

# DAILY MAVERICK

(/)

DM168

## SA'S WATERGATE

# Missing millions – Whistle-blower reveals how Department of Water and Sanitation covered up its own probe



 From left: Nomvula Mokonyane, Senzo Mchunu and Lindiwe Sisulu. (Photos: Gallo Images, iStock and Unsplash)

By Angus Begg

(<https://www.dailymaverick.co.za/author/angus-begg/>)

30 Apr 2022

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Dealings with the Department of Water and Sanitation suggest the leadership of an entire government department at the highest level ignored and mislaid R36-million worth of critical in-depth investigations.

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**T**he [whistle-blower](https://www.dailymaverick.co.za/article/2022-04-09-watergate-whistle-blower-lifts-lid-on-probably-the-most-perfect-example-of-anc-state-capture/) (<https://www.dailymaverick.co.za/article/2022-04-10-angus-impact-water-corruption/>) who provided access to the [Watergate](https://www.dailymaverick.co.za/article/2022-04-10-angus-impact-water-corruption/) (<https://www.dailymaverick.co.za/article/2022-04-10-angus-impact-water-corruption/>) file comprising leaked documents from a Department of Water and Sanitation investigation into about 65 of its own top brass has revealed the lengths to which some department heads went to cover up a litany of wrongful, negligent and possibly criminal acts against South Africa's citizens. Perusing the documents, including charge sheets issued by the risk audit unit carrying out the investigation, *Daily Maverick* has come across one sentence with disturbing frequency:

“The above transgression of the Public Finance Management Act is viewed in a serious light.”

This quote features in a number of the roughly 65 official charge sheets – either produced or in review by the department's disciplinary committee after an investigation lasting almost two years, involving the highest-ranked civil servants.

The **S**outh African public has heard and read the quote so many times over the past decade, in many government departments across a variety of scenarios, that the question has to be asked: have those words been flushed down the drain?

### **The minister is very worried**

It seems Water and Sanitation Minister Senzo Mchunu himself may think so. According to the Parliamentary Monitoring Group website, under “Investigations and disciplinary processes by the Department of Water and Sanitation; with Minister (<https://pmg.org.za/committee-meeting/34512/>)”, when addressing the portfolio committee on 8 March 2022 on investigations within his department, Mchunu “expressed grave concern about the number of investigations and corruption charges that had been levelled, mostly against internal officials and external suppliers. He likened the department to having become a police station, with the large number of corruption cases levelled against officials, and the investigations still under way in the department.”

Yet, despite this frightening admission by the minister, in attempting to establish just where the Department of Water and Sanitation compass sits, *Daily Maverick* has had difficulty getting answers from the department, specifically with regards to confirming the fate of the approximately 65 senior department officials who were either being investigated or charged by the disciplinary committee for wrongful expenditure of more than R31-billion, as detailed in our 9 April edition.

### **Show me yours and I'll show you mine**

In response to queries from *DM168*, the director-general of the Department of Water and Sanitation, Dr Sean Phillips, answered through

department spokesperson Sputnik Ratau:

“We have not been provided with the report which you are using as your source, and we would like to reiterate that we would welcome receipt of any evidence of financial misconduct by our employees.”

The director-general of the Department of Water and Sanitation is thus asking *DM168* for details of an investigation that his own department carried out.

The Watergate whistle-blower says the data would have been available at what should have been a handover between ministers, a meeting that Mchunu confirmed was verbal. A handover of a massive government ministry, much like a parastatal or large corporation, should, according to the whistle-blower, take months. “There was no transition, nor continuity,” says the whistle-blower, adding that the failure to effect a proper handover had indeed helped in shaping the department as “a police station... large number of corruption cases levelled against officials.”

Phillips’s statement suggests that the leadership of an entire government department at the highest level has ignored and mislaid R36-million worth of critical in-depth investigations conducted by their own department.

### **A little bit nervy**

The department’s dealings with *Daily Maverick* itself, immediately before the exclusive appeared on 9 April, were both unusual and unusually frequent.

Through his personal assistant, Mchunu refused to reply on paper, insisting on an online interview, which revolved more around semantics and

terminology and why the leaked disciplinary committee investigation – the Watergate files – was of no apparent interest to his department. “It ended with her [former minister Lindiwe Sisulu] term of office.” The minister offered up his recent dissolution of the leaking Amatola Water Board as a sacrifice, but a straight answer about the status of the 65 fingered top-management department officials was not forthcoming.

