6. MR BRIAN MOLEFE AND DR BEN NGUBANE	17
7. COMPLAINT LAID AGAINST DR NGUBANE AND MRS SHEILA NGUBANE	17
HUNTREX AND TRANSNET	19
8. RECOMMENDATIONS	20

1. PERSONAL PROFILE

Identity Number	4110225416083
Salutation	DR
Surname	NGUBANE
First Names	BALDWIN SIPHO
Initials	B
Gender	MALE
Date of Birth	22 OCTOBER 1941
Age	77

2. RELATIONSHIPS

NAME	RELATIONSHIP TYPE
SHEILA THAISILE NGUBANE	SPOUSE

3. DIRECTORSHIPS

Enterprise Number	Enterprise Name	Registration Date	Enterprise Status	Enterprise Type	Director Status
B1992020830	HABALDS CREATIONS	1992-07-31	DEREGISTERED	Close Corporation	INACTIVE
K2011140771	OW ORIGINAL WAY INVEST	2011-12-02	DEREGISTRATION PROCESS	Private Company	ACTIVE
K2012033306	GLOBAL COLLIERIES FUEL DISTRIBUTION (SOUTH AFRICA)	2012-02-21	DEREGISTRATION PROCESS	Private Company	ACTIVE
K2013083265	GADE OIL AND GAS	2013-05-22	DEREGISTRATION PROCESS	Private Company	ACTIVE

K2013190564	EMERGING MARKETS OIL AND GAS INVESTMENTS	2013-10-14	In Business	Private Company	RESIGNED
K2014133897	AD AND E PROPERTY INVESTMENTS	2014-07-11	In Business	Private Company	ACTIVE
K2016422039	VERITAS TELECOMS	2016-10-04	In Business	Private Company	RESIGNED
K2017301562	GATE MINERAL INVESTMENTS	2017-07-10	In Business	Private Company	ACTIVE
K2019109323	GADE AGRI BUSINESS	2019-03-04	In Business	Private Company	ACTIVE
K2019179675	GATE FARMING OPERATIONS	2019-04-16	In Business	Private Company	ACTIVE
M1946020429	TOYOTA SOUTH AFRICA	1946-01-05	In Business	Private Company	RESIGNED
M1964002940	ZULULAND QUARRIES	1964-04-23	In Business	Private Company	ACTIVE
M1980004681	HANIS INVESTMENTS	1980-06-02	DEREGISTERED	Private Company	INACTIVE
M1997010718	YOKOGAWA SOUTH AFRICA	1997-07-07	In Business	Private Company	RESIGNED
M1998013247	BRIKOR	1998-07-10	In Business	Public Company	RESIGNED
M2002015527	ESKOM HOLDINGS	2002-07-01	In Business	State Owned Company	RESIGNED
M2003023915	SOUTH AFRICAN BROADCASTING CORPORATION	2003-09-29	In Business	State Owned Company	RESIGNED
M2004005159	BUKUBUHLE ENGINEERING	2004-02-27	DEREGISTERED	Private Company	INACTIVE

M2004017696	MITSUI AND CO AFRICAN RAILWAY SOLUTIONS	2004-06-25	In Business	Private Company	RESIGNED
M2004031951	GADE INVESTMENTS	2004-11-03	In Business	Private Company	ACTIVE
M2006020941	VENUS RAILWAY SOLUTIONS	2006-07-05	In Business	Private Company	RESIGNED
M2006022293	THANDISA INVESTMENTS	2006-07-19	DEREGISTERED	Private Company	INACTIVE
M2006039184	SOUTHEY SA	2006-12-21	In Business	Private Company	RESIGNED
M2007031121	BLUE HORISON INVESTMENTS 41 (RF)	2007-10-30	In Business	Private Company	ACTIVE
M2007031124	BLUE HORISON INVESTMENTS 39 (RF)	2007-10-29	In Business	Private Company	ACTIVE
M2008000718	NATAL SAND SUPPLIES	2008-01-15	In Business	Private Company	ACTIVE
M2008009152	LUBECO	2008-04-04	In Business	Private Company	RESIGNED
M2009003562	GADE MINERALS INVESTMENTS	2009-02-24	DEREGISTRATION PROCESS	Private Company	ACTIVE
M2009006277	GADE HOLDINGS	2009-03-27	In Business	Private Company	ACTIVE
M2010004684	HUNTREX 305	2010-03-10	Provisional Liquidation	Private Company	ACTIVE
M2010008537	INTAMBO HEALTH CARE	2010-04-30	DEREGISTERED	Private Company	INACTIVE

4. BACKGROUND

- 4.1. Dr Baldwin Siphos “Ben” Dr Ngubane (“Dr Ngubane”) started his career as a leader in the IFP, where after he crossed over to the ANC. He has served in the following positions¹:
- 4.2. In 1994 he was appointed Minister of Arts, Culture, Science and Technology in government of national unity.
- 4.3. In 1997 he was appointed as the premier of KwaZulu-Natal.
- 4.4. In 1999 he was re-appointed Minister of Arts, Culture, Science and Technology.
- 4.5. In 2004 he was appointed as an ambassador to Japan. le Cordeur (2017) notes that the appointment came at a time when he was seeking to move from the IFP to the ANC. The appointment overseas would ensure his safety from any political reprisals.
- 4.6. In 2006 he became part of the ANC.
- 4.7. In 2009 he was appointed as chairperson of the SABC.
- 4.8. In 2013, evidence shows that Dr Ngubane had business ties with the Gupta family with relation to his company Gade Oil and Gas.
- 4.9. In 2014 he was appointed non-executive director of Eskom, the appointment came amid a leadership crisis at the power utility.
- 4.10. In 2016 it should be noted that Dr Ngubane defended Brian Molefe (“Molefe”) after the former Public Protector, Thuli Madonsela implicated Molefe in the State of Capture report.
- 4.11. In 2017, Dr Ngubane presided over Molefe’s retirement saga. During this period former minister of mining, Ngoako Ramatlhodi accused Dr Ngubane of pressuring him into revoking Glencore’s Optimum licenses in order to assist the Guptas to take over the mine. Moreover, liquidators accused Dr Ngubane, and his wife Sheila of falsifying documents in order to obtain mining rights which could have proved to be very lucrative. Hereafter, Dr Ngubane resigned as Eskom Chairperson.

¹ Ibid

5. OVERVIEW

SABC

5.1.	In 2009, Dr Dr Ngubane was appointed as the Chairperson of the SABC.	
5.2.	Between 2010 and 2013, Dr Ngubane oversees the appointment of Mr Phil Molefe as group executive of news and current affairs in 2010, this results in five SABC board members resigning.	
5.3.	Mr Hlaudi Motsoeneng became acting chief operating officer in 2011. Dr Dr Ngubane is also chair of Land Bank during this time.	
5.4.	During Parliament's inquiry into the SABC, Mr Brian Molefe made a serious allegation that, in November 2011, he was pressured by Mr Motsoeneng and then chairperson of the SABC, Dr Ben Dr Ngubane to increase Mr Motsoeneng's salary by R500,000. When he refused, Mr Motsoeneng allegedly said to Dr Ngubane: <i>"Chair, I told you that this is not our man. So I'm going to Pretoria tonight"</i> . This reported conversation suggests that Mr Motsoeneng was protected not only by Minister Muthambi, but also by former President Zuma.	
5.5.	The Public Protector's report titled "A report on an investigation into allegations of maladministration, systemic corporate governance	

	<p>deficiencies, abuse of power and the irregular appointment of Mr Hlaudi Motsoeneng by The South African Broadcasting Corporation (“SABC”) found that <i>“The former SABC Board’s Chairperson, Dr Ben Dr Ngubane further acted irregularly when he ordered that the qualification requirements for the appointment to the position of COO be altered to remove academic qualifications as previously advertised, which was clearly aimed at tailor making the advert to suit Mr Motsoeneng’s circumstances and this constitutes improper conduct maladministration and abuse or unjustifiable exercise of power.</i></p>	
ESKOM		
5.6.	<p>In October 2015, Dr Ngubane was announced as Eskom Board Chairman, the same date that Ms Brown announced the appointments of Mr Molefe as Group Chief Executive and Mr Singh as Group Chief Financial Officer at Eskom.</p>	<p>Eskom.co.za. (n.d.). <i>DR BEN NGUBANE - ESKOM CHAIRMAN 1 OCTOBER 2015 - TODATE.</i> [online] Available at: http://www.eskom.co.za/sites/heritage/Pages/Dr-Ben-Ngubane.aspx [Accessed 25 Sep. 2018].</p>
5.7.	<p>Dr Dr Ngubane is purported to have played a role in Mr Molefe’s initial appointment as chief executive, as well as his retirement package agreement. Mr Molefe was also reappointed as chief executive at Eskom under Dr Dr Ngubane’s leadership.</p>	

5.8.	A report produced by Fundudzi Forensic Services highlights regular email correspondence between what is believed to be Dr Dr Ngubane and Mr Singh, former Group Chief Financial Officer at Transnet and Eskom. In the said emails, requests were made to Mr Singh, asking him to transfer money to various accounts. ²	CN-008834626
5.9.	On 08 December 2015, Mr Singh received an email from 'ceocomppany@gmail.com', stating the following: <i>"Are you at your desk? I need you to process an invoice payment today and e-mail through the confirmation to be forwarded according."</i> 'ceocomppany@gmail.com' reflected that it was from Dr Dr Ngubane.	CN-008834626
5.10.	On the same day, Mr Singh responded with the following: <i>"Yes please send details"</i> , to which 'ceocomppany@gmail.com' (believed to be Dr Dr Ngubane) responded, <i>"Sounds Perfect, I will get back to you with the bank details within the next hour."</i> Later, 'ceocomppany@gmail.com' wrote <i>"Did you receive my last e-mail? Also I need you to make the money available to the recipient immediately after you sent it because they need to get their funds today. Let me know if you get this."</i>	ESK-000559540
5.11.	After no response from Singh, 'ceocomppany@gmail.com' (Dr Dr Ngubane) wrote another email: <i>"Hi Anoj, are you still at your desk?"</i> to which Singh later replied, <i>"Yes just been a bit busy but your request is noted."</i>	CN-008834626

² Second Draft report_National Treasury Transnet and Eskom 27072018, pp. 393

	<p><i>'ceocompany@gmail.com' responded with "Alright...I will email you the details shortly"and requested Singh to "Kindly remit payment of 230,000 South African Rands to the account information below."</i></p>	
5.12.	<p>On 24 February 2017, Mr Koko declared that his stepdaughter, Koketso Choma, is a beneficiary in a trust which owns 35% interest in the entity styled Impulse International (Pty) Ltd. He declared that the circumstances under which a conflict of interest could be created, was "if the company does business with Eskom".</p>	
5.13.	<p>On 1 March 2017, this declaration was approved by Dr Dr Ngubane. Impulse International (Pty) Ltd was registered as a vendor to Eskom on 19 August 2014 and was appointed by Eskom from the 22 July 2014 as per the SAP system information to render services to Eskom. 3. It was established that the initial contract with reference number 4600055020 was signed between Eskom and Impulse International (Pty) Ltd on 21 August 2014 for the provision of specialised services. The first Impulse International (Pty) Ltd invoice dated 19 August 2014 and referenced 106 was submitted for payment in respect of work done during the period ending 17 August 2014. According to an internal Eskom procurement document dated 15 July 2014 and named as "Medupi Power Station Project" the procurement was classified as "emergency procurement".</p>	Nkonki Report
5.14.	<p>In May 2017, Mr Ramatlhodi publicly accused Dr Dr Ngubane and Mr Molefe of pressuring him to</p>	Eberhard, A. and Godinho, C. (2017). [online] Gsb.uct.ac.za. Available at:

	assist the Gupta family. He claimed that Mr Molefe and Dr Dr Ngubane held a meeting with him in 2015, requesting that he use his authority to suspend the mining licences of Glencore. Dr Ngubane allegedly threatened him to tell President Jacob Zuma of his reluctance to assist. He refused to do so and was later removed as mines minister by Zuma and redeployed to public service.	http://www.gsb.uct.ac.za/files/Eskom%20Enquiry%20booklet%2017Aug.pdf [Accessed 30 July 2019].
5.15.	His replacement, Mr Mosebenzi Zwane, allegedly met with Glencore CEO Ivan Glasenberg in Zurich to facilitate the sale of the mine to Gupta-owned Tegeta. ³	Vuuren, A. (2016). <i>Glencore 'worked' with govt on Gupta deal IOL Business Report</i> . [online] iol.co.za . Available at: https://www.iol.co.za/business-report/companies/glencore-worked-with-govt-on-gupta-deal-1978025 [Accessed 30 July 2019].
5.16.	In June 2017 Dr Ngubane quit as Eskom chair.	

