

PUBLIC COMMENTS ON PERSONS BEING CONSIDERED FOR RECOMMENDATION FOR APPOINTMENT AS COMMISSIONER OF THE FINANCIAL SECTOR CONDUCT AUTHORITY

JANUARY 2021 COMMENTS MATRIX

LIST OF COMMENTATOR(S)

Jesmane Boggenpoel
Reetsang Pule
Billy Mawasha
Michael Judin
Lucien Mundie
Nathan Lindsay Hittler
Matsatsi Hlophe
Debbie Mackay-Moeng (Freshfields Insurance Brokers)
Robert L Shaw
Ayanda Sigwela
SMME Underwriting Managers
Open Secrets and Unpaid Benefits Campaign
Nelson Cindi
Hamilton Ratshefola
Zuko Mgawuli
Ernest Hlophe
Onke Mda
Koltana Malusi
Sizwe Tulumani
Johannesburg Stock Exchange
Rehelda Williams
Ntwanano Shikwambani
Mzomuhle Vincent Sangweni

Commentator	Comments
Jesmane Boggenpoel	I nominate Mr Unathi Kamlana to be the commissioner of the FSCA based on his depth of experience in transformative regulation of the financial sector while in the SARB and the passion for financial inclusion which I think is particularly relevant for the FSCA.
Reetsang Pule	Mr U Kamlana South Africa will be blessed to be served by the dedicated, competent man of highest level of integrity, good judgment and high energy and drive to succeed in What ever he does.
Billy Mawasha	I hereby wish to submit my public comment supporting the nomination of Mr Unathi Kamlana for the FSCA Commissioner role. I have interacted and worked with Unathi in the World Economic Forum Young Global Leaders environment and can vouch for his competence, high work ethic and integrity. I think these qualities would stand him in good stead for the new role.
Michael Judin	Thank you for having given members of the public the opportunity to comment on the above proposal. I have had the honour and privilege of knowing Ms Astrid Ludin for many years, both professionally and as a friend. She is an exceptional woman indeed. An ethical and conscious leader, she is both emotionally and intellectually intelligent and is truly a daughter of our wonderful country. Without any hesitation whatsoever, I would highly recommend Astrid and it is my respectful opinion that she would excel in the position of Commissioner of the FSCA and contribute enormously to the success of the FSCA and make a huge contribution to not only such a fine organisation, but also to the Republic of South Africa.
Lucien Mundie	We wish to nominate Mr Unathi Kamlana to fulfill this office.
Nathan Lindsay Hittler	I welcome the opportunity to submit comment on the Shortlisting of Ms A Ludin. I am Chief Executive Officer of Corwil Investments Ltd a South African Investment Company. Ms Ludin showed exemplary Leadership at the helm of the CIPC and contributed significantly to the technological advancements introduced at the CIPC to the benefit of its Stakeholders. Ms Ludin's appointment, should the Minister deem it appropriate to make such, will promote and advance the important Constitutional objective of Gender Equality particularly within the Public Sector.

Matsatsi Hlophe	I recommend that Mr U Kamlana to be awarded the position cause of his strong qualities of displaying the potential and integrity when given the opportunity and he exceeds the target
Debbie Mackay-Moeng (Freshfields Insurance Brokers)	I refer to your invitation dated 19 January 2021, wherein you requested Public comment regarding the shortlisting of the persons to be appointed as the Commissioner of the Financial Sector Conduct Authority. Based on the CV's provided and the career history to date, I hereby wish to recommend Mr Unathu Kamlana to fulfil this office.
Robert L Shaw	<p>We have taken note of your invitation to submit public comments in respect of persons being considered for the appointment as commissioner of the FSCA.</p> <p>We have always been impressed with the activities completed by Ms Astrid Luden during her tenure at the Companies and Intellectual Property Commission (CIPC). It was with that sadness we saw her departure as her skills shown and improvement in the CIPC processes was fairly dramatic in the period of her tenure.</p> <p>We have also carefully looked at the Curriculum Vitae of Mr Unathi Kamlana and believe he is also a worthy candidate.</p> <p>Our perspective is that we believe in terms of the South African Financial Services structure, BEE and Economic Transformation processes which are generally required by the Prudential Authority and the Financial Sector Conduct Authority that we would recommend Mr Kamlana be very carefully considered for such position.</p> <p>We fully understand that the short-listing panel is in fact the deciding arbiter but felt it important to make our comments in this regard.</p>
Ayanda Sigwela	<p>It is with great pleasure to learn that Mr Unathi Kamlana has been short-listed for the Commissioner of the Financial Sector Conduct Authority's position, which is esteemed in the financial sector by upholding the values of the Constitution of the Republic of South Africa. I tender my public comment supporting Mr Kamlana as a suitably qualified candidate for this position.</p> <p>I have the privilege of knowing Unathi as a dedicated leader, committed to achieving set goals and milestones without fail. He is a focused and disciplined person who acts without fear, favour, or prejudice in executing his leadership responsibilities. He is an ethical leader whose "yes" is a yes and whose "no" is a no, always leading by example and displays integrity. He is a talented and seasoned young leader with distinguished achievements.</p>