In an interview on SAfm’s *AM Live* last week, Mchunu persisted with the narrative that the work of previous minister Sisulu’s disciplinary committee – which he explained to *Daily Maverick* is the same as an advisory committee – ended when she left the office, which the whistle-blower says is disingenuous.

This suggests that because the “advisory committee” was constituted by one minister, the incoming minister [Mchunu] has no authority to continue with the process because he didn’t initiate it, regardless of the purpose or scope of the committee’s investigative function, which, as it turns out, revealed evidence of enormous corruption and incompetence.

Yet, so concerned was Mchunu about the impending Watergate leak that he personally called *Daily Maverick* twice later the same day after the interview.

### **‘What they should’ve done’**

The whistle-blower, with decades of investigative experience, says Mchunu and Phillips should both – with the latter having this week confirmed that the department is “committed to proper consequence management for financial misconduct” – answer why they didn’t pick up where the investigation had left off, ready to

pursue their colleagues and comrades through the remaining trusted legal channels available to them.

“The [Department of Water and Sanitation] is cooperating with the SIU on an almost minimum need-to-know basis, but only when required under order of Presidential Proclamation,” said the whistle-blower.

South African voters – taxpayers and otherwise – are confronted with the ugly possibility:

- Of, in effect, being blocked from establishing what happened to the money, or where it went; and that
- The R36-million spent on the Department of Water and Sanitation investigation – which exposes evidence of corruption and rot that had set in at the department over at least 10 years – appears to have been whistled away by the department’s hierarchy as an inconvenient truth.

The question is why, accompanied by about 65 versions of “what happened” and even a “how”.

### **This little DDG retired**

Such as why and how was the case against Department of Water and Sanitation planning and information deputy director-general (DDG) Debra Mochotlhi “resolved”, as communicated by Mchunu’s personal assistant in a WhatsApp note.

Mochotlhi was charged together with former DDG of corporate services, Squire Mahlangu, for “prejudicing the administration, discipline and efficiency of the [department]... failing to comply with, or contravening an Act”, and “wilfully or negligently mismanaging the finances of the State”. The pair were sent a letter – seen by *Daily*

**Maverick** – by the department’s acting director-general, Mbulelo Tshangana, on 25 October 2019, detailing charges of misconduct between 28 March 2019 and 15 July 2019 under the Public Finance Management Act (PFMA), while serving as acting director-general.

Millions of books, audiobooks, magazines, documents, sheet music, and mor



Mr S Mahlangu  
DDG: Corporate Services  
c/o Department of Water and Sanitation

Dear Mr Mahlangu

**NOTICE OF INTENTION TO DISCIPLINE ON ALLEGATIONS  
IN TERMS OF THE PROVISIONS OF CHAPTER 7  
(MISCONDUCT AND INCAPACITY): YOURSELF**

1. Arising from an internal investigation by the Chief Direct  
been established that the Department has incurred  
expenditure amounting to at least R2.8 billion in re  
Programme. It is further noted that during the period 2

In that period, explained Tshangana in the letter, the department incurred unauthorised and irregular expenditure “amounting to at least R2.8-billion”.

**This little DDG went home, and this little DDG went back to the office**

When **x** pressed on repeated occasions for clarity on what became of Mochotlhi, Phillips wrote that the disciplinary letter she and her fellow DDG Mahlangu received were based “on allegations that she authorised the War on Leaks payments of which those payments led to the increased incurred irregular expenditure. Ms Mochotlhi responded to the letter of intention to discipline her and no further action was taken against her.”

The director-general said Mochotlhi’s response led the then acting director-general of the department to conclude that there was no evidence of financial misconduct by her. He confirmed that “additional allegations led Mahlangu to be suspended in February 2021, but that he retired at the end of

July 2021, before the disciplinary processes related to his suspension (which were managed by the ‘disciplinary committee’ appointed by the former Minister) could be completed”.

*Daily Maverick* still awaits details of 1) Mochotlhi’s response that led the acting director-general to withdraw charges against her and 2) details of Mahlangu’s departure, if he is receiving a pension, and if any civil charges will be brought against him.