GUPTA FAMILY

5.17. During the Eskom Enquiry into State Capture, Dr Ben Dr Ngubane admitted to having met the Guptas. An extract from the transcript of the hearing held on 7 March 2018 is included below:

"Mr Dlamini: Do you know the Guptas, have you met any of them?"

Dr Dr Ngubane: Yes, of course I have.

Mr Dlamini: Which one?

Dr Dr Ngubane: Almost all of them.

3

Mr Dlamini: Where, have you been to their house during your tenure at Eskom?

Dr Dr Ngubane: Of course I have been to social events, to their weddings, to the South African of the Year awards."

GUPTA LEAKS

5.18.	On 12 December 2012 an email titled "Waters Bank detail" is sent to from Sandeep Dubey to Ashu Chawla. The email contained banking details for B Ngubane and Frank Fredrick.	CN-000307610
-------	--	--------------

KANHAYM DEAL

5.19.	On 3 October 2014, Dr Ngubane sent an email to Mr Sashank Singhala (sashank.singhala@gmail.com) regarding the Kanhaym Deal. The email reads "My Brother. This is a black owned farm. The Land Bank COO and CFO are happy to loan money to this project but the credit people are refusing. This is very unfair not to support black farmers. Can you help with the Minister. Ben". This was ultimately sent to Mr Tony Gupta.	CN-000181564
-------	---	--------------

GADE OIL AND GAS

5.20.	Gade Oil and Gas (Pty) Ltd is merely one of the companies under the Gade group of companies. Gade Oil and Gas was registered on 22 May 2013.	
-------	--	--

5.21.	The directors listed are Dr Ngubane, known Gupta associate Salim Aziz Essa ("Essa") was a director at the company prior to resigning.	
5.22.	On 3 July 2013, Rajesh "Tony" Gupta (" Mr Tony Gupta") and his son Mr Skrikant Singhala (" MrSinghala") were forwarded emails pertaining to the Central African Republic's ("CAR"), Oil Block A from an unknown gmail account holder. The email was sent from Mr Andy Macaulay ("Mr Macaulay") of Black Stone Resources to " wallemsa@gmail.com ", " salimessa@gmail.com " and " igbalMr_Sharma3@gmail.com ". Mr Ashok Narayan (wallemsa@gmail.com) then sent this mail to Mr Tony Gupta and Mr Skrikant Singhala.	
5.23.	The exchanges were between a group of South African businessmen and associates of the Guptas, including Essa, in which a company called Soco International's bid for the oil block were discussed.	
5.24.	The emails also included a draft agreement between the CAR's new Djotodia-led government and what appears to have been Soco International's local subsidiary, Soco CAR Limited. The latter document, drafted in French, was included in the emails sent between the parties.	
5.25.	On 8 October 2013, Dr Ngubane's passport was forwarded to Mr Rajesh "Tony" Gupta, along with quotes for a chartered flight to travel to the car to investigate a possible oil deal.	CN-000236294 CN-000236297
5.26.	Dr Ngubane stated that the deal could have earned him and his business partner, Mr Salim Essa an estimated R6-billion.	
5.27.	The Gupta leaks also reveal a series of emails exchanged between Mr Sharma and Mr Lumphumzo Kebeni ("Mr Mr Kebeni") and his partner, Emmanuel	

	Baba Zuma ("Mr Zuma"). There are two South Africans who were involved to negotiate with a citizen of CAR. Mr Kebeni labelled himself South Africa's "honorary consul-general" to the CAR.	
5.28.	Myburgh (2017) notes that these emails suggest that Mr Kebeni and Mr Zuma started communicating with Mr Mr Kazagui (" Mr Mr Kazagui"). Mr Mr Kazagui is a CAR businessman with ties to the diamond trade. Mr Mr Kazagui was also CAR's representative in the Kimberley Process in October 2013. This process was aimed to stop the flow of conflict diamonds.	Louis-Myburgh, P. 2017. The Republic of Gupta. [Online]. [Accessed 26 July 2019]. Available from: https://www.penguinrandomhouse.co.za/book/republic-gupta-story-state-capture/9781776090891 .
5.29.	<p>The emails reveal that Mr Kebeni and Zuma provided feedback pertaining to their negotiations with Mr Kazagui to Mr Sharma. This request was forwarded to Mr Sharma by Mr Kebeni. The following was stated in the mail to Mr Sharma:</p> <p><i>"I think we should honour it as this man plays a huge role and influence in the day to day affairs of the Minister and government there in general... The request for down-payment upon signature is just a token of motivation/appreciation as he is always keen to expedite and fastrack things even at short notice."</i></p>	
5.30.	On 5 October 2013, Iqbal Mr Sharma ("Mr Sharma") from his hotmail account (iqbal.meer@hotmail.com) sent "Passport copies of GADE delegation" to the email account emmanuelbaba.zuma@gmail.com , he also forwarded this email to his iqbal.Mr.Sharma@issar.co.za account. Hereafter, on 8 October Mr Sharma sent the passports to Rajesh "Tony" Gupta. These were then sent to mR Ashu Chawla who forwarded the passports	CN-000236294

	to Ms Ronica Ragavan. It should be noted that “Emmanuel Baba” has no relationship to President Jacob Zuma.	
5.31.	<p>On 28 October 2013, in an email which includes Gade Oil and Gas in the subject line, Mr Kazagui conveyed to Mr Kebeni that the money would have to be paid to himself and the minister. Mr Kazagui wrote to Lumpumzo and stated the following:</p> <p><i>"Can you also confirm that any advance (down-payment upon signing) incentive for the minister will also include mine at minimum level of 50 000 \$. Remember, as RSA Hon Consul-General for CAR, my role with the new government here has been very influential one hence I am always expected to take care of others 'behind the scenes'. I feel comfortable if you handle mine separate from the Minister."</i></p>	CN-000231300
5.32.	<p>Hereafter Mr Kebeni sent the request from Mr Kazagui to Mr Sharma:</p> <p><i>"I think we should honour it as this man plays a huge role and influence in the day to day affairs of the Minister and government there in general... The request for down-payment upon signature is just a token of motivation/appreciation as he is always keen to expedite and fastrack things even at short notice."</i></p>	CN-000231300
5.33.	Myburgh (2017) states that “a meeting between Gade Oil and Gas and the oil and minerals minister was...proposed for November 2013” however this never materialised.	<p>Louis-Myburgh, P. 2017. The Republic of Gupta. [Online]. [Accessed 26 July 2019]. Available from: https://www.penguinrandomhouse.co.za/book/republic-gupta-story-state-capture/9781776090891.</p>

5.34.	Dr Ngubane stated to the Times (2017) that his company never functioned or traded in the CAR. The company was exploring oil and gas opportunities in Africa. Dr Ngubane stated that “[they] had friends from West Africa encouraging [them] to invest in the continent.	Hosken, G. 2017. A day after Ngubane quits, mystery unfolds about him and a planned Gupta oil trip. <i>TimesLIVE</i> . [Online]. [Accessed 26 July 2019]. Available from: https://www.timeslive.co.za/politics/2017-06-14-a-day-after-ngubane-quits-mystery-unfolds-about-him-and-a-planned-gupta-oil-trip/ .
5.35.	Mr Kebeni, Dr Ngubane and Mr Sharma stated to News24 that Gade Oil and Gas’s bid for the oil block did not go through.	Louis-Myburgh, P. 2017. EXPOSED: #GuptaEmails show Ngubane, Guptas linked to CAR 'bribe' talks. <i>News24</i> . [Online]. [Accessed 26 July 2019]. Available from: https://www.news24.com/SouthAfrica/News/exposed-guptaemails-show-ngubane-guptas-linked-to-car-bribe-talks-20170531 .
5.36.	Dr Ngubane further emphasised that "I was at an oil importers meeting when the possibility of a deal in CAR was discussed, but nothing ever came of it.	Hosken, G. 2017. A day after Ngubane quits, mystery unfolds about him and a planned Gupta oil trip. <i>TimesLIVE</i> . [Online]. [Accessed 26 July 2019]. Available from: https://www.timeslive.co.za/politics/2017-06-14-a-day-after-ngubane-quits-mystery-unfolds-about-him-and-a-planned-gupta-oil-trip/ .
5.37.	Mr Sharma stated that the Guptas merely introduced the Macaulay to Mr Kebeni.	Myburgh, P. 2017. EXPOSED: #GuptaEmails show Ngubane, Guptas linked to CAR 'bribe' talks. <i>News24</i> . [Online]. [Accessed 29 July 2019]. Available from: https://www.news24.com/SouthAfrica/News/exposed-guptaemails-show-ngubane-guptas-linked-to-car-bribe-talks-20170531 .

		Copy bibliography citation
5.38.	Dr Ngubane stated to the Eskom Enquiry held on 07 March 2018, that “[l]ong before [he went] to Eskom, [he] was the owner of the company. [He] was the Director, and Salim became a Director because he was going to arrange for [their] prospective exploration in CAR. Just two people”. He denied knowing any involvement of the Guptas through Salim Essa.	Anon 2017. Eskom Inquiry: Ben Ngubane PMG. <i>Pmg.org.za</i> . [Online]. [Accessed 29 July 2019]. Available from: https://pmg.org.za/page/Ben%20Ngubane .
5.39.	When asked whether he knew any of the Guptas or had met any of them, Dr Ngubane admitted that he had met “[a]lmost all of them”.	Anon 2017. Eskom Inquiry: Ben Ngubane PMG. <i>Pmg.org.za</i> . [Online]. [Accessed 29 July 2019]. Available from: https://pmg.org.za/page/Ben%20Ngubane .
5.40.	Dr Ngubane stated that “Gade Holdings ceased to exist in 2013/14. I am not sure of the precise date but the company did not function. It failed to get the oil resources from West Africa.”	Anon 2017. Eskom Inquiry: Ben Ngubane PMG. <i>Pmg.org.za</i> . [Online]. [Accessed 29 July 2019]. Available from: https://pmg.org.za/page/Ben%20Ngubane .
5.41.	It should be noted that in the the State of Capture report as at 1 April 2016, Dr Ngubane was listed as director of Gade Oil and Gas (Pty) Ltd. Moreover, Mr Dr Ngubane did not list himself as a director of Gade Oil in his declaration made on 31 May 2016 for Eskom. CIPC records show no indication that the company is deregistered as Dr Ngubane was still listed as active director.	
5.42.	Dr Ngubane further stated that “[he] declared Gade Holdings. Under Gade Holdings was Gade Oil and Gas. That company became dysfunctional. It did not trade. It was an oversight of me when I declared Gade Holdings, I should have also declared Gade Oil and Gas.”	Anon 2019. Eskom Inquiry: Ben Ngubane PMG. <i>Pmg.org.za</i> . [Online]. [Accessed 26 July 2019]. Available from: https://pmg.org.za/page/Ben%20Ngubane .
5.43.	CIPC records retrieved indicated that Gade Holdings is under deregistration.	