	<p>Mr Kamlana made inroads in his profession and career at an early age. As Rhodes University and University of London graduate, he has earned the right name over the years in the financial regulatory sector, specialising in policy, taxation, statistics, governance, international markets, and stability.</p> <p>An international player, Mr Kamlana has taken gigantic strides in acquiring technical knowledge abroad, from credible academic institutions in England and the United States (US) to broaden his financial prudence.</p> <p>A patriot who has devoted his time and skills by serving in various governance structures and leadership roles outside his regular call of duty to help the nation build and strengthen a resilient financial sector. He has thus demonstrated determination and commitment for his profession and the love he has for South Africa. By his actions and tenacity, he has uplifted the South African name among the world's extinguished states.</p> <p>Mr Kamlana, a proud son of the South African soil, never allowed the past's limiting circumstances (perpetuated by the apartheid regime) to rob him of his bright future. He instead believed in his potential and talents. He pursued his dream of becoming one of the learned and successful leaders from his community and among our society's previously marginalised groups. This demonstrates his abilities of overcoming obstacles to realise his vision.</p> <p>Today we talk of a "World Economic Forum" (WEF) Young Leader Award Winner, a high flier dedicated to serving our beloved country, South Africa with diligence and integrity. I have no doubt that Mr Kamlana will do well and excel if he can be allowed to serve as the next Commissioner for the Financial Sector Conduct Authority. Behind his name, he carries extensive years of experience in the public finance domain and has consistently demonstrated competence and excellence.</p> <p>I therefore recommend him for your consideration.</p>
SMME Underwriting Managers	<p>We refer to your invitation dated 19 January 2021, wherein you requested Public comment regarding the shortlisting of the persons to be appointed as the Commissioner of the Financial Sector Conduct Authority.</p> <p>We wish to recommend MR UNATHU KAMLANA to fulfil this office.</p>
Open and Secrets Unpaid	<ol style="list-style-type: none"> 1. We write to the Shortlisting Panel on behalf of Open Secrets and the Unpaid Benefits Campaign ("UBC") in response to a call for submissions issued by your office regarding the appointment of the Commissioner of the Financial Sector Conduct Authority ("FSCA"). 2. UBC is a non-profit organisation registered as such in accordance with the laws governing non-profit organisations in the Republic of South Africa with its principal place of operations based in Gauteng. UBC was founded in 2017 in order to assist, organise and represent former members of pension and provident funds and their beneficiaries in Southern Africa to claim the benefits owed to them. It therefore has a substantial interest in the health and impartiality of the FSCA so that it is able to fulfil its role to ensure customers are treated fairly and act in the public interest. 3. Open Secrets is a non-profit company dedicated to investigating and pursuing accountability for economic crimes and related human rights violations. An important aspect of this work includes

