

Appraising the role of the Zondo Commission in the fight against corruption in South Africa

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DEDICATION

I dedicate this study to my husband.

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I want to express my heartfelt gratitude to my husband, whose unwavering support and encouragement sustained me throughout the MBA journey. His patience, understanding, and love provided the foundation upon which I could dedicate time and energy to this study.

I sincerely appreciate my family's constant encouragement and belief in my abilities.

I am indebted to my supervisor for his guidance, expertise, and invaluable insights that significantly contributed to the success of this research study.

Lastly, I want to thank the Lord, whose grace and guidance have been my source of strength and inspiration.

ABSTRACT

This study investigates how a commission of inquiry can contribute to the fight against corruption. The study explores the available research on the history, roles and functions and the mandate of a commission of inquiry. The researcher also discussed the definitions of corruption and state capture and what type of anti-corruption institutions South Africa has available. A commission of inquiry is an impartial investigative body that investigates specific matters of public interest to uncover the truth. It compiles a report with recommendations for actions, prosecutions, policy changes, and reforms. Despite strong legislation against corruption, the implementation and capacity of the relevant institutions in South Africa still need to improve, impairing the fight against corruption.

The qualitative research methodology explored the data collected through semi-structured interviews; the interviews were conducted with industry leaders. The researcher diligently analysed the six overarching themes: advantages and disadvantages of a commission; corruption and state capture; the government; the media; roles and functions of a commission; and the Zondo Commission.

Ultimately, this research contributes to the insight into the role a commission of inquiry can play and whether there is a need for a permanent commission to address corruption specifically.

Keywords: Zondo Commission, corruption, state capture, role, media, government, political influence.

LIST OF ABBREVIATIONS

ACTT	National Prosecution Authority Anti-Corruption Task Team
AI	Artificial Intelligence
AFU	Aset Forfeiture Unit
FIC	Financial Intelligence Centre
IPID	Independent Police Investigative Directorate
MPS	Municipal Police Services
NPA	National Prosecuting Authority of South Africa
NWU	North-West University
POCA	Prevention of Organised Crime Act
PRECCA	Prevention and Combating of Corrupt Activities Act No. 12 of 2002
PPSA	Public Protector South Africa
SAPS	South African Police Service
SARS	South African Revenue Service
SIU	South African Special Investigating Unit
SOEs	State Owned Enterprises
UN	United Nations
UNCAC	UN Convention against Corruption

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CHAPTER 1 INTRODUCTION

Introduction

It is well-known that corruption has developed into one of the most significant global and political issues (Everett *et al.* 2006:1). The years of widespread corruption have caused incalculable damage to South Africa's economy (Peté, 2020:903). The increase in economic globalisation through foreign direct investment (FDI) and multinational enterprises (MNEs) has increased the opportunities for corruption (Cooke *et al.* 2021:1).

Serfontein *et al.* (2015:1) state that corruption is a global phenomenon, becoming more multifaceted and intense as the competition for global resources increases. The authors also mention more evidence of corruption in developing countries, predominantly in emerging economies such as South Africa. Corruption negatively impacts governments' revenue and governance, increasing costs to businesses that engage in corrupt activities, and losing opportunities for those that do not (Everett *et al.* 2006:1).

Corruption manifests in various shapes and forms. The 2018 report of Corruption Watch identifies the top corruption activities in South Africa as bribery, procurement irregularities, embezzlement, state capture, and stolen resources. (Corruption Watch, 2018:7).

In March 2016, a series of complaints prompted the then public prosecutor, Advocate Madonsela, to open a formal investigation (PARI, 2022:1). The allegations involved the former president Zuma (hereafter Mr Zuma) and the Gupta family, where it was alleged that the Gupta family had significant influence over Mr Zuma (PARI, 2022:1). In October 2016, Advocate Madonsela released a report on her investigation into state capture; in her report, she recommended that a judicial commission of inquiry conducted a full investigation (PARI, 2022:1).

The judicial commission of inquiry into allegations of state capture, corruption, and fraud in the public sector including organs of state (hereafter “Zondo Commission”) was established on 9 January 2018 and was chaired by Justice Raymond Zondo (PARI, 2022:1).