### **This little CFO took to the sky**

Perusing the details of a separate case – a supply chain management process surrounding a R500-000-plus charter flight for then water and sanitation minister Gugile Nkwinti – former acting director-general Mochotlhi’s name appeared again.

The report into the irregularity concludes that Mochotlhi sanctioned then acting chief financial officer (CFO) Frans Moatshe’s irregular expenditure involving the charter of a helicopter for Nkwinti, resulting in the risk assessment audit team advising that Mochotlhi had not complied with the Public Finance Management Act and “should be investigated”. Included in the same audit is the account of two department staffers (named) discussing “a balance of R56,800.00” that had not been spent. The report details one staffer expressing that they “have to use the balance of R56,800.00, and that exceeding the balance is problematic as it was out of approved delegations”.

### **What a forensic audit reveals**

With so many names appearing in thousands of the Watergate documents, the one constant – apart from taxpayers’ money being abused – is

that **the** names are more often than not linked to wrongdoing.

“Forensic audit findings are not based on abstract concepts but objective fact,” says the whistleblower. “While an adverse finding related to an irregularity at worst might point to an intentional criminal act, at best it will indicate gross negligence, incompetence or oversight, and warrant severe sanction. Something, it would seem, that did not happen here.”

In his response, director-general Phillips says: “The Department does not have any evidence of financial misconduct by Mr Moatshe and there is no investigation against him.” Yet, the risk audit findings and recommendations in *Daily Maverick*’s possession are contained in an official department document.

### **Numbers four, five and six of the 65**

Referring to the charge sheet for the department’s deputy director-general of national water resources infrastructure, Zandile Makhathini, Phillips confirms that Makhathini is on suspension, “charged with financial misconduct related to the SAP licences, SIU investigations: progress report; Department of Water and Sanitation challenges: Treasury briefing, with DWS Minister | PMG (<https://pmg.org.za/committee-meeting/27686/>), and a project in KZN”. Her disciplinary case was “currently in process, and that finality is expected shortly”. As reported in *Business Day* on 22 October 2018 (“Water deputy director fired because of lack of ‘trust and confidence (<https://www.businesslive.co.za/bd/national/2018-10-22-water-deputy-director-fired-because-of->

~~lack-of-trust-and-confidence/)~~”), Makhathini had already been fired by the department in 2018, facing four charges of misconduct.

Like retired former acting DDG Mahlangu, Phillips confirmed that the department’s DDG of regulation, Anil Singh, is no longer with the department. “He resigned from the department on 31 August 2021 while he was on suspension and facing charges related to gross misconduct and dereliction of duties, as well as financial misconduct.”

Continuing with his roll call of the investigated-and-resigned-before-they-might-have-got-into-trouble, Phillips confirmed that the department’s

former chief director of communications, Janine Julies Nale, had been served with a charge sheet in connection with “allegations of violations of SCM [supply chain management] policies and procedures ... but before the hearings could be concluded, she resigned”.

### **Due diligence**

Attempts to contact those mentioned for comment have been unsuccessful, except for CFO Moatshe. Moatshe was supplied with the relevant paragraphs from the department’s investigation, but, as with Phillips, would like to see the leaked investigation documents before commenting. It may bear repeating that, since these documents were produced by the department, why does the minister and director-general not have them?



Stories of resignations before disciplinary hearings are concluded have become an accepted staple in South African government circles, such as this random yet connected example (<https://www.dailymaverick.co.za/article/2022-03-28-former-knysna-cfo-mbulelo-memani-bags-new-bitou-job-despite-incomplete-disciplinary-hearing-and-trail-of-complaints/>), covered by *Daily Maverick* on 28 March, in which former Knysna CFO Mbulelo Memani left the town before his disciplinary hearing involving a controversial water-meter tender process. As with Mahlangu and Singh and others on the Department of Water and Sanitation waterslide of 65, it is clear that

potentially serious misdemeanours are swept under the national rug, where the South African voter cannot see them.

### **I have two words for you**

More than R36-million was spent on the Watergate investigators and auditors, investigating the very civil servants paid to serve the public, while villages in Limpopo sit without taps, raw effluent runs into the Vaal River and Eastern Cape towns that receive enough water have no water to drink thanks to dysfunctional wastewater treatment works.

Having perused a decade of departmental emails and files the whistle-blower believes the cause of the disastrous state of affairs at the ministry could be summed up in two words: “Cadre deployment.”