Benefits Campaign	<p>holding the financial sector accountable and ensuring that it operates in a transparent manner. Indeed, there cannot be accountability if there is no transparency.</p> <p>4. One of the ways in which we seek to achieve our objective of making the financial sector accountable and transparent is through engagement with both public and private actors, including the FSCA and National Treasury (“Treasury”). This interface between civil society and organs of state is one of the primary mechanisms for information to be received by both the public and indeed the state.</p> <p>5. This is the foundation of public participation. The public needs to be given information in order to meaningfully engage with decision-making bodies. Without adequate information, there can be no meaningful participation.</p> <p>6. It is therefore with great sadness that Open Secrets and UBC note that, despite our attempts at engagement with Treasury, the appointment process for the Commissioner of the FSCA has proceeded without transparency and adequate information. This includes but is not limited to retrospective information provided to the public which does not assist us in participating in the appointment process after it has been completed (such as a report on the appointment process made available to the public after the appointment is made).</p> <p>7. We therefore submit that the call for comments is deeply flawed without meaningful engagement with the public. This includes but is not limited to access to the interviews of candidates. Without access to information such as the interviews of the candidates, including those put forward by the Shortlisting Panel, we cannot make informed comment about either of the candidates put forward.</p> <p>8. In addition, we would like to note the dismally inadequate time given for comment. The call for comment was issued by Treasury on the evening of the 19th of January 2021, and therefore effectively from the 20th of January 2021, for comment by 15h00 on the 26th of January 2021. A mere four and a half days.</p> <p>9. Please direct any queries or requests for additional information to the contact persons whose details appear on the cover of this submission.</p> <p>10. This submission is nevertheless made without prejudice to the rights of Open Secrets and the Unpaid Benefits Campaign, both generally and in relation to the ongoing litigation under case number 55493/2020.</p>
Nelson Cindi	<p>The name of Unathi Kamlana is recommended to be appointed as a Commissioner of the Financial Sector Conduct Authority.</p> <p>I have known him for more than a decade as both a devoted employee of the South African Reserve Bank and a member of the Assemblies of God Church in Orlando, Soweto.</p> <p>In the Assemblies of God at National level, he is a member of the National Finance Committee.</p>

Hamilton Ratshefola	<p>I have known Unathi Kamlana for over 18 years, as a responsible, assertive, and very conscientious young man. He came from Standard Bank to join Treasury in 2004, spend many years at Treasury before leaving for Reserve Bank where he currently still employed.</p> <p>At a personal level, Unathi is very authentic, self driven, and lives for his convictions. He is highly principled, high moral aptitude, and an individual of great integrity. A hard worker, dedicated and loyal servant. He worked for former Finance Minister Pravin Gordhan as a trusted aide, doing the Pre-G20 preparation work for the minister, travelling ahead to prepare for South African delegation, was reliable and most trusted aide for the Minister. Unathi will therefore be aware of South Africa's commitments to the financial transformation agenda to G20, World Bank, and global financial institutions.</p> <p>He also played a role in the fact finding and investigations of the Twin peak model, leading the South African delegations to Canada and Australia in 2016, leading to the change and adoption of the current Twin Peak model in South Africa.</p> <p>Therefore Unathi will understand the principles and core values of the FSCA and why South Africa chose this model and left the old model.</p> <p>The role of the FSCA commissioner requires someone with high moral aptitude, integrity and most importantly competent with the legislative insights to lead a regulator.</p> <p>I have no doubt that Unathi's assignments in banking, Treasury and Central Bank, have provided him with the requisite skill, insights and competency to lead the Financial Sector Regulator. He is a candidate with lots of insights and understands regulatory work, coming from South African Reserve Bank.</p> <p>I therefore believe that Unathi has the awareness, the competency, the experience to become a very diligent FSCA Commissioner.</p>
Zuko Mgawuli	<p>It is with my great pleasure to nominate Mr Unathi Kamlana to the Commissioner position. My nomination is informed by his experience and educational background and his in depth knowledge of the financial services industry.</p>
Ernest Hlophe	<p>I recommend that the above-named be awarded the position . Unathi has never stopped learning and it is my humble view that the successful candidate should be aware and familiar with the various best practices in the economic and fiscal arena. The other strong point he possesses is integrity arising from the possession of character.</p> <p>Thanks for giving us this rare opportunity.</p>