6. MR BRIAN MOLEFE AND DR BEN NGUBANE

- 6.1. Dr Ben Ngubane testified in parliament pertaining into the pension agreement that, State Owned Entity, Eskom entered into with former chief executive Mr Brian Molefe. Dr Ngubane stated that it only became apparent to him when the controversy erupted over the R30 million due to Molefe, that former Public Enterprises Minister Lynne Brown had not received letters regarding this arrangement agreed to by the board.
- 6.2. Dr Ngubane together with Mr Molefe manipulated pension fund rules to have Eskom to R30 million towards Mr Molefe's pension fund. Mr Molefe was not entitled to this payment.
- 6.3. The Organisation Undoing Tax Abuse ("OUTA") has laid charges of fraud against Mr Molefe and Dr Ngubane. OUTA states that by virtue of their executive positions held at the time both Mr Molefe and Dr Ngubane as part of Eskom's Accounting Authority contravened the PFMA and the Companies Act and are guilty of financial misconduct.
- 6.4. Trade union Solidarity will be instituting private prosecution over the Eskom pension payout.

7. COMPLAINT LAID AGAINST DR NGUBANE AND MRS SHEILA NGUBANE

- 7.1. On or about the 1st of June 2017, The Organisation Undoing Tax Abuse ("OUTA") obtained several Civil Court applications involving Mr and Mrs Ngubane which disclose possible acts of fraud, forgery, uttering and offences in terms of the Companies Act, 2008.
- 7.2. The key pleading is a Founding Affidavit of one Mr Neil Button ("Mr Button") acting on behalf of Huntrex a Company under liquidation.
- 7.3. Mr and Mrs Ngubane acted as the Directors of a company called Huntrex 305 (Pty) Ltd ("Huntrex") a company duly registered in terms of the Companies Act under registration number 2010*004684/07.
- 7.4. On or about the 10th of June 2011, Huntrex (with Mr Ngubane acting as Directors on behalf on Huntrex) purchased a business called the Stranger Business from a company called Brikor Limiter ("Brikor"). Brikor is a company duly registered in terms of the Companies Act under the registration number 1998/013247/06.
- 7.5. According to the Sale of Business Agreement, Stranger Business consisted of the Stranger Trade names include Natal Sands (Pty) Ltd, Hanis Investments (Pty) Ltd and Zululand Quarries (Pty) Ltd. The companies are hereinafter referred to as Natal Sands, Hanis Investments and Zululand Quarries.

- 7.6. The total purchase price in terms of the Sale of Business Agreement was R 50 000 000.00 (fifty million rand only) plus and amount described as the Stranger Assumed Liabilities. The purchase was funded in its entirety by Ithala Development Finance Corporation.
- 7.7. The Sale of Business Agreement also included all shares issued by the companies mentioned above which were duly transferred to Huntrex.
- 7.8. Mr and Mrs Ngubane, as the Directors and Shareholders of Huntrex, continued with the Stranger Business until an Application for Provisional Liquidation was brought against Huntrex by Ithala for defaulting on the repayments in respect of the loan granted in favour of Huntrex. The application for Provisional Liquidation was granted on the 31st of March 2015 in the High Court of South Africa KwaZulu-Natal Local Division, Durban under case number 14110/2013.
- 7.9. The final order for the winding up of Huntrex was granted on the 26th of January 2016 by the High Court of South Africa KwaZulu-Natal Local Division, Durban. A copy of the final Winding-Up Order.
- 7.10. On or about 6th of May 2016, Messrs, Niel David Button, Thamsanqa Eugene Mshengu, Mandla Professor Madlala and Glaudine Judith Lombard were appointed as the Liquidators in respect of Huntrex with all powers as set out in section 386 of the Companies Act 61 of 1973 and which include the power to dispose of any assets held by Huntrex or its subsidiary companies.
- 7.11. During April/ March 2016 the Liquidators negotiated the sale of Natal Sands, Hanis Investments and Zululand Quarries with Sandton Plant Hire (Pty) Ltd, herein after referred to as Sandton Plant Hire, to recover capital and pay Huntrex's creditors.
- 7.12. The negotiated purchase price for the three companies amounted to only R15 305 450.00.
- 7.13. The sale including all mining and converted mining rights held by Natal Sands, Hanis Investments and Zululand Quarries and formed the underlining reason for sale.
- 7.14. Mr Button's Founding affidavit states that before the sale could be concluded Mr Petrus Roets of Sandton Plant Hire informed that the liquidators that the shareholders of all shares in Natal Sands, Hanis Investments and Zululand Quarries were held in Mr and Mrs Ngubane's personal capacities and not Huntrex. This meant the Liquidators did not possess the power to sell and transfer the rights to Sandton Plant Hire.
- 7.15. ÓUTA writes that according to "Mr Button's Founding Affidavit, the Liquidators have been unable to locate the Share Registers of Natal Sands, Hanis Investments and Zululand Quarries to further verify the transfer of shares as required by section 51(5) of the Companies Act, 21008, or the validity of the Share Certificates produced by Mr Ngubane. The validity and legality thereof are disputed by the Liquidators. OUTA, however has obtained photocopies of the original Share Registers for Natal Sands and Zululand Quarries, which reflected no record of transfer of shares from Huntrex to Mr and Mrs Ngubane.

- 7.16. Share Certificates purporting to be issued in Mr and Mrs Ngubane's personal capacity were delivered by Mr Ngubane and the sale was subsequently cancelled.
- 7.17. OUTA highlights that despite the Liquidators' attempts to obtain an explanation from Mr and Mrs Ngubane and/or their legal representative, no reasonable explanation has been provided.
- 7.18. OUTA concludes that there is a strong possibility that Mr and/or Mrs Ngubane falsified share certificates with the intention to create the impression that they were the only lawful shareholders in Zululand Quarries, Natal Sands and Hanis Investments and that they are effectively the owners of the mineral rights vested in those companies. They then presented false share certificates to Mr Roets. The unlawful and intentional misrepresentation made by Mr Ngubane and Mrs Ngubane by producing the false Share Certificates, led to the cancellation of the sale and caused substantial prejudice to Huntrex and/or its creditors.

HUNTREX AND TRANSNET

- 7.19. It would appear based on Mr Siyabonga Gama's mimecast that Huntrex had a contract with Transnet during 2012. On 21 February 2012, Dr Ngubane receives a message from a Mr Clyde Walker regarding an "Outstanding payment [from] Transnet". The message reads

"Dr Ben,

Additional information re Transnet overdue payments, your assistance will be greatly appreciated.

Kind regards

Clyde"

- 7.20. In turn, Dr Ngubane sends a message to Mr Siyabonga Gama. Dr Ngubane writes:

"Dear Siyabonga,

I am appealing to you for help in getting payments that are in arrears. I appreciate very much the orders you company places with us. As a black owner I have great difficulties raising overdraft facilities so I have to rely on timely payments. Payment of what is outstanding will help me a great deal.

Best regards,

Ben Ngubane “

8. RECOMMENDATIONS

- Dr Ngubane’s involvement within SABC needs to be investigated, this is of particular importance in relation to The New Age (“TNA”) deals.
- It is alleged that the Guptas used the Free State as a testing ground for their state-capture schemes.
- It is alleged that Mr Magashule also influenced the public broadcaster’s news diary for the region. Mr Magashule allegedly instructed then SABC COO Mr Hlaudi Motsoeneng to make a key appointments at the SABC’s regional office in the Free State. The source claimed the appointee ensured that Mr Magashule received very good coverage. This would have happened during Dr Ngubane’s time at the SABC.
- Mr Motsoeneng’s mimecast also needs to be obtained to see any correspondence between the various parties.
- Former Public Protector Advocate Thuli Madonsela’s report *When Governance and Ethics Fail* indicates that Mr Hlaudi Motsoeneng committed fraud on his Curriculum Vitae by claiming he had a matric certificate/ However the SABC had not taken disciplinary action against him. The SABC instead launched its own inquiry in which it justified, Mr Motsoeneng’s appointment.
- During the Parliamentary inquiry into the fitness of the state broadcaster’s board earlier this year, Dr Ngubane defended Mr Motsoeneng. He explained that academic qualifications had not been necessary for the acting chief operating officer position, to which Mr Motsoeneng had been promoted. He also defended a 63% salary increase for Mr Motsoeneng. The inquiry also revealed that Dr Ngubane instructed group executive officer Mr Phil Molefe to sign a R500 000 salary hike for Mr Motsoeneng.
- Dr Ngubane added that during his time as chairperson, Mr Motsoeneng he saved the public broadcaster which was bankrupt when he joined the board.

DOW JONES

Skeletons in the closet, loyalty to the party and South Africa's political landscape.....	2
NEWSMAKER - One down, four to go on business's list of demands	6
Corrupt state owned enterprises lie at the heart of South Africa's economic woes.....	9
Between the Chains - FROM JUNK TO FIRST WORLD	11
SABC 'lies' report still on its way	13
Is the era of parastatal paralysis over?	15
ANC Women's League rallies behind Khoza.....	17
IFP comes out to defend JRA chairperson; The Gauteng IFP chairman says the protected disclosure is diverting attention from alleged.....	18
Bid for criminal case following SABC 'lies'.....	20
A testing period for the SA media.....	22
Ramaphosa must fire Minister Gigaba	24
When a board pulls in two directions.....	25
Eskom was run from outside of Eskom, says Mabuza; Eskom chairperson Jabu Mabuza told the Zondo inquiry on Monday that important decisions.....	27
FINANCIAL RELATIONSHIPS - Mabuza in a state over role of minister.....	28



Southern Africa

Skeletons in the closet, loyalty to the party and South Africa's political landscape

Greg Roxburgh

2,870 words

8 June 2017

08:38

The Africa Report.com

AFREP

English

Copyright 2017 Jeune Afrique All Rights Reserved.

With South Africa's 2019 national elections looming overhead, its political landscape has not caught a break as each month, and even week, that passes another 'skeleton in the closet' comes out to shock the public.

Before South Africans can cast their ballots in 2019, the leading party, the African National Congress (ANC), is to vote this December on who will take its reigns. It is a crucial time given the continued troubles of President Jacob Zuma and his allies in the party. From midnight cabinet reshuffles to opposition parties pushing for a secret ballot for a vote of no confidence in parliament, the political landscape is in flux. The Africa Report talks to Sisonke Msimang – a South African writer, activist and political commentator – about the country's political trajectory.

TAR: What would you say has led us to the point at which we are today, where President Jacob Zuma seems to be largely acting unhindered and in his own interests rather than in the interests of the people of South Africa?

Sisonke Msimang: I think while it is tempting because of the persona of Jacob Zuma – certainly what we have seen of him, the kind of egregiousness of his recklessness, irresponsibility, the lack of accountability that we've seen in the last few years – it's been tempting to lay the blame [on him]. But I think that would be unwise, mainly because we have to trace our kind of situation back, I would say, even to Nelson Mandela.

There were many ways in which Nelson Mandela was wonderful and was a unifier, and so forth. But he had the same weakness...

[From] quite early on, we saw a display amongst the senior leadership of the ANC of a willingness to indulge, entertain, forgive. So there would be incidents with Baleka Mbete, who is now speaker [of the national assembly], in which it was obvious that she had bribed officials to get her driver's licence. That happened under Nelson Mandela's watch, who came out swinging, defending her. And that was not a good sign coming from early on.

There were many ways in which Nelson Mandela was wonderful and was a unifier, and so forth. But he had the same weakness that many of the ANC leaders that we've seen [have had], and you know, that weakness has deepened. It is party first. There is a certain loyalty to the party. Ten to 15 years ago, you could understand where that came from. So if someone bribed people to get their driver's licence – and yet, you know that they also smuggled guns and stood up to the apartheid regime – the memory of their larger feats makes the misdemeanor on the driver's licence look like a minor issue. I can see how in the early days the ANC leadership might have looked at things like that and thought 'Agh, come on. It's not a big deal.' But it's created a culture which in part comes from the kind of liberation-struggle mentality which is that 'We must defend people and be loyal to people of the party'.

A functioning democratic system requires a measure of trust, even when people are vehemently opposed to one another's ideas. The notion of democracy is dependant on trust, isn't it?

How is the constitution holding up?

The constitution is a robust one. I think it has stood us in good stead in very trying times. Unfortunately, we've turned to [it] to resolve questions of a political nature because of the failure of politics. A lot of the carrying on and the legal bickering has been a function of the lack of political leadership which shouldn't have the country's time and energy, the resources of taxpayers being constantly placed into court clarifying matters that could be resolved if there was better political leadership both in general but also within the ruling party. It does feel like a real shame when we have matters like the secret ballot issue being taken to court.

