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Zondo commission – hasty advisor appointments because of time pressure, claims Van Rooyen

If government were to insist on cabinet ministers only appointing special advisors from among people known to them, South Africa could run the risk of nepotism and cronyism in these all-important roles.

This was the parting shot from former finance minister Des van Rooyen as he responded to the last question, completing his testimony before the commission of inquiry into state capture on Tuesday. Van Rooyen appeared before the commission to answer to the issue of his hasty appointments of advisors soon after becoming finance minister in December 2015. He was appointed by former president Jacob Zuma on 9 December, but removed on 12 December after a public outcry and a negative reaction by the financial markets.

Van Rooyen told the commission that he met Mohamed Bobat in a chance encounter in 2009, while the former was mayor of Merafong Municipality in the North West. As the two engaged in a chat, Van Rooyen was impressed by Bobat's knowledge of finance. Bobat gave him his business card, and they kept in touch. As the cluster whip of the ANC's economic transformation committee in Parliament, Van Rooyen engaged Bobat by inviting lessons from him on topics that he lectured other MPs on.

It was with little hesitation that, six years after they first met, new finance minister Van Rooyen considered Bobat for the position of advisor as he felt that he had been deployed in a high-pressure post and would need help. He only laid his eyes on Bobat's CV for the first time, however, on the day of his swearing in.

"I indicated to him that I've got an interest in him being part of my team as my advisor because the field that I was deployed to lead required a person of his calibre in terms of his academic qualifications," said Van Rooyen. "It was purely on merit. I also indicated to him that as much as I had identified him, we need to follow a certain process."

The process required Bobat being vetted and getting a security clearance through the State Security Agency, but owing to that office's known backlog at the time, Van Rooyen knew Bobat's appointment would take too long if they waited for this to be completed. Instead, he took the position that this process could follow later.

Commission chairperson Deputy Chief Justice Raymond Zondo's concern was why Van Rooyen did not opt for a wider choice of qualified people who are experienced.

"Chair, I had no time, because remember I had to hit the ground running," he replied. "So I had to prioritise some positions in my office so I can hit the ground running. I had to prioritise the two

positions because I knew that as I go into National Treasury, it's a formidable institution and there will be people who can complement these two that I have earmarked."

On the day that he first met Ian Whitley, two days after his own appointment, Van Rooyen offered him the post of chief of staff in his office. He was in a meeting at Melrose Arch when Malcolm Mabaso, former advisor to former mineral resources minister Mosebenzi Zwane, interrupted it to introduce him to Whitley. Van Rooyen then met with Whitley, who had also brought his CV along for the minister to view. At the end of a meeting that lasted no longer than 30 minutes, Whitley was offered the post. Also present at the meeting were Bobat and Eric Woods, a businessman associated with Regiments Capital. Bobat himself had been employed by Regiments at the time of Van Rooyen's offer. Regiments has been known to have had close links to the Gupta family, particularly with regard to government contracts.

Van Rooyen took some time to speak on the hypocrisy displayed by Lungisa Fuzile, former director-general of National Treasury, who had been cross-examined by his lawyer earlier in the day. Fuzile's testimony before the commission in November 2018 had been that he was initially told by ANC leader Enoc Godongwana on the night of the dismissal of Van Rooyen's predecessor Nhlanhla Nene that Fuzile would be getting a "Gupta minister" who would bring with him advisors that he himself did not know.

On the separate occasions that he met Bobat and Whitley, Fuzile said it did appear that there was little familiarity between both men and Van Rooyen.

Van Rooyen's legal representative Advocate Kgomosoane Mathipa had a tense exchange with Fuzile, insisting that the latter did not tell the truth in his initial testimony, regarding the process of registering the two men on Treasury's system. In his own affidavit to the commission, said Mathipa, Van Rooyen said he received no resistance from Fuzile when he asked him to carry this task out.

"We had to deal with the fact that Mr Rooyen had committed a serious violation by bringing Mr Bobat and Mr Whitley into the department and giving them access to everything before they had formalised contracts," said Fuzile.

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