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Zondo commission - Ngubane consulted Presidency over Eskom exec replacements

Former Eskom board member Norman Baloyi has told the commission of inquiry into state capture that there were consultations with the Presidency just hours after the suspensions of four executives on 11 March 2015, over who would replace them. He testified before the commission on Wednesday.

Baloyi said he recalled a point when fellow board member Ben Ngubane was referred to as “ambassador” during a meeting of the board’s people and governance committee, which was tasked with finding replacements for Tshediso Matona, Dan Marokane, Tsholofelo Molefe and Matshela Koko, who had been suspended earlier. The term was used to characterise his constant calls to presidency officials over which names should be put forward to replace the four.

“Those kinds of consultations were happening so that we are in line with the office of the president,” said Baloyi, adding that the process was not done in secret and Ngubane did not intend to hide his part in the consultations. The committee, he said, had no CVs to choose from at the time as they had only learned earlier in the day that there would be suspensions.

Baloyi confirmed the evidence of previous witnesses that two days earlier, the board had been called to an urgent special meeting where, to their surprise, they were told by chairperson Zola Tsotsi of an impending inquiry into the affairs of the power utility. They then demanded guidance on this process from then public enterprises minister Lynne Brown.

A second meeting was then scheduled for the 11th where Brown addressed them in relation to the inquiry and what it hoped to achieve. She told the board that she would no longer protect Eskom executives from the “war room” – a high-level government team put together by former president Jacob Zuma to get a hands-on experience of Eskom’s operations and challenges at the time. According to Brown, said Baloyi, there had been many complaints arising from the war room over Eskom’s poor performance.

Only after this address did the board hear for the first time that the inquiry would involve the suspension of three executives, Matona, Marokane and Koko. Surprisingly, said Baloyi, suspension letters had already been drafted by this point.

His main concern was that the board of the time – which had only been in place for three months, having been appointed in December 2014 – knew very little of the executives they were tasked with suspending, and could have been ill-informed about the reasons for removing them. The justification that came from Tsotsi was that the executives needed to be removed in order to achieve an “unfettered” process. Baloyi was the only one who objected to the suspensions, he said.

Molefe’s name was added, at the suggestion of Chwayita Mabude, during a later meeting, where only the committee sat to oversee the process. Again Baloyi protested, he said, given that the broader

meeting had decided on only the three, but he was opposed. Molefe's name was added and the three –Marokane was then on leave – were called in one at a time and told of their fate.

The suspension letters had been drafted by private consultant Nick Linnell, whose appointment would later come into question, and cost Tsotsi his position, as the rest of the board charged him for going against its governance policy.

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