A functioning democratic system requires a measure of trust, even when people are vehemently opposed to one another's ideas. The notion of democracy is dependant on trust, isn't it? If there was more trust, the motion for a vote of no confidence done by secret ballot wouldn't be necessary because either the speaker of the house would say: 'Absolutely, we'll do a secret ballot. That's common sense, and that's what we need to do,' or she would say: 'No we're not going to do a secret ballot and these are my reasons,' which would have been preceded by a whole range of other actions that would make that decision feel reasonable. She would have conducted herself in a manner that, over time, would have built trust. So we come to this moment because there has been a series of bad decisions and a complete breakdown of trust in that parliament.

There has been a lot of talk about the separation of powers and judicial overreach since the replacement of Pravin Gordhan as finance minister as well as the recent bid for a motion of no confidence by secret ballot through the Constitutional Court. In your opinion, who is overstepping their boundaries and how are they doing so?

It is absolutely [President Zuma's] prerogative to change senior leadership positions within his cabinet. There is no question about that. But given the way in which he has exercised his authority, there are real questions about holding him accountable for those positions. I do think that there is a worry about judicial overreach in some of these cases because if common sense prevailed, then we wouldn't have to have the judiciary interfering in things that are sensitive and delicate. A functioning democracy is dependant on the idea that people elect leaders and give them some measure of discretionary power about how they make certain decisions. So I think it is clear that the President has overreached, and it is also clear that the opposition parties and the South African public in general now find themselves in the situation where they want the judiciary to involve itself in places that are tricky.

...citizens should be worried when the politics of the country has reached this stage where the Constitutional Court has to intervene to question executive decisions...

As for the question of overreach, yes it is certainly the case that the President has – I think overreach is the wrong word – it is certainly the case that the President has abused his executive discretion. He has abused the fact that he has the prerogative to make decisions because he has done so without demonstrating any rational reasons for his actions. At the same time, citizens should be worried when the politics of the country has reached this stage where the Constitutional Court has to intervene to question executive decisions that in normal circumstances should be in the purview of the President. That's the crux of the complexity of the situation we are sitting in.

Do you think the Constitutional Court is capable withstanding these trying times?

Yes, I think the Constitutional Court is capable of making some very smart, sensitive and delicate decisions. This court successively – not just this particular court, this group of judges – but I think over time we have seen that our court is pretty remarkable. I think that chief justice Mogoeng Mogoeng has proven himself to be very independent and fair minded when it comes to these issues. And they are fully aware of the political context in which they are operating. I don't think they are going to rush to make a judgement that will have short-term implications that may override the long term. Their job is to safeguard the constitution and its principles and its place in society.

Jacob Zuma won't necessarily be at play directly in politics post-2019, but he will still be a player - that's for sure.

After the knock the ANC took in last year's municipal elections, people are speaking about a widening divide within the ANC. Can you explain what this means for the ruling party and its future?

So I think there are two things that the ANC needs to decide, and unfortunately I think it's going to go a short-term route which is not going to deal with the root of the problem. They either deal with the current crisis as a Zuma problem, in which there is the culture that has set in of a lack of accountability, intolerance of dissent, factionalism, corruption, [where] that culture continues but we remove the President and some of his key allies. And if your analysis is that the problem in the ANC has been Zuma and his cronies but the ANC itself is still fine, then that's a good solution. But if your analysis is, as is mine, that the problem with the ANC goes down to the branch level and all the way to the top [...] and that that needs to be addressed, then the short-term solution of getting rid of Zuma and his cronies and having Cyril Ramaphosa or Nkosazana-Dlamini Zuma or anyone else who seems to be vying for the position that doesn't have the same reputation for corruption that Zuma has, I think we, as a country, are still going to be stuck with the problem.

...the support for Jacob Zuma is not contingent on the belief that he is a great guy but contingent upon patronage, some sort of financial interest.

A total revamp is needed [...] So if you look at the National Executive Committee, it is stacked with Zuma supporters. And it's important to remember that people who are supportive of Zuma seem, in the words of Bathabile Dlamini, to "have little skeletons in their closet". [In other words] the support for Jacob Zuma is not

Page 3 of 29 © 2019 Factiva, Inc. All rights reserved.

contingent on the belief that he is a great guy but contingent upon patronage, some sort of financial interest. Therefore, the stakes are very high for people, and the ANC is stuck with a lot of those people. So once again if Zuma goes, it doesn't mean that the interest that he serves and the people aligned with him have been serving will go away themselves.

So I don't have any faith that the current leadership, anyone in the ANC whose name we are currently familiar with, has the moral authority or the political vision to revamp the ANC in the way that is required if the party is going to survive for the next ten years in power. I think the prognosis is very, very bad for the ANC, and I think it is happening much faster than anyone has predicted. [The elections in] 2019 will be a very big test, but I think the election after that – I don't think those guys are going to survive it.

What significance does the reappointment of would-be minister of finance Brian Molefe to his old position of chief executive of Eskom have?

It's obvious that Molefe's reappointment has gone against what other senior leaders in the ANC think. It's obvious that it's embarrassing to the ANC and, for those who are going to remain in politics after 2019, it's going to be the kind of thing for which the ANC will be punished. Jacob Zuma won't necessarily be at play directly in politics post-2019, but he will still be a player - that's for sure. So he [is trying] to consolidate his resource base and his patronage system so that he has the protection that doesn't lead to him going to jail, and better yet, he doesn't have to care about popular sentiment. This is a great example of a desperate man that is beginning to understand that [he has to get things] under control because he will continue to live beyond 2019, even if his immediate political career might be over.

...a complete takeover by him and his forces...

What is very clear is that Jacob Zuma needs his people on every single state-owned enterprise, and we've got to give it to the guy, he's been incredibly consistent. So at South African Broadcasting Corporation (SABC), [there was] a complete takeover by him and his forces there, similarly with South African Airways (SAA) – a complete takeover by him and his forces [...] Telkom has somehow managed to escape that in large parts because it's partly privatised, so it's a harder one to do. So if you look at those three, the biggest money spenders that the government has access to, and the extent to which those contracts have gone to friends – the extent to which those bodies have become virtually dysfunctional because of all this up and down. Eskom is the same thing... and its scale, the size of Eskom... it boggles the mind that... you know, they will never let Eskom be led by anyone who isn't 100% under their control. Everything hinges on it.

Can you name some of the people who are aligned with Zuma's faction within these structures?

In SAA, obviously it's Dudu Myeni. Hlaudi Motsoeneng has been President Zuma's man at the **SABC**. In terms of the board at Eskom, **Ben Ngubane** is clearly very closely aligned with both Brian Molefe and the President. I mean, the board of the **SABC** has recently been scrapped and there's been a new board that has just been appointed. All of its members are now ostensibly reasonable human beings.

There are a couple of dark horses who may emerge.

The ANC is due to elect new leadership this December. How do you think this is going to pan out?

I think it is anyone's guess. There are a couple of dark horses who may emerge. I think one of them is Lindiwe Sisulu. She's very interesting and seems to be making some noises that sounds like she may emerge as someone who wants to be president. Similarly, I would be watching the space of Zwele Mkhize very closely. He's the treasurer general of the ANC, and he's generally well respected. He's managed to stay out of the fray of a lot of things. He's from KwaZulu-Natal, so that may work against him in terms of the kind of ways in which Jacob Zuma has become such an ethnic nationalist. The people in the ANC, more broadly, might want to [have someone who is not Zulu at the head] to make the point that the ANC isn't a Zulu party. But Zwele Mkhize, I think, is a potential dark horse as well. In terms of what's official and formal, it's clear that it will be Nkosazana Dlamini-Zuma and Cyril Ramaphosa as the front runners.

How is the Democratic Alliance (DA) holding up after the last municipal elections?

...running Cape Town isn't something that gives them much credibility.

If you live in a large city that's got a fairly well-functioning council, like Joburg, you don't feel the immediate difference. So certainly from just a citizen's perspective, it's too early to tell. I also think that it will give the DA the kind of hands-on, real experience that it needs because the complaint about the DA is that it's been running the Western Cape [and Cape Town], which is a largely white city in people's minds. And therefore, running Cape Town isn't something that gives them much credibility. Whereas with Joburg, it is a different scenario, and similarly with Tshwane. With both, we've got largely black cities, with mayors who are black who represent the new face of the DA. So if there is a line that you can draw, with the DA in the Western

Cape representing the kind of old face of the DA and then with the new metros representing new face of the DA - I think it's going to be an interesting space to watch.

What role is the Economic Freedom Fighters (EFF) playing at the moment?

We're living in a time where [...] people don't trust political parties.

I think they have played their role very smart in terms of not getting into alliances, retaining their independence and voting whichever way they think is the best way to vote on an issue-by-issue basis, which I think nobody expected. But I also think that it was also very smart because we are living in a time where globally – and we see this evidenced in South Africa – where people don't trust political parties. So the EFF knows that people don't trust political parties and therefore has been very smart in playing the political game in a way that makes people believe in them, believe that they are different.

Document AFREP00020170608ed6800001

News Maker

NEWSMAKER - One down, four to go on business's list of demands

CHRIS BARRON

1,409 words

18 June 2017

The Sunday Times

SUNTIM

Business Times

English

Copyright 2017 Times Media (Pty) Ltd

Hardball: Pretoria has to urgently address the Zuptocracy, quangos, nukes and mining legislation, says pressure group

One down, four to go on business's list of demands

There is no effective government at the moment. It is not there

The ANC gave us this president, so the ANC must now deal with this president

BUSINESS has demanded the appointment of an independent judicial commission of inquiry into state capture, a two-year moratorium on nuclear acquisitions and the appointment of a new board at Eskom.

These are among the five minimum conditions it expects the government to meet if it wants to rebuild its relationship with business, says Bonang Mohale, the outgoing deputy chairman and newly appointed CEO of Business Leadership South Africa. Mohale is also the outgoing chairman of Shell South Africa.

"We need to reset our relationship," he says. "We have laid down five conditions under which we will continue to work with government."

The government must show speedy commitment to "cleaning up" the governance of state-owned enterprises, particularly Eskom and SAA.

The Mineral and Petroleum Resources Development Act must be finalised. "It has been kicked down the road for far too long," says Mohale.

Its fifth condition, the signing and gazetting of the Financial Intelligence Centre Amendment Act, was met this week by Finance Minister Malusi Gigaba, who had a crisis meeting with business leaders to discuss ways of halting further downgrades and getting South Africa out of recession.

The government had consistently refused to sign Fica, an international requirement intended to prevent money laundering, tax evasion and other financial crimes.

Mohale says the slide in South Africa's credit ratings will not be halted easily or any time soon, but these five conditions are minimum requirements for rebuilding any kind of trust with ratings agencies and investors.

He says business leaders made this clear to President Jacob Zuma in a meeting two months ago, and they expect feedback from him at their next meeting, scheduled for later this month.

Mohale repeats the mantra that "business is committed to negotiating with government", but says it is becoming increasingly difficult to decide if there is a government to negotiate with.

He says that none of the necessary conditions commonly associated with a functioning government are met by the present outfit.

In so far as government entails some cohesion of views, an agreed policy platform, some moderately disciplined implementation programme and some ability to bring disciplined government activity to bear on mutually agreed projects, there is no government, he says.

"I would add to this a lack of leadership, so decisions are just not being made or implemented, and state capture.

"For all these reasons there is no effective government at the moment. It is not there."

How does business negotiate with a government that is not there?

"With great difficulty. After our meeting with the president we will know whether negotiations are still worth pursuing.

"Our view as business is that when you go onto the field as a player, not as a spectator, you face the man that is in front of you. The man we have in front of us is this government, with all its imperfections."

He admits that business doesn't know who the man, or government, in front of them is.

"At the moment we are unsure."

Is it the president or the Guptas?

"That's the uncertainty we have. And the ratings agencies have simply given expression to that. Who is really running the country?"

Can the trust of ratings agencies and investors be restored in such an environment?