The Zondo Commission’s mandate was to investigate matters of public and national interest concerning allegations of state capture, corruption, and fraud, as well as focus on the practices of executive members of the state and their relationships with private individuals (including the Gupta enterprise) (PARI, 2022:1).

This study aims to ascertain whether the role of a commission of inquiry in the fight against corruption in South Africa is adequately understood, coupled with the extent of determining if the impact on the effectiveness of these commissions can be measured. The researcher focused on the history of such commissions, the role and function of such commissions, what corruption is, what state capture is, and the mechanisms South Africa has to combat corruption.

1.1 Problem Statement

South Africa is known for its corrupt activities in both the public and private sectors (Serfontein *et al.* 2015:1). South Africa has a sufficient legal framework to combat corruption. Still, there has been little actionable success (Katharada, 2021).

Corruption negatively impacts democracy, service delivery, job creation, and socio-economic development (National Anti-Corruption Strategy, 2020). As per above, corruption directly impacts people’s livelihoods and must be combatted. The main reasons why corruption prevails in South Africa are insufficient coordination of anti-corruption work in the public service sector and insufficient information about the work of anti-corrupt agencies and legislation (Pillay, 2004:586).

The research problem at hand revolves around the endemic nature of corruption in South Africa, as highlighted by the National Anti-Corruption Strategy (2020). Addressing the current deficiencies is crucial for developing comprehensive strategies to curb corruption and foster a more transparent and accountable government.

Using a commission of inquiry can be one of the strategies to curb corruption; in this study, the researcher focused on the role of a commission of inquiry in combatting corruption.

1.2 Primary and Secondary objectives

1.2.1 Primary Objective

To get an in-depth understanding of the Zondo Commission's role in the fight against corruption in South Africa.

1.2.2 Secondary objectives

1. Critically assess the working function, role, mandate, legal basis, and authority of a commission of inquiry;
2. Critical assessment of the advantages and disadvantages of a commission of inquiry;
3. Understand the role that media plays in a commission of inquiry;
4. Understand the meaning of state capture and corruption;
5. Ascertain the role of a permanent commission of inquiry in the fight against corruption in South Africa.

1.3 Scope and limitations

1.3.1 Field of study

Commerce and trade sector.

1.3.2 Sector/industry/business under investigation

There was no specific industry under investigation; the investigation was focused on the role of commissions of inquiries in South Africa and explicitly appraising the part of the Zondo Commission.

1.3.3 Geographical demarcation

In the Republic of South Africa, most participants resided in the Gauteng, North-West, and Free State provinces.

1.3.4 Limitations

Even though this study contributed to the available body of literature on the role of a commission of inquiry in the fight against corruption, the study does have limitations. These limitations provide opportunities for future research.

The main limitations of this study were:

- The effect of corruption has yet to be entirely determined – if determinable at all;
- This study is not a legal interpretation of the legislation, and the researcher does not have a legal background;
- The researcher mainly focused on the role of the Zondo Commission in the fight against corruption;
- Measuring the full extent of corruption is very difficult as there are various types of corrupt activities (it is not just limited to one kind of activity). Corruption is known to be a “happy” crime, meaning that it is easy for someone to justify corrupt activities as all parties may be seen to benefit from them.
- Defining what success is in the fight against corruption is difficult, as one needs to know precisely what will be achieved if one wins the battle.
- Another area for improvement is that there are limited statistics available on a global and local level.

1.4 Research Methodology

This study was conducted in two phases, namely, a literature review followed by an empirical study.

A pilot study was performed before interviewing participants to ensure that the interview guide was relevant and met the research objectives.

1.4.1 Study Design and Context

This research study adopted an interpretivist research paradigm and followed the inductive methodological approach; thus, it incorporated the qualitative research methodology within a thematic analysis framework by using the guidelines of Saunders *et al.* (2016:168). Qualitative data was collected through semi-structured interviews held in person or through Zoom.

1.4.2 Primary Data

1.4.2.1 Sample

The purposive sampling method was used to select the participants based on their knowledge and expertise.

1.4.2.2 Data Collection

The qualitative data was collected by the researcher through the semi-structured interviews. The interviews were recorded and held in person or over Zoom.