### **DM168**

*This story first appeared in our weekly Daily Maverick 168 newspaper which is available for R25 at Pick n Pay, Exclusive Books and airport bookstores. For your nearest stockist, please [click here](#) (<https://168.dailymaverick.co.za/available-here.html>).*

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**STAY CALM, GET VACCINATED, WEAR A MASK Page 3**  
 Protect yourself: Scientists say the rise in infections is due to two Omicron subvariants and they're asking everyone to prepare for the Fifth Wave



The latest Zondo Commission report is another damning indictment of former president Jacob Zuma. Photo: Felix Dhangomani/Dailymaverick

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**168**

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**WATERGATE PART 2**  
 Whistle-blower reveals more dodgy dealings at the Dept of Water and Sanitation  
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**KZN FLOODS: THE AFTERMATH**  
 Tongaat residents have no water to drink two weeks after their homes were swamped  
**Page 6**

The penultimate report of the Zondo Commission finds that Jacob Zuma did everything in his power to ensure the Guptas would have influence over Treasury spending. By **Rebecca Davis**

The Zondo Commission report released on Friday, 29 April contains the most scathing indictments of the conduct of former president Jacob Zuma issued to date by the State Capture Inquiry.

The Gupta family identified Zuma "at a very early stage as somebody whose character was such that they could use him against the people of South Africa, his own country and his own government to advance their own business interests", the commission has found.

The latest report concludes that Zuma "would do anything that the Guptas wanted him to do", and that the former president played an unequivocally central role in the attempted capture of the National Treasury and Edcon in particular.

Commission chair Judge Raymond Zondo goes so far as to state that the activists, opposition politicians and ordinary citizens who ultimately took to the streets in protest calling for Zuma's removal in 2018 "must all be commended and the country must be grateful to all of them".

**Validation for former finance ministers**

The report amounts to a vindication of former finance ministers Pravin Gordhan, Mcebisi Jonas and Nkandiso Nene, who were subjected to intimidation and harassment and ultimately fired as a direct result of their refusal to cooperate with the schemes of Zuma and the Gupta family to gain control over the state coffers.

The Zondo Commission has concluded that Jonas's account of being offered a bribe of R100 million by a Gupta brother in 2015 in exchange for being appointed as a compliant finance minister is credible. Despite the denials of Dushane Zuma - who was present at the meeting - Zondo found that this attempted transaction by the Guptas was consistent with other similar actions taken by them, including the offering of a bribe to former acting SAA CEO Vusi Kosi in 2011 or 2012.

Based on an analysis of evidence received and other documentation, Zondo concluded that the Gupta family member responsible for Jonas's bribe was Rajesh "Tony" Gupta. The NPA has accordingly been recommended to consider criminal proceedings against Gupta for attempted bribery - though this point is moot as long as the Guptas successfully evade extradition to South Africa.

Zuma would proceed to dismiss the incumbent finance minister, Nkandiso Nene, mere weeks after Rajesh Gupta offered Jonas the job. At the time, Zuma told Nene and the South African public that the minister was needed to head up the Johannesburg branch of the newly established Brics Bank.

Zondo dismisses this justification as patently false, noting: "For over two years after removing Mr Nene as Minister of Finance, President Zuma never followed up with him to tell him what was happening with the Brics bank position or to check whether anybody had contacted him with regard to the position. That is not consistent with the conduct of someone who, at the time of his removal, reasonably believed that Mr Nene was about to be appointed to the position."

The commission accepted the testimony of Zuma's erstwhile colleagues in the ANC Top Six that Zuma did not discuss the removal of Nene in advance, despite subsequently claiming that he had done so. This reveals that Zuma "was even prepared to falsely implicate his comrades" in the State Capture-enabling decision he took, Zondo writes.

The report finds that Zuma's appointment of Des van Rooyen as replacement finance minister in December 2015 "must have received the approval of the Guptas", since Van Rooyen was such a strategic choice. Zondo also highlights the fact that the short-lived finance minister arrived for work with two advisors he closely did not know - as witnessed by the fact that in Van Rooyen's submission to the commission, he got one of their names wrong.

"These were the people that the Guptas wanted him to appoint. That is the only explanation that makes sense", concludes Zondo.