"That is what we want to work on," Mohale says. "We're in a recession now, that we got into wilfully. How do we get out of it?"

He says this won't be easy under present political circumstances.

"Something has to change."

He won't be drawn on whether political change is a necessary precondition for economic growth.

"As business we are not politicians. We are business people who concern ourselves with the economy, and how politics affects the economy."

But he agrees it is only through politics that the economic crisis can be addressed.

"The ratings agencies were clear that our political instability led to the downgrade. So politics needs to be fixed."

Getting to the bottom of state capture is a priority, he says. He believes the authenticity of the e-mails has been established, not least by Gigaba, who confirmed the authenticity of e-mails showing how he gave citizenship to the Guptas.

"The veracity of the e-mails is no longer in question. We now want an independent judicial commission of inquiry, and prosecutions where warranted.

"Zuma will have to appoint an independent commission of inquiry, he's got no option."

He says business has made it clear to the ANC that it expects the party to deal with Zuma.

"We have gone to the ANC and said we didn't elect the president, we elected the ANC. The ANC gave us this president, so the ANC must now deal with this president. It's not our job as business to do that."

As for whether the ANC is listening to business, he cites as evidence the signing of Fica, the ejection of Brian Molefe from Eskom, the announcement that the Special Investigating Unit will investigate the e-mails, the appointment of a new National Treasury director-general "from the current, experienced pool", the firing of the **SABC's** Hlaudi Motsoeneng and the resignation of disgraced Eskom chairman **Ben Ngubane**.

He says that if Ngubane thinks that by resigning he has escaped having to appear before the parliamentary ad hoc committee investigation into Eskom, he is mistaken.

"He will have to be subpoenaed, he can't run away from that. People need to be held accountable."

Gigaba has said that he must not be judged by what is being written about him but by his actions.

"Our response to him is: 'We are prepared to do that. We are watching your actions, and we'll be watching for the independent judicial commission of inquiry.'"

Mohale was sharply critical of Gigaba's appointment as finance minister, given his record as minister of public enterprises, where he appointed Gupta allies to the boards of state-owned enterprises. Mohale said he believed Gigaba's mission would be to aid and abet the capture of the Treasury by the Guptas.

But he says it seems Gigaba is "doing his damndest to redeem himself. It's palpable."

There has been speculation that Gigaba is acting with an eye on his political career post-Zuma rather than out of a newfound sense of integrity or eagerness to do what is best for the country.

"I can only comment on what I've seen. He is taking his job as finance minister very seriously. I have met him three times, and three times I have seen a man determined to be a good finance minister eventually."

He's been making all the right noises, says Mohale.

"Now we are watching him. We will judge him by his actions."

He says unless the conditions laid down by business are met, "it cannot be business as usual".

Does this mean no more roadshows with the government to ratings agencies and investors?

"The difficulty is, how do you boycott promoting your country as a good investment destination? How do you boycott investment in young people, in the development of small and medium enterprises where jobs are created?

"So we're between a rock and a hard place."

The roadshows were a "Team South Africa" initiative comprising business, labour, civil society and the government. Is there still a Team South Africa?

"Government messed up that relationship. Now it is up to government to fix it."

The government's characterisation of business as "white monopoly capital" is doing just the opposite, he says.

"You don't speak that way about your partners."

Even if Team South Africa do do further roadshows, Mohale says he believes they will have little chance of success against a backdrop of rising political instability.

"One of our biggest fears is that instability continues and gets worse up to the elections in 2019," he says.

REDEMPTION: Business Leadership South Africa CEO Bonang Mohale says Finance Minister Malusi Gigaba is trying to do the right thing Picture: SIMPHIWE NKWALI

Document SUNTIM0020170619ed6i00006

Corrupt state owned enterprises lie at the heart of South Africa's economic woes

Sean Gossel, Senior Lecturer, UCT Graduate School of Business, University of Cape Town; Misheck Mutize, Lecturer of Finance and Doctor of Philosophy Candidate, specializing in Finance, University of Cape Town

989 words

19 June 2017

The Conversation

CONVAU

English

Copyright 2017. The Conversation Media Group.

[Misheck Mutize](#), University of Cape Town and [Sean Gossel](#), University of Cape Town

<https://cdn.theconversation.com/files/174008/width496/file-20170615-23574-zce0hl.jpg>

The prevailing economic crisis sweeping through South Africa is a direct result of economic mismanagement largely shaped by the looting of state owned enterprises.

Many are in deep [trouble](#). Sheer incompetence and corruption has pushed entities like South African Airways and the South African Broadcasting Corporation closer to [financial collapse](#). Serious questions are being asked about the legality of multi-billion [rand procurements at Transnet](#) and the state power utility [Eskom](#).

The scale of the problem has been brought into sharp relief in recent weeks by two developments that show corruption in state owned enterprises has been unfolding for years. The first was the release of a report written by academics: [Betrayal of the Promise](#). The second was the leaking of 200 000 emails which point to dubious links between the [Gupta family](#), senior politicians and officials.

The country stands to slip deeper into crisis unless the lust for loot is stopped. The economy is already in deep trouble. It's [in recession](#), and worse is to come. The second quarter GDP figures will reflect that a third rating agency has downgraded the [country's credit rating](#).

There are some indications that the [tide may be turning](#) but the job of reforming the state owned enterprises will have to go beyond just replacing board members. It must also focus on ensuring greater accountability financial responsibility, and performance management.

Unfortunately the severely [fractured](#) African National Congress (ANC) is incapable of reversing the slide. Instead, it's more concerned with outsmarting the growing opposition to President Jacob Zuma's rule suppressing internal rebellion, and maintaining the crumbling patronage network.

Unaffordable

The increasing inefficiency in state owned enterprises continues to put pressure on the [country's fiscus](#). This is not something it can afford. [Ratings agencies](#) have made it clear that they're monitoring continuous bailouts and government guarantees. This is because they pose a serious threat to government's fiscal balances and policy priorities.

Government guarantees to state owned enterprises stood at [R467 billion](#) at the end of 2015/16. Standard & Poor's forecasts they will swell to over R500 billion by 2020 – 10% of [South Africa's current GDP](#). This is more than twice the government [contingents in year 2015/2016](#).

These bailouts have weighed on the fiscus, pushing government debt into dangerous territory. Even before the downgrades South Africa's debt burden was higher than other [emerging markets](#). Moody's forecasts that total government debt will reach 55% of GDP by 2018 and will [continue to rise](#) after that.

The reason government continues to bail out state owned enterprises is purely due to the fact that they are being managed badly.

The recent board and management scandals at the [Passenger Rail Agency of South Africa](#), [South African Broadcast Corporation](#), [South African Airways](#) and [Eskom](#) indicate that there has been little commitment to improve governance and address operational deficiencies. Instead some senior ANC officials claim that a call for reforms is [anti-transformation](#).

The financial markets are increasingly unwilling to tolerate such excuses. This can be seen by the recent [subscription failure](#) of Transnet's bond auction. And some private asset managers have become extremely [cautious](#) about lending money to public entities.

The way forward

The new Finance Minister Malusi Gigaba has so far failed to inspire confidence. Allegations that he is deeply mired in the [web of scandals](#) are not helping the situation.

Gigaba recently declared that state owned enterprises are [functioning well and doing “great work”](#). This is surprising given the rot being revealed on a daily basis.

Nevertheless, the [patronage network](#) that stands accused of milking state owned enterprises has [started to crumble](#). This includes the axing of [Hlaudi Motsoeneng](#) from the **South African Broadcasting Corporation** and [Molefe](#) from Eskom. [Ben Ngubane](#) has resigned as chairperson of the Eskom board.

There are also signs that [public and private pressure](#) is forcing some government ministers to take responsibility for their departments. Examples include Minister of Public Enterprises [Lynne Brown](#), Communications Minister [Ayanda Dlodlo](#) and the Minister of Police [Fikile Mbalula](#).

Nevertheless, the key implication of the Gupta emails is that reversing the deep damage inflicted on the country must start with reforming state owned enterprises. Reversing the rot will take decades. It should begin by ensuring that [measures agreed last year](#) are implemented.

These include:

*

holding the corrupt public servants to account,

*

closing loopholes in public procurement to ensure that history isn't repeated, and

*

appointing suitably qualified and experienced technocrats rather than unqualified politically connected individuals.

Finally, some state owned enterprises will need to be privatised. This is because they operate as monopolies in key sectors which is perpetuating gross inefficiencies. Only privatisation will end these distortions.

For many years, government has claimed that South Africa's many challenges could be overcome by adopting policies of a “developmental state”. This would entail active state involvement in economic activity and using its resources to tackle poverty and expand economic opportunities.

But the ongoing revelations show that even before South Africa can consider becoming a developmental state, it will first have to root out the ingrained predatory state. Only then can investor confidence begin to be restored, recovery restarted and rating downgrades reversed.

<https://counter.theconversation.edu.au/content/79135/count.gif?distributor=feed-factiva>

Sean Gossel receives funding from the University of Cape Town.

Misheck Mutize does not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

Document CONVAU0020170620ed6j0000g

Column

Between the Chains - FROM JUNK TO FIRST WORLD

Sikonathi Mantshantsha

657 words

22 June 2017

The Financial Mail

AIWFIM

Financial Mail

English

Copyright 2017. Times Media (Pty) Ltd

Between the Chains by

FROM JUNK TO FIRST WORLD

So we have come full circle. We have arrived at the place where we started. This time, though, we're right in the middle of a long, head-first descent. Back in October 1994, when it all began, SA was ranked Baa3 on the Moody's ratings scale of creditworthiness. On the same day, Standard & Poor's had us on BB. Both had a stable outlook.

We were far from perfect. In the name of politics, people had for years been slaughtering one another in Gauteng's East Rand (now Ekurhuleni) and the countryside in KwaZulu Natal. But things were looking up. Though Fitch Ratings did not rate SA until February 1998, when it put us on a BB rating with a positive watch, we were on the ascendancy.

Nelson Mandela was breathing fresh air into the gloom that was Africa's curse of former liberation fighters turning into autocrats. His successor as president in the party had been elected unopposed and had already been running the country, while the elder statesman ceremonially enjoyed tea and biscuits with former enemies.

Slowly, the new nation was gaining confidence and staking its claim — even punching above its weight — in the affairs of the world.

Things got even better. The World Bank says 33.8% of the population lived below the poverty line of US\$1.90/day in 1996. This had dropped to 16.9% of the population by 2008.

& Factors driving this included social safety nets, real income growth, as well as decelerating inflationary pressure on households, the expansion of credit, and growth in formal housing, & the bank said last month.

This — halving the poverty rate — was achieved in 12 years, almost matching Brazil's record of reducing poverty from 31.8% of the population in 1993 to 15.3% in 2009 on a purchasing power parity basis.

Like Singapore, we were firmly on the march to First World status. Then, as in Brazil, things started going south for our then Rainbow Nation.

The World Bank says our poverty rate stood at 15.9% of the population last year. At that point, unemployment reached a 12-year high.

Things have since become even bleaker, with unemployment now at 27.7%.

Like Brazil, we allowed the cancer of corruption to take root. The country is being stolen right under our noses, carted off to Dubai and to India.

We could have made better choices. But not all is lost. SA has always pulled herself back from the edge. We still can. The ANC's policy conference, starting next week, is one such opportunity. Now at junk status, the path to First World status is wide open.

Taking back the state

The lootocrats are on the back foot. One by one, they are falling. They have already lost the most influential of their foot soldiers.

The **SABC** has been liberated from the suffocating grip of Hlaudi Motsoeneng and former chairman Mbulaheni Maghuvhe. A two-pronged strategy to eject Dudu Myeni from SA Airways is in full flight. At Eskom, Brian Molefe and **Ben Ngubane** are history. And Lynne Brown, Zethembe Khoza, Chwayita Mabude and Matshele Koko should next be out the doors of Megawatt Park.

The Guptas have been camping out in India for the past six weeks, watching from afar to see if their minions at Luthuli House and the Union Buildings are still able to protect them from the law.

It is for the progressive forces within the ANC to wrest control of party and state from the lootocrats. Then the assets of the people may yet get a chance to thrive — and we may reembark on our national journey towards First World status.