Onke Mda	<ol style="list-style-type: none"> 1. I am Onke Mda, a female South African citizen practising as an attorney in Johannesburg. 2. I refer to the invitation for public comments on persons being considered for recommendation for the appointment as Commissioner of the Financial Sector Conduct Authority. 3. In response thereto, I hereby submit my comments for consideration as per advertised invitation for Mr Unathi Kamlana. 4. I confirm that I worked with Mr Kamlana at National Treasury during the period of 2009 and 2012. 5. During this period, I worked directly under his supervision and confirm that he, at all relevant times demonstrated the highest level of professionalism, leadership and humility. 6. I further wish to assure you that Mr Kamlana has the core competencies with a temperament which is adaptable, dynamic and disciplined requisite to fulfil all requirements for the role under subject.
Koltana Malusi	<p>Mr. Unathi Kamlana is currently one of the senior employees to the South African Reserve Bank. With his experience in the financial sector he becomes the best candidate to the position of Commissioner for FSCA.</p> <p>I therefore recommend him to this position.</p>
Sizwe Tulumani	<p>I hereby wish to nominate the name of Mr Unathi Kamlana as the best candidate for the position advertised. The Financial sector indeed requires a man of his calibre, full of God's devine wisdom, a man of good credibility, honest man, very principled man of good conduct, a righteous.</p> <p>To have a corrupt-free government sector such as the above mentioned in our life time especially in this new dispensation of glory under the current administration, it requires people like Mr Unathi's good reputation and of good conduct.</p> <p>I therefore present him to you(panel) I promise you will never regret appointing him in the advertised position.</p>

JSE	<p>The JSE welcomes the invitation to comment on the on two candidates the Shortlisting Panel ('the Panel') intends to recommend to the Minister of Finance ('Minister') for consideration for appointment to the position of Commissioner of the FSCA. Transparency regarding the process undertaken by the Panel is most appreciated.</p> <p>We commend the Panel for its selection of the two eminently qualified shortlisted candidates. We believe that both candidates would bring unique skills and experience to the position of Commissioner (and Deputy Commissioner) and we are committed to providing our full support to either candidate, should they be appointed by the Minister.</p>
Rehelda Williams	<p>Should the position require a person with the greatest work ethic, integrity, someone who is visionary and has the interest of the country at heart, Astrid Ludin is indeed the right candidate.</p> <p>She works hard, can easily migrate between operational involvement and strategic oversight, being involved in a hands-on approach in both instances to ensure that an entire industry is improved.</p>
Ntwanano Shikwambani	<p><u>Objection to nomination of Ms Astrid Ludin</u></p> <p>Objector reluctant to reveal real identity, and only available via an email address, which appears to conceal the real name of the sender. Despite not meeting the criteria in the call for comments, the Shortlisting Panel still assessed the objection.</p> <p>From the objection, objector likely to be an employee or former employee of the Companies and Intellectual Property Commission (CIPC), which Ms Ludin headed as Commissioner from May 2011 to April 2015. The Shortlisting Panel inquired from the Department of Trade, Industry and Competition (DTIC) (as the CIPC falls under the executive authority of the Minister of Trade and Industry) whether any reliance could be placed on the objection. The DTIC Director-General confirmed that there were no material issues pending against Ms Ludin, noting instead her sterling stewardship of the CIPC and stated confidence in her integrity and ability to discharge duties assigned to her. Given the DTIC Director-General's input, the Shortlisting Panel is of the view that the objection has no merit and that no reliance can be placed in an unsubstantiated allegation, particularly as the objector was not willing to come out in public to make his or her allegations. The objection is thus dismissed.</p> <p>NB. In the call for comments the Shortlisting Panel noted that <i>"Where any public comment is submitted, the commentator must identify his/her name, email and contact number, and expect that such comment and the name of the commentator may be made public. Any objections included in the comments must be supported by cogent reasons for them to be considered, with appropriate supporting documentation."</i></p>
	<p>I, Mzomuhle Vincent Sangweni recommend them both for the position, Ms Astrid Ludin and Mr. Unathi Kamlana to the Minister of Finance. Due to their qualifications and experiences they have, make them to be a perfect candidates for Commission, I also advise them that when they become members of the Commission, they must try by all means to have people at hearts not to regard themselves as God, who undermine other people, especially us as African people as we</p>

Mzomuhle Vincent Sangweni	<p>registered to the FSP as a Small Business and the Commission itself they treat us as a Trash, they command us to be underwritten by the people who not want to see us going up and they try by all means to let us down,. I think these two candidates they will come with change and advise us to become a big insurance company rather than convert us as an underwritten business people which are very bad.</p> <p>I wish them all the best and Invite anyone of them to visit my office when he or she becomes the Financial Sector conduct authority commissioner.</p>
--	---