Although the catastrophic market response to Van Rooyen's appointment forced Zuma to reinstate Pravin Gordhan as finance minister, in 2017 he would dismiss Gordhan and his deputy, Jonas, on the basis of an alleged intelligence report suggesting that the two were lobbying foreign governments against the Zuma administration.

Zondo dismisses the idea that there was any legitimacy to the intelligence report, stating that as a former intelligence head of the ANC, Zuma "in all probability" knew that the report "was false or was for some or other reason not credible". In reality, the sole reason for their dismissal was their refusal to cooperate with the capture of the Treasury.

The report expresses particular shock at the fact that Zuma then informed the ANC's Top Six that he intended to appoint Brian Molefe as finance minister, despite the fact that Molefe had already been implicated in wrongdoing at state-owned entities. "There might not be a lot for which the ANC leadership from 2009 to 2017 may deserve to be credited with regard to their handling of President Zuma - but for standing up to President Zuma and stopping him from appointing Mr Brian Molefe as Minister of Finance, they deserve credit," Zondo writes, adding: "One shudders to think what would have become of the National Treasury under Molefe's control."

**ANC should be ashamed**

Elsewhere in the report, however, the ruling party's other leaders face damning criticism from Zondo. When it came to the capture of Edcon, which Zondo finds was executed by means of the collusion of Zuma, ally Dada Moyo and former public enterprises minister Leroy Brown, Zondo concludes that the ANC must bear responsibility.

"South Africans thought that the ANC government was in control of Edcon but it was not. It had relinquished the control to the Guptas and those people the Guptas wanted. The ANC and the ANC government should be ashamed that this happened under their watch," Zondo states.

But it is ultimately Zuma who receives the Zondo Commission's greatest condemnation. Writing of Zuma's apparent determination to hand control of the Treasury to the Guptas, Zondo rhetorically asks with disbelief whether this could be the same man who twice took a presidential oath of office promising to do nothing to harm the progress of the Republic. "Yes, this was the same man," Zondo concludes. **DM168**

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**Johan Buys** 1 May 2022 at 20:16

(<https://www.dailymaverick.co.za/article/2022-04-30-missing-millions-whistle-blower-reveals-how-department-of-water-and-sanitation-covered-up-its-own-probe/#comment-5442529>)

so according to this doctrine : by changing ministers all past issues are, well, history. Bygones, nothing to see, carry on

These reports should be public. Imagine I am the private banking account manager for implicated person Joe Smith. Problem immediate. My bank should abstain from banking services to Joe Smith.

I won't hold my breath for the moment major SA banks withdraw banking service from implicated persons...

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**Eberhard Knapp** 2 May 2022 at 00:26

(<https://www.dailymaverick.co.za/article/2022->

04x30-missing-millions-whistle-blower-reveals-how-department-of-water-and-sanitation-covered-up-its-own-probe/#comment-5443082)

Hey – now there seems to be some real evidence that Ms. Lindiwe Sisulu is adequately – no: highly qualified for the position of Prez of this country!

In the true spirit of Uncle Jacob and all those many names listed in the 4 volumes a certain Mister Zondo wrote up recently... With her at the helm – ... Wow! National blackouts will save us a lot of coal, cut our CO<sup>2</sup> emissions to near zero! We'll become the Fav of the eart-saving greens...

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**Winterlorinda** 2 May 2022 at 07:21

(<https://www.dailymaverick.co.za/article/2022-04-30-missing-millions-whistle-blower-reveals-how-department-of-water-and-sanitation-covered-up-its-own-probe/#comment-5443944>)

The same names keep cropping up over and over again yet they still have influential positions of power in our thoroughly corrupted, captured ANC cadre cabinet! Beyond disgust at what they stole from the ordinary people of SA.

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**Carin Bosman** 3 May 2022 at 17:01

(<https://www.dailymaverick.co.za/article/2022-04-30-missing-millions-whistle-blower-reveals-how-department-of-water-and-sanitation-covered-up-its-own-probe/#comment-5453275>)

**M**ochotli was appointed without ANY knowledge of the water sector, as CD of Water Regulation in 2005/6. Between 2006 and 2010, ALL the very competent managers that had to report to her, and who dared questioned certain “practices” were “removed” one-by-one, through intimidation, false accusations, etc.

The downfall of the DWS started in 2009/10.

A good investigative journalist should do a bit of “research” into Mochotli’s qualifications, career, “connections”, etc..

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