The lootocrats are on the back foot. One by one, they are falling. They have already lost the most influential of their foot soldiers

Document AIWFIM0020170622ed6m0001e

THE MERCURY

NWS

SABC 'lies' report still on its way

474 words

7 July 2017

The Mercury

MERCURY

E1

2

English

© 2017 Independent Newspapers (Pty) Ltd

THE report by Parliament's legal services that identified people who misled the ad hoc committee probing matters at the SABC will soon be referred to the portfolio committee on communications.

"The Speaker is considering a wide range of issues pertaining to the report. It is not gathering dust. She is processing it," spokesperson Moloto Mothapo said.

"Ultimately, at the appropriate time, it will be referred to the portfolio committee to be handled in line with the rules of Parliament."

Opposition parties have demanded that Speaker Baleka Mbete table the report.

Legal services handed the report to Mbete's office about a month ago, but it is yet to be tabled.

This has prompted the official opposition to accuse Mbete of refusing to table the report because, "its contents implicate a number of her ANC comrades".

"It is shocking that Members of Parliament have to go to such lengths to gain access to reports emanating from their committee work," DA spokesperson Phumzile van Damme said.

It was previously reported that Mbete had sought legal advice and that she would first engage with the implicated parties.

Van Damme said Mbete's duty to Parliament was above her role as chairperson of the ANC.

"Mbete doesn't have any legal basis for withholding the report and her explanation, offered in the National Assembly programme committee, that the implicated persons were being consulted doesn't hold water. "Parliament doesn't have an obligation to consult with those who lied to it," Van Damme said.

She also said Mbete was obliged to table this report to ensure that Parliament performed its oversight role and those who lied faced the full consequences of their actions.

"The DA will not allow those who lied before Parliament to escape accountability.

"We will continue to put pressure on the Speaker to make this report public," she said.

Cope's Willie Madisha said it was a pity that the implementation of the ad hoc committee's recommendations was hitting a snag.

The ad hoc committee found that in many instances the evidence provided by witnesses was contradictory.

"The evidence leader has been requested to analyse the contradictory testimonies, and on conclusion of this exercise Parliament's legal services office will make appropriate recommendations," the report said.

During the inquiry, former SABC journalist Vuyo Mvoko gave evidence that the SABC's resources were diverted to fund the controversial business breakfasts of the Gupta-owned newspaper company, The New Age, and that the public broadcaster did not generate any revenue from the briefings.

These claims were disputed by former board chairman **Ben Ngubane**, who said the breakfasts made good business sense and were at no cost to the **SABC**.

But, the interim board recently told Parliament that the SABC incurred costs totalling R20 million on these breakfasts.

Document MERCRY0020170707ed770001g

Is the era of parastatal paralysis over?

Lisa Steyn

1,490 words

28 July 2017

Mail & Guardian Online

AIWMAG

English

© 2017 The Mail & Guardian. All rights reserved.

The SABC shake-up and ANC shift bode well for the reform of other public enterprises

The dramatic and swift overhaul of the **SABC** by the new board could signal that it is the first domino to fall in clearing out the rot at corrupted state-owned entities, and its path to restoration could well serve as a blueprint for other bedevilled parastatals. An interim board took over the **SABC** just four months ago and has quickly gone to work to address key problems and people within the troubled organisation. Critically, it oversaw a disciplinary process that led to the dismissal of self-proclaimed messiah and the broadcaster's recurring nightmare, Hlaudi Motsoeneng, followed by the dismissal of chief executive James Aguma. The interim board has reworked financial arrangements, including suspending payments to the board itself, until the broadcaster's finances have been stabilised. It has also overturned the previous board's decision to challenge the public protector's report, which made damning findings against Motsoeneng and the **SABC**. "We hope we have given the country hope," interim chairperson Khanyisile Kweyama told the Mail & Guardian this week. She said the board would now pursue other findings of wrongdoing against Motsoeneng and others, as detailed in the public protector's report. This would not necessarily mean taking the matter to the police but civil action could be taken, such as issuing summonses for monies owed, Kweyama said. The **SABC** would also assist the Special Investigating Unit in its investigation of the **SABC**, although this is waiting to be signed off by the presidency. (See "SIU can't act without the president's okay".) The report's findings against Motsoeneng include how he advised the board on his own salary increases, which climbed from R1.5-million a year to R2.4-million in a single year. He was also found to have purged the organisation of his detractors, costing R29-million in settlement and legal fees. In the case of the **SABC**, a parliamentary inquiry was conducted three years after the public protector's report, although it was for other fraudulent behaviour and resulted in the parliamentary committee putting an interim board in place. The inquiry was initiated by an ad hoc committee and not the communications committee. Former public protector Thuli Madonsela found Motsoeneng was enabled by a board that must have been corrupt or incompetent itself. Former **SABC** chairperson **Ben Ngubane**, who only recently stepped down from Eskom amid the exposure of graft, was found to be instrumental in tailoring the job requirements for the public broadcaster's chief operations officer specifically to accommodate Motsoeneng's lack of matric. The key to clearing out the rot in any institution was ensuring good governance, Kweyama said. "Good governance is absolutely critical, and a refusal to listen to anything but what is the right thing to do." Ensuring policies were in place, as well as consequences for breaking them, were key to this, she added. But unlike the **SABC**, Eskom remains saddled with compromised individuals in executive positions, though a process similar to that followed at the **SABC** is now unfolding at Eskom in double time. For Eskom, the public protector's State of Capture report, released in November, has led directly to a parliamentary inquiry, whose terms of reference were finalised by the public enterprises committee this week. It was determined these would be broadened to include state capture relating to various public enterprises, especially Denel and Transnet. The Gupta brothers and even President Jacob Zuma's son, Duduzane, would be called as witnesses, it decided. Public enterprises committee chairperson and ANC MP Zukiswa Rantho said legal experts would be brought in to conduct the interviews. Asked whether there was a consensus among ANC MPs, Rantho said: "The ANC MPs are on board. It is them that initiated the inquiry so they are very excited to be going ahead with it." Phumzile van Damme, the Democratic Alliance's spokesperson on communications and a member of the parliamentary committee on communications, said she had to push very hard for the inquiry into the **SABC** to take place. "The ANC originally didn't want that to happen," she said. Former communications minister Faith Muthambi put up many barriers to prevent a probe, she said. "Gavin Davis, in the committee before me, was blocked at every turn on the issues he tried to fix there." For parliamentary committees to launch seemingly credible inquiries to tackle corruption within the state is new. "We have never seen this before," said political analyst Ralph Mathekga. "I also think the enthusiasm with which the MPs are tackling this issue is very strange, especially coming from ANC MPs." The main driver of these inquiries is factional battles within the ANC. "Some members have decided not to abandon the ANC. Instead, they are going to fight these battles within the ANC," said Mathekga, referring to the likes of former finance minister Pravin Gordhan. Van Damme said that when the way was cleared for a competent investigation into the **SABC** to take place, it garnered the co-operation of all political party representatives. "The public saw, for a change, the ANC was doing the right thing for the first time. Let's hope it's not the only time," she said. The inquiry served as the first and pivotal step towards bringing the full extent of the problems at the **SABC** out into the open, she said, adding that the parliamentary committee had done a good job in appointing the interim board. "We are happy with their

progress thus far ... Obviously, the trick will be to ensure this carries over into the permanent board," Van Damme said. Parliament will put together recommendations for a permanent board in early August, she said. It recommends board appointees, in accordance with the Broadcasting Act, and the president endorses the appointments, as was the case for the interim board. Van Damme added that it was not common for the president to oppose the recommendations. The ANC representatives on the public enterprises committee include Gordhan, who at the start of the inquiry on Tuesday lamented that the "don't care" attitude at parastatals had reached "proportions where it allows people involved in these activities to act with extreme virtual impunity. In other words: 'You can't catch me'," he said. Mzingisi Dlamini, an Economic Freedom Fighters MP on the committee, said he believed there was consensus among ANC MPs about how the inquiry should be conducted and he believed it would be credible. "With the EFF around, we are pushing them [ANC MPs] to be clean, and providing superior logic even if they want to be obstructive ... But we get a suspicion some of them are just tired of defending things they cannot," he said. "Some, you can see they have been instructed to disagree, so they [the ANC MPs] are not finding each other, which is good for the rest of us ... the numbers are in favour of a proper inquiry." The results of the parliamentary inquiry will determine what further action needs to be taken. If it is found that the Eskom board must be dissolved, the committee can order this to be done. Dlamini said one had to remember that, despite the various comings and goings of executives at Eskom, some board members who the tainted Ngubane presided over remained. The Eskom parliamentary inquiry could get underway as soon as next month, although Rantho said the dates had not been determined. SIU can't act without the president's okay. Complaints of maladministration at state-owned entities appear to be piling up at the feet of the Special Investigating Unit (SIU). Many matters relating to state capture have been referred to the SIU for investigation, including some contracts at the **SABC** and some Eskom coal contracts. In these cases, if the SIU decides there is a need for an investigation, a motivation for a proclamation is submitted to the department of justice and state law advisers. If they are satisfied with this, it is submitted to the president for signing. Thereafter, it is gazetted. The publication of a proclamation allows an SIU investigation to begin and the unit is then able to exercise its statutory powers. The SIU would not comment on what motivations for proclamations are awaiting the president's signature — and there are believed to be many — but no matters relating to state capture were listed as being under active investigation on the unit's website. The presidency did not respond to requests for this information. In terms of the Special Investigating Units and Special Tribunals Act, the SIU is mandated to investigate matters relating to a state institution or where public money or public property is involved, or where unlawful or improper conduct by any person has caused or may cause serious harm to the interests of the public.

Document AIWMAG0020170731ed7s0002w



LOR

ANC Women's League rallies behind Khoza

267 words

29 July 2017

The Independent on Saturday

INDSAT

E1

6

English

© 2017 Independent Newspapers (Pty) Ltd

I am a member of the ANC Women's League. I support the idea of a female president and my choice is Lindiwe Sisulu. ANC women MPs must vote with their consciences.

As a woman, I am encouraged by the brave Makhosi Khoza. She put the ANC into disrepute by saying what Sisulu, Gertrude Shope, Thenjiwe Mtintso, Sheila Sisulu, Barbara Masekela, Cheryl Carolus and other women have said.

The ANC is aware that it is not Khoza who lied about her house, or slept with sons of her friends, or lied in Parliament about a bond on her palace. It is not she who frequents the Saxonwold residence of the Gupta family. She did not fire a minister and deputy based on a fake intelligence report.

One of Khoza's sins is her role in the **SABC** ad hoc committee. She was vocal like Ruth First during the struggle. She was hard on Dr **Ben Ngubane**. I am sure Ngubane, Hlaudi Motsoeneng, Brian Molefe and Alex la Guma are happy Khoza has now been summoned to a KZN DC.

Khoza is not an enemy of the ANCWL. Women like Winnie Mandela, Edna Molewa, Angie Motsekga, Thandi Modise, Barbarah Hogan, Barbarah Masekela, Thoko Didiza Msane, Doris Skhosana, Priscilla Jana must rally behind Khoza. As women, we are proud of imbokodo like Khoza, Vytjie Mentor, Thuli Madonsela and those among 101 veterans.

As members of the ANC and SACP, we support Khoza more than we supported Zuma in his skirmishes with the law. We cannot be intimidated into supporting Cyril Ramaphosa.

Document INDSAT0020170729ed7t00022

South Africa

IFP comes out to defend JRA chairperson; The Gauteng IFP chairman says the protected disclosure is diverting attention from alleged underspending at the roads agency.

Gosebo Mathope

745 words

28 August 2017

The Citizen

CZEN

English

Copyright 2017, The Citizen. All Rights Reserved. Distributed by NewsBank, Inc.

In the wake of revelations that the suspended company secretary of the Johannesburg Roads Agency, Karen Mills, made a protected disclosure accusing board chairperson Siphosiso Tshabalala of questionable behaviour, an IFP leader has come out to rubbish the claims.