1.4.2.3 Data Analysis

The qualitative data was analysed through themes by using the ATLAS.ti 23 qualitative data analysis software, using the prescribed guidelines by Saunders *et al.* (2016:616) and Braun and Clarke (2006).

1.5 Ethical considerations

The research study followed North-West University's established ethical rules and principles (NWU, 2016:3). Ethical clearance for this study was obtained from the Economic and Management Sciences Research Ethics Committee (EMS-REC) of the NWU (under the ethics number NWU-00570-23-A4). Every participant was advised that their participation was voluntary and that they could withdraw at any time, and they were asked if they would be prepared to offer their informed consent to be interviewed. The researcher took into account the Protection of Personal Information Act requirements enforced in July 2021 by sharing personal information only with the participant's knowledge and informed consent.

The semi-structured interview schedule has the informed consent form attached in Appendix A.

1.6 Reliability and trustworthiness

Reliability refers to replication and consistency; thus, if another researcher can replicate the research design and make the same conclusion, the study is probably reliable (Saunders *et al.*, 2016:202).

Reliability is addressed by being consistent during the study and by writing detailed memos throughout the study providing detail (Saunders *et al.*, 2016:202):

- How the data was coded
- How the data was analysed
- How the data was interpreted

The researcher used qualitative data analysis tools to ensure that the data collected and data analysis techniques were standard.

Researcher bias can influence how the data is collected by allowing the researcher's subjective view of the subject to impact the way the interview is transcribed (Saunders *et al.*, 2016:203); this is mitigated by using an external party to transcribe the recording and having a second person in the interview take notes which can be compared after the interview.

Validity is defined as "1) The extent to which data collection methods or methods accurately measure what they were intended to measure. (2) The extent to which research findings are really about what they profess to be about" (Saunders *et al.*, 2016:730).

In this study, the researcher relied on the knowledge and the positions that some participants held, the expertise of the media, and what the public knew about the Zondo Commission.

The information was supported by available research on corruption, the Zondo Commission, or any other commission of inquiry (local and international). Corruption is a well-known topic, and the Zondo Commission was the media's focus. There were seemingly enough sources to verify the data obtained.

1.7 Definition of terms

Corruption is the improper use of public funds for private use, including bribery (Serfontein *et al.* 2015:1).

Commission of inquiry: a committee that the President of South Africa mandates to investigate any events that cause public concerns (Peté, 2021:246).

Mandate (terms of reference): Terms of reference is a set of instructions that lays out the scope of the investigation and the contents and function of the final report. The terms of reference act as a clear guide to the investigator, complainant, and respondent(s), and in South Africa, they are published in the Government Gazette (Scopelliti, 2023).

Media freedom is allowing the media to operate freely in society without government influence, constraints, or censorship (Bhattacharyya *et al.*, 2015:13).

State capture: when corrupt, politically connected elite influences government decisions, when political and legal authority is abused to perpetuate a symbiotic relationship of self-enrichment (Budhram *et al.*, 2018:1).

Zondo Commission: The judicial commission of inquiry into allegations of state capture, corruption, and fraud (President of the Republic of South Africa, 2018).

1.8 Outline of the study

- **Chapter 1 – Introduction**

This chapter provided an introduction, problem statement, and the rationale for the study. It also offered this dissertation's ethical considerations, trustworthiness, and layout.

- **Chapter 2 – Literature Review**

This chapter reviewed this study's relevant literature review and focused on concepts relating to a commission of inquiry.

In this chapter, the reader will get insight into the history, role, function, legal framework, and mandate of a commission of inquiry. The researcher defined corruption and state capture in this chapter to provide an in-depth understanding of these two subjects.

- **Chapter 3 – Research Methodology**

This chapter explained the research design and methods adopted to gather practical answers to the research questions under investigation. The chapter also provided the philosophical assumptions underpinning the study and located the study under the interpretive research paradigm. The chapter further explained in detail the data collection and analysis employed and also analysed the pilot study conducted to improve the interview questions.

- **Chapter 4 – Presentation and findings**

This chapter analysed the qualitative data collected through semi-structured interviews. A computer-aided qualitative data analysis software called Atlas.ti was used to analyse data. The researcher will provide an in-depth analysis of the data collected, focusing on the role a commission of inquiry can play in the fight against corruption.