"Karen is lying. It's all lies. The conduct of the JRA board chairperson is not in question here. What they are diverting attention from is that the entity [the JRA] is underspending and not fixing potholes and giving money to Sanral."

IFP Gauteng chairperson and member of provincial legislature (MPL) Bonginkosi Dlamini was reacting to the protected disclosure that the suspended company secretary of the JRA made to the City of Joburg's Group Forensic and Investigation Services (GFIS) headed by General Shadrack Sibiya.

In constituting his mayoral committee (Mayco) after the DA-led coalition unseated the ANC from power in the City of Johannesburg, Herman Mashaba allocated three portfolios in his 10-member local cabinet to the IFP.

The EFF declined to form part of the Mayco and consistently stated it was not in a coalition with the DA.

Former IFP MP Nhlanhla Makhuba heads the transport portfolio in a delicately balanced power sharing agreement. Two members of the Mayco, former Joburg Water Board CEO Anthony Still and former general manager of Johannesburg Tourism Sharon Peetz have already been removed.

Both the GFIS and the office of the executive mayor deferred all queries regarding the protected disclosure to the JRA. Spokesperson Bertha Peters-Scheepers emphasised that due to the nature of questions containing allegations against the board chairperson, it was the board's prerogative to comment, and in this case they had declined to do so.

Dlamini, however, shared with The Citizen that as soon as the MMC for transport, Makhuba, received the queries and were shared with him, a "briefing" was received by himself from the JRA board chairperson and board members.

READ MORE: JRA whistle-blower paints damning picture of agency's chairman

"That is a big lie [the protected disclosure]. There was a quarterly report by the executives of the JRA and there was massive underspending of millions of rands by the company. This is because they don't have the required capacity.

"They cited the issue and the board suggested that the new [project management] unit be established. We want the projects initiated at township levels, introduced by [former] Mayor [Amos] Masondo, reintroduced," Dlamini said.

He dismissed allegations contained in the disclosure by Mills, saying "Karen is speculating about the chairman's role; the CFO was also frustrated and he wanted to this new unit to be established."

Dlamini also divulged that the board had decided to "complete the issue of Karen's [suspension and disciplinary action]" before addressing the allegations. A source close to the issue last week informed The Citizen that an advert for a vacant company secretary had been approved and will be appearing in the media soon.

Dlamini told The Citizen there was no orchestrated campaign by the board chairperson to purge executives at the entity to weaken internal controls so tenders could continue to be issued irregularly.

"My information is that the MD and the head of infrastructure development resigned because they were not happy with the PMU."

"The coalition in the city has heard there is a lot of money at the JRA that was sent back to Sanral. The money was meant for potholes, which is unacceptable. There are currently 48 contracts issued but contractors are not on site.

"We will not tolerate corruption. But you cannot say that the board chairperson cannot request an office and a PA. **Ben Ngubane** had an office and PA at the **SABC** and Eskom. Popo Molefe had an office and PA at Prasa. This is normal practice," Dlamini said.

JRA chair accused of irregular conduct by company secretary

For more news your way, follow The Citizen on Facebook and Twitter.

To comment you need to be signed in to Facebook. Please do not comment by saying anything prejudiced.

We reserve the right to remove offensive comments.

Executive Mayor Herman Mashaba takes a tour of the site where Johannesburg Road Agency, has started the process of implementing interventions combating the challenge of traffic signal downtime at key traffic intersections throughout Joburg. 15 March 2017. Picture: Tracy Lee Stark

Document CZEN000020170829ed8s0001c

Cape Argus

NWS

Bid for criminal case following SABC 'lies'

553 words

30 August 2017

Cape Argus

MEWCAP

E1

4

English

© 2017 Independent Newspapers (Pty) Ltd

Committee must decide what to do with report regarding inquiry

LEGAL experts will be called to help plan what to do with those who had potentially lied during a parliamentary probe into the affairs of the SABC.

Parliament's portfolio committee on communications has been given the responsibility of what to do with a report compiled by Parliament's Legal Services Unit identifying five people, including the Minister of Public Service and Administration, Faith Muthambi, as possibly misleading the probe. The DA wanted criminal charges to be lodged against Muthambi, former **SABC** board chairpersons Mbulaheni Maguvhe, Ellen Tshabalala and **Ben Ngubane**, as well as former company secretary Theresa Geldenhuys.

EFF MP Mbuyiseni Ndlozi said this could be a risk, and so Parliament's lawyers should advise them first.

"We have a lot of power, often more than police stations... in relation to our members and the people who appear in front of us... in our entities that (Powers and Privileges) Act is a very powerful act, so I would want the indulgence of our honourable members here, what is the legal advice to us and then take a decision," he said.

DA MP Phumzile van Damme was not opposed to the idea of getting a legal opinion first, while ANC MP Nokuzola Tolashe said lawyers would be best placed to take MPs through the process.

The report from Parliament's legal unit outlines how Muthambi, in her former portfolio as communications minister, may have misled the committee when she denied putting pressure on then board members to appoint her friend, Hlaudi Motsoeneng, as the SABC's chief operating officer. If found to be true, it would be a breach of the Powers and Privileges Act.

Maguvhe was also found to have possibly lied when he told the inquiry in December last year he had no knowledge of the firing of the "SABC 8", the group of journalists fired and then rehired after objecting to changing editorial policies at the broadcaster.

"Ms Muthambi, however, indicated that Prof Maguvhe himself had led a October 5, 2016 presentation to the portfolio committee which included feedback with regard to the labour dispute. This could be indicative of Prof Maguvhe misleading the Inquiry," the report stated.

One of Maguvhe's predecessors, Ngubane, who is also the former Eskom chairman, is also on the list in the report.

"The testimony offered by Dr Ngubane could be seen as an attempt to mislead the inquiry and that false information was presented to the inquiry."

Ngubane testified that former acting chief executive Phil Molefe had pursued a contract with rival television station ANN7, a Gupta-owned company, although the contract was signed after Molefe had left the SABC.

The alleged failure of former company secretary Geldenhuys to table key documents to the ad hoc committee meant she also made it on to the list.

The lawyers also suggest a probe be done into former SABC chief financial officer James Aguma's submission of an e-mail stating that a new memorandum of incorporation, which gave Muthambi more powers at the SABC, was in fact authentic.

The report stated that those who give false evidence before a committee could be liable to a fine or jail time not exceeding two years, or both. - ANA

Page 20 of 29 © 2019 Factiva, Inc. All rights reserved.

Document MEWCAP0020170830ed8u0000k

THE MERCURY

LOR

A testing period for the SA media

995 words

13 September 2017

The Mercury

MERCURY

E1

6

English

© 2017 Independent Newspapers (Pty) Ltd

THE recent media "revelations" about Deputy President Cyril Ramaphosa's several alleged extramarital affairs are the classic approach to creating doubt about a prominent person's integrity.

They also call into question his claim to be a suitable moral or ethical alternative to President Jacob Zuma's corrupt administration.

The latest accusations are meant to attack the very foundation of his campaign to lead both the ANC and the country. Ramaphosa admitted to having had an affair a decade ago.

This is not the first time that prominent ANC personalities have been placed in a situation similar to Ramaphosa's.

In the past, accusations were made against Kgalema Motlanthe, a former ANC secretary-general and deputy president, and against Blade Nzimande, general secretary of the SACP and Minister of Higher Education.

The SACP is in a governing tripartite alliance with the ANC and labour federation Cosatu.

More specific reports of alleged infidelity have appeared against Police Minister Fikile Mbalula and Jeff Radebe, Minister in the Presidency. Marius Fransman, the former ANC's Western Cape leader, has been suspended for five years for sexual misconduct.

It would be inappropriate to generalise about all of them.

And, with the available information, the Ramaphosa case appears to be an example of the tried-and-tested trick of spreading rumours about or exposing infidelity.

It is noteworthy that Ramaphosa's defence mentions this directly, and that state institutions are allegedly being used (by the pro-Zuma group) to neutralise his election campaign. It represents an escalation of a dirty war against those who are working to restore the values, principles and integrity of the ANC and society.

Ramaphosa is considered a frontrunner among the contenders to replace Zuma - ahead of the president's preferred successor, Nkosazana Dlamini Zuma.

The campaign to discredit Ramaphosa has gone through several stages: first, an attempt was made to compromise him by placing blame for the Marikana massacre on him.

Then he was discredited as a puppet of business who is being manipulated by "white monopoly capital".

These were followed by the claim that he was being manipulated by a "white clique" that manages his election campaign and that he was, therefore, not genuinely "black".

He was also accused of having beaten his ex-wife. But she refuted the allegation.

The latest line of attack seeks to advance the view that his moral outrage against Zuma's corruption and unethical leadership is compromised by his own immoral extramarital relations.

Importantly, he admitted to having had an affair a decade ago.

But the campaign to discredit Ramaphosa appears not to be having the desired effect.

The general sentiment among ANC spokespersons and those of Cosatu is one of dismay. Ramaphosa's family and acquaintances have also dismissed the latest accusations against him.

The fact that some refer to events about eight years ago, and the fact that they openly challenge Ramaphosa's character, point to possible ulterior motives.

An important aspect of the current Ramaphosa case is that it is an indirect message to Zuma's opponents. Zuma is making it clear that he still has sufficient access to intelligence agencies to expose the skeletons in their cupboards.

It will likely dampen the emerging rebellion in the ANC. An example of such rebellion was seen during the recent motion of no-confidence against him in Parliament.

It saw 35 ANC MPs defy orders to toe the party line in the motion brought by the opposition.

If it's seen in the same light as the Hawks' investigations into former finance minister Trevor Manuel and his deputy, Jabu Moleketi, and then former SA Revenue Service (Sars) commissioner Pravin Gordhan, about Sars intelligence and Treasury management, it sends a message to Ramaphosa's supporters - to tread carefully in the future.

In view of the fact that the ANC leadership nomination process has commenced, and that intense contestation can be expected ahead of the party's national elective conference in December, the possibility of serious incidents shouldn't be excluded.

Political assassinations already under way in KwaZulu-Natal might increase.

Another important symptom of the motive behind the Ramaphosa case is the fact that Zuma has experienced a set of serious setbacks lately.

These include the following: the Guptas, the business family and his friends at the centre of state capture, are suffering a meltdown; there are new parliamentary investigations into state capture; the demise of his key supporters in various government agencies (such as Brian Molefe, **Ben Ngubane**, Hlaudi Motsoeneng, Berning Ntlemenza); the **SABC** is increasingly exhibiting independence; the ANC's parliamentary caucus is rebelling against him; he has suffered several negative court judgments; and the UK public relations company Bell Pottinger's woes have also discredited Zuma's mantra of "white monopoly capital".

The British public relations company employed by the Gupta business empire got embroiled in ANC internal politics.

It has since been sanctioned for its role in promoting the racially divisive "white monopoly capital" narrative sponsored by the Guptas, Zuma's friends at the core of state capture allegations.

The months leading towards the ANC's December conference will be a trying period for the South African mainstream media. They are a lucrative target for abuse by the two main ANC election campaigns.

Leaks, planted information, fake news and attempts to lure journalists to support either faction are all very likely possibilities. The Ramaphosa case has been the first major test for the media.

Clear editorial policies, uncompromised ethical practices and exceptional professionalism are what will see the media through. It cannot afford mistakes or miscalculations in the next four months. - The Conversation

- Kotze is a professor in political science at Unisa

Deputy President Cyril Ramaphosa's several alleged extramarital affairs have been used as a tactic to question his integrity as the leadership battle in the governing ANC intensifies. Dirk Kotze says this is not the first time that prominent ANC members have been targeted

Document MERCRY0020170913ed9d0001I



LOR

Ramaphosa must fire Minister Gigaba

201 words

13 March 2018

The Mercury

MERCURY

E1

8

English

© 2018 Independent Newspapers (Pty) Ltd

Home Affairs Minister Malusi Gigaba denied that Ajay and Atul Gupta were granted South African citizenship.

Former Eskom board chairman **Ben Ngubane** has defended his track record at the power utility, despite members of Parliament saying he collapsed Eskom, the **SABC** and the Land Bank.

Gigaba denies while Ngubane defends. It seems South Africa has entered an age of lies, deceit, defensive and denial.

This is happening all the time by officials in government and utilities.

You do wrong and think nothing of it - not to speak of having no conscience. People of this nature fall under the category of cheaters and in some cases thorough-bred rogues.

President Cyril Ramaphosa must have Gigaba removed from the cabinet. He is a Zuma man and has connection with the Guptas.

I don't understand why Ramaphosa appointed him to the cabinet.

While Ngubane must never be given any job connected with any government structures.

Both Gigaba and Ngubane must be put away in the past and forgotten. However, Ramaphosa will be doing South Africa a great service by removing Gigaba - there are many others of integrity that can be considered to replace him.

ISMAIL MOOLLA

Umzinto

Document MERCURY0020180313ee3d0001i

News

When a board pulls in two directions

Andile Khumalo

776 words

9 December 2018

The Sunday Times

SUNTIM

Business Times

English

Copyright 2018 Times Media (Pty) Ltd

What happens when fiduciary duties clash with political stances?

More than a year ago, in October 2017, president Jacob Zuma announced a permanent SABC board to replace the interim structure that had been in place.

The interim board had come into being after a complete collapse in governance dating from the time the government saw fit to put Ellen Tshabalala and **Ben Ngubane** in charge of the broadcaster. As the governance crisis rapidly mutated into an operational fiasco, the **SABC** found itself paralysed from within as the Hlaudi Motsoeneng effect eroded all stability in the institution.

This week, the board yet again collapsed as four more members resigned. The board already had vacancies arising from the loss of members who were confirmed for a five-year period in October 2017 and promptly left within months.

The Broadcasting Act requires that 12 nonexecutive directors and three executive directors serve as the guardians of the organisation. Right now, the board is left with just four nonexecutive directors and three executives.

The board is numerically inquorate. Beyond that, there is a need to distinguish between a numerically quorate board and a functionally quorate one. To understand the distinction, it is important to understand what it is that board members sign up for.

For a long time, South African corporate governance had the 1973 version of the Companies Act as its guiding light. In 2010, the new Companies Act of 2008 passed into law. This act correctly highlights the roles of directors of companies. Section 76, in particular, confirms their fiduciary duties. These include the need to act in good faith, avoid conflicts and always seek to promote the interests of the company.

More importantly, fiduciary duties and obligations are non-negotiable and cannot be waived randomly. This is because shareholders and society entrust directors with wide-ranging powers to take decisions that have far-reaching implications.

For large entities and state enterprises in particular, their social reach tends to be pervasive as they are employers, producers and taxpayers all at once. To ensure their sustainability, we need to have the best directors in charge of affairs.

A board of directors must always have a number of specialist skills with a focus on financial matters. Whether we like it or not, when the livelihoods of employees, suppliers and other stakeholders depend on an organisation's ability to remain financially viable, the voices of the financially savvy members will be amplified more than others. A board therefore doesn't have to be just numerically quorate but must also be technically balanced to be effective.

Interestingly, the question of technically quorate structures matters more at the onboarding stage than during an exodus such as the SABC board is experiencing.

For the SABC and other entities, however, the onboarding process seems to be a delicate trade-off between skills and affiliation. In the October 2017 announcement, for example, the board chair was the head of the politically affiliated Bongi Ngema-Zuma Foundation. The former deputy chair — Febe Potgieter-Gqubule — is an office bearer of the ANC. Another member who resigned this week — Krish Naidoo — is the official legal adviser to Luthuli House. John Matisonn — another resignation from this week — is curiously referred to as the DA nominee to the board.

And that's just a sample.

It is, of course, possible that politically affiliated board members are the most suitable candidates for appointment. What remains less resolved is what happens when the fiduciary duties clash with the political stance. In the SABC case, the resignation letter of Naidoo indicates the board includes individuals who are unable to “understand the difference between corporate independence, accountability and political interference”. Matisonn’s letter makes it clear that the board is gravitating away from the political process and towards fiduciary duties. His recommendation for the board to change course and suspend retrenchments, for example, lays bare the tensions between the fiduciary question and the political question. The minister of communications — who has cut off all communication with the board — has no fiduciary duty as she is not a director. Her political position is simply that, but it is difficult to understand how directors whose primary duty is fiduciary can seek to champion the political mandate.

What we had at the SABC was a board divided into two quorums, one made up of the politically inclined and the other made up of those committed primarily to their fiduciary duty. For as long as the fiduciary champions remain, we should be grateful. But as we have learnt, this will not last long.

Khumalo is an entrepreneur and chartered accountant

Document SUNTIM0020181210eec900001

State Capture

Eskom was run from outside of Eskom, says Mabuza; Eskom chairperson Jabu Mabuza told the Zondo inquiry on Monday that important decisions about the power utility were being made by people outside of its appointed structures.

ANA

495 words

25 February 2019

The Citizen

CZEN

English

Copyright 2019, The Citizen. All Rights Reserved. Distributed by NewsBank, Inc.

Speaking about how Gupta-linked individuals would send instructions to Eskom executives about guarantees and coal contracts, Mabuza said the board has made a conclusion that Eskom was being run from outside of its offices in 2015.

"Outsiders would decide what to do. They draft [decisions] and they send [it through] and they put on the Eskom letterhead or they put it in front of the board, the board would approve and that would become an Eskom decision," Mabuza said.

"Eskom was run outside Eskom."

Earlier in the day, Mabuza reiterated his allegation that emails retrieved from former acting CEO Matshele Koko's server show that Eskom's confidential documents were, in 2015, sent to the email address which was linked to Salim Essa, believed to be an associate of the notorious Gupta family.

For instance, Mabuza read an email allegedly from Koko about a Round Robin Resolution then by the board and proposing a R1.6 billion Eskom guarantee for the Gupta's Optimum Coal Mine in 2015. The resolution, which purported to be an Eskom resolution, was about what Eskom should do with a mine the Gupta family wanted to buy from Gencore.

Mabuza said the Round Robin Resolution was drafted by external company, Regiments Capital, in preparation of it [Regiments] to offer the very same services to Eskom.

Regiments, McKinsey and Trillian were paid R1.5 billion in respect of the contracts awarded between 2012 and 2016 despite not producing supporting documents.

Mabuza also read an email allegedly from former CEO of Gupta-owned Oakbay Resources, Nazeem Howa, to former Eskom head of legal and compliance, Suzanne Daniels, about the coal supply agreement with Optimum Coal and which Daniels allegedly had to put under an Eskom letterhead.

Other emails also linked former Eskom CFO Anoj Singh for allegedly leaking confidential Eskom documents to Regiments CEO, Eric Wood, and vice versa in which Wood gave Singh banking details of Gupta-owned Tegeta Resources.

Mabuza said Eskom has laid four charges against Koko, among others, for lying to parliament and for sending confidential corporate information to Essa.

As for Daniels, Mabuza said the power utility preferred three charges against her for sending emails to Essa, for her role on the McKinsey matter and the Optimum Coal, and also for paying about R800,000 from Eskom's money in legal fees for former board chairperson **Ben Ngubane** for his hearings at the **SABC**.

The Commission has adjourned after Mabuza concluded his testimony. It will resume on Tuesday but the next witness has not been named yet.

- African News Agency (ANA)

Eskom board chairman Jabulani Mabuza is seen testifying at the commission of inquiry into state capture in Parktown, Johannesburg. Photo: Nhlanhla Phillips/African News Agency (ANA)

Document CZEN000020190227ef2p0002x

Opinion

FINANCIAL RELATIONSHIPS - Mabuza in a state over role of minister

LUMKILE MONDI

720 words

14 March 2019

Business Day

MEWBUD

English

Copyright 2019. Times Media (Pty) Ltd

FINANCIAL RELATIONSHIPS Mabuza in a state over role of minister The deputy president's stance, unlike that of Tito Mboweni, betrays a poor grasp of fiscal accountability. On Tuesday, deputy president David Mabuza was dismissive of tweets by Tito Mboweni, saying what the finance minister tweets are his own views, not government's. This is despite the fact that Mboweni is praised by financial markets and lenders, particularly because his credibility was earned through his commitment to monetary discipline and the inflation-targeting framework during his reign as Reserve Bank governor, and also because of his more recent willingness to serve after the economy had been mismanaged by the ANC.

Mabuza's comments have stimulated a debate about the role of the finance minister and his relationship to the governing party, and global and SA lenders in general. Before going on to that discussion, allow me to digress to the Public Investment Corporation (PIC) Amendment Bill and the reactions of the portfolio committee to the recent letter from Mboweni. In the letter, he asked the committee to halt its work on the bill, citing two reasons. One is his concern as to whether a political office-bearer should chair the PIC board, as is the case now, with the deputy finance minister automatically appointed to that role. The second was more a request from retired judge Lex Mpati, who is chairing a commission of inquiry into the PIC's affairs. The judge wants this process concluded in order to incorporate his recommendations into parliamentary deliberations on the bill. The committee was quick to react by claiming independence from the executive. How many South Africans wish the same approach would have prevailed in the Robert McBride battle with the police minister, as well as for the former public protector's report on Nkandla. Sometimes in the environment SA finds itself, where the putrefaction of corruption invades every inch of the land, reading, listening and engaging is priceless. At the centre of Mboweni's belated intervention is a concern about governance at the PIC. What is emerging in various commissions is the amenability of politicians to maximising self-interest through the sacrifice of their fiduciary duty. The laws that seek to deracialise the economy are susceptible to abuse and as such require a review to close the loops that result in the asymmetry of information. In improving governance at the PIC, the chair's role needs to be reviewed to allow the minister to appoint an outsider capable of bringing independence to the board of directors. The board should represent all stakeholders, including unions, while being dominated by independent nonexecutive directors. The new dawn that President Cyril Ramaphosa is alluding to is about learning from state capture and how ANC political deployees have had a hand in the collapse of state-owned companies. It must be noted that former politicians are likely to be under pressure to return favours. Mohammed Valli Moosa was the chair of Eskom when Hitachi, with ANC investment arm Chancellor House as its partner, was awarded a contract; **Ben Ngubane**'s name has come up at the **SABC** and Eskom. As the finance minister, Mboweni can account for all the losses the party's gambling on politicians has cost the country. Financial prudence and fiscal accountability require him to act, and I can only wish that the committee would have applied its mind, rather than deferring the matter. The deputy president seems to be in helter-skelter mode regarding the finance function and the role of the finance minister in a country that is heavily indebted and whose government is at the centre of mismanaging the country's resources. The dearth of economic competence within the governing ANC is regrettable. Despite attempts by Reserve Bank governor Lesetja Kganyago to clarify the Bank's constitutional mandate, there appears to be different messaging from the ANC. Many lenders praise Ramaphosa, Mboweni and Kganyago and take note of what they say because of their credibility, competence and commitment to create a better society for all. These three gentlemen manage our sovereign risk and hoist our flag high everywhere they go. I am proud of them. Mondli is a senior lecturer in the Wits School of Economic and Business Sciences.

Document MEWBUD0020190314ef3e0000d

Search Summary

Text	(SABC or South African Broadcasting Corporation) SAME Ben Ngubane
Date	All Dates
Source	All Sources

Author	All Authors
Company	All Companies
Subject	All Subjects
Industry	All Industries
Region	All Regions
Language	English
News Filters	Subjects: Political/General News Not Crime/Legal Action Region: South Africa
Results Found	256
Timestamp	12 June 2019 10:03

NO.	Vendor	Vendor Name	Local Amount	ID NO	FIRST NAMES	SURNAME	ENT NUMBER	ENT NAME	Similarity
1496	117573	HUNTREX 302	-924 586,33	4110225416083	BALDWIN SIPHO	NGUBANE	M2010/004684/07	HUNTREX 305	92%
8218	140285	LEBEKO RE	-1 071,00	4110225416083	BALDWIN SIPHO	NGUBANE	M2008/009152/07	LUBEKO	77%
5838	182479	LOBELO DYNAMIX (PTY)LTD	-10 025,00	4110225416083	BALDWIN SIPHO	NGUBANE	M2008/009152/07	LUBEKO	73%