- **Chapter 5 – Conclusion and recommendations**

This chapter provided a summary of the main findings of the study and provided constructive recommendations. The researcher will also provide areas that need further research.

CHAPTER 2 LITERATURE REVIEW

Introduction

In this chapter, the reader will learn the history and definition of the commission of inquiry and any international commissions. A Commission's role and function were discussed by focusing on the available legal framework and an in-depth description of corruption and state capture. The chapter will conclude by looking into the mandate of commissions, how the Zondo Commission was established, and the role media can play in the fight against corruption. All the above themes are aligned with the research objectives one to four mentioned in Chapter 1.

2.1 Literature review

2.1.1 History of a commission of inquiry

Commissions of inquiry originated from the Royal Commissions, which the Crown established to provide guidance when the United Kingdom went through Parliament reform in the 1850s (Rowe *et al.*, 2006:100). Nowadays in the United Kingdom, the use of formal Royal Commissions is being replaced with more informal commissions, committees, or other types of inquiries (Rowe *et al.*, 2006:100). In South Africa, the first type of commission of inquiry was the Carnegie commission of inquiry; the Commission was established in 1932 to investigate the social policy of the welfare state established in 1930 (Seekings, 2008:515).

Middelton (1986:252) mentioned that appointing a commission of inquiry to investigate public issues has become a familiar phenomenon in South Africa. South Africa had a few commissions of inquiries, of which some of the more publicly known commissions include:

- The Marikana commission of inquiry, whose mandate arose from the terms of reference promulgated on 12 September 2012 to investigate matters of public, national, and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, in the North-West Province, which took place on about Saturday 11 August to Thursday 16 August 2012.

The incidents led to the deaths of approximately 44 people, the injury of more than 70 persons, and approximately 250 people were arrested (Alexander, 2016:815);

- The Public Investment Corporation Commission (“PIC”) that was mandated to investigate whether a director or employee of the Public Investment Corporation had abused their position for personal gain, whether laws or policies regarding the protection of whistle-blowers reporting corrupt activities were followed, and whether discriminatory practices were carried out concerning the compensation and performance awards of PIC employees (PIC, 2020);
- The Seriti Commission (aka Arms Procurement Commission) that entailed an inquiry into allegations of fraud, corruption, impropriety, or irregularity in the Strategic Defence Procurement Packages (Department of Justice and Constitutional Development, 2016:1) and
- The Zondo Commission's investigation into allegations of state capture, corruption, and fraud in the Public Sector, including organs of the State, that was established in 2018.

Defining a commission of inquiry

Pheko (2018) defines a commission of inquiry as a tool to enable the investigation of matters of public concern in a public forum other than in an ordinary court.

Commissions should encourage transparency through fact-finding and provide input for future investigations or criminal proceedings, if necessary. Commissions of inquiry are authorised to gather evidence through investigations, for example, , requesting written statements under oath, and calling for testimonies in a public hearing (Pheko, 2018).

Renå *et al.* (2020:41) mentioned that a commission of inquiry is set up after a crisis and is the mechanism to identify what went wrong and how to prevent a similar crisis; thus, it can be a significant part of crisis management. In America, these types of commissions were used to investigate terror attacks such as 9/11, natural disasters like Hurricane Katrina, socio-technological accidents like the Fukushima Nuclear Accident, and pandemics like the swine flu (Renå *et al.* 2020:41).

Legislation in India defines a commission of inquiry as a commission to inquire about any defined matter of public importance by performing its duty as specified in its mandate (Commission of Inquiry Act of 1952).

In South Africa, the Commissions Act 8 of 1947 provides such commissions nearly the same authority as a court of law regarding witnesses and protects the Commission against interference and obstructions (Middleton, 1986:253). The Commission Act (Act 8 of 1947) empowers the State President to appoint any commission and has the authority to make any rules or regulations for that specific commission, thus providing the Commissions with the necessary power to execute their mandate (Middleton, 1986:253). The Commission Act stated that a commission of inquiry only investigates matters critical to public concerns in a nationwide crisis (Middleton 1986:255).

Lester (2020:87) stresses that commissions of inquiries are not courts of law, but they apply legal methodologies, legislation, and regulations to collect evidence and evidence provided by witnesses. Lester (2020:87) also recognises that the heads of these commissions are usually a judge or retired judge who adopts the legal course with their proceedings. Thus, these commissions can be seen as a type of legal institution.

Even though a commission of inquiry can be seen as a legal institute, it cannot prosecute or convict a person of any crime (Powell, 2018). In South Africa, the court of law follows the accusatorial system, where the presiding officer or magistrate hears the evidence and makes his own ruling; any person who fails to abide by the order would be considered to be in contempt of court (Powell, 2018). There are specific rules and regulations on the type of evidence that can be presented, i.e., the evidence must be obtained legally and lawfully; otherwise, the evidence is inadmissible (Powell, 2018).

A commission of inquiry follows the inquisitorial process, which enables the Commission's chairperson to actively participate in the inquiry and hear evidence from witnesses; inadmissible evidence is allowed in a commission of inquiry (Powell, 2018).

The chairperson then makes non-binding recommendations to the president, and the president can implement the recommendations. Middelton (1986:258) mentioned that a commission is, in fact, nothing other than an advisory board to the executive committee of the government.

2.1.2 International commissions of inquiries

Van den Herik (2014:507) mentions that there has been an increase in international commissions of inquiries since the establishment of the Human Rights Council in 2006. Since then, these commissions have evolved into a combination of fact-finding and applying the law.

The most recent international commission of inquiry was by the UN. The UN independent international commission of inquiry on Ukraine is an independent body mandated by the UN Human Rights Council to examine all claimed abuses and transgressions of international humanitarian law, human rights, and associated crimes about the Russian Federation's purported war against Ukraine. Considering any potential legal actions, it seeks to determine the specifics, circumstances, and underlying reasons for such alleged violations and abuses. (United Nations Human Rights Council, 2023).

United Kingdom (UK)

Public inquiries play a prominent part in public life in the UK as public inquiries are called by the parliament when significant accidents or disasters occur or something goes seriously wrong within the Government or a public body. Inquiries into matters of public concern can be used to establish facts, to learn lessons so that mistakes are not repeated, to restore public confidence, and to determine accountability, and this is governed by the Inquiries Act 2005.

Australia

Australia also uses Royal Commissions, the highest form of inquiry on matters of public importance.

A Royal Commission has broad powers to gather information to assist with its inquiry, including summoning witnesses to appear before it and requesting individuals or organisations to produce documents as evidence (Australian Government, 2010).

The Royal Commissions serve the vital function of inquiring into matters of public interest; the Royal Commission can obtain information that may be unavailable by other means of investigation or inquiry.

Although the Royal Commissions do not exercise judicial power, they are given powers usually exercised by courts (Australian Law Reform Commission, 2010).

2.1.3 Role and function of a commission of inquiry

Middleton (1986:257) describes the Commission as a valuable tool for the government; it is deemed as a “middleman” between the government and the public; it assists the government in compiling or amending policies; and it allows the citizens to participate in the process of decision making. Such commissions also give individuals the opportunity to express their views, and they also provide an opportunity for civil society to participate in the process of decision-making that impacts their lives (Middleton, 1986:257).

Establishing an inquiry is complex, and many factors must be considered. The inquiry’s goals and objectives will reveal the government’s intentions for what it should investigate and try to accomplish. They could have a variety of operational, financial, and legal repercussions (Wilson, 2018:1). Legislation in India provides a list of powers such a commission has, namely summoning and enforcing the attendance of witnesses, requiring the discovery and production of any document, and receiving evidence on affidavits (The Commission of Inquiry Act of 1952).

Rowe *et al.* (2006:99) define the role of a commission of inquiry as extending the basis of public policymaking outside the government and other interest groups by involving a broader range of participants in a more public arena to develop new ideas, reach a consensus, or determine the legitimacy of controversial government policy plans.

Apart from the general role of fact-finding, commissions exist to limit political damage and ensure political survival, but also to expose the government when it is involved in unlawful acts (Lester, 2020:88). A commission of inquiry is responsible for collecting evidence and having testimonies from witnesses that corroborate the evidence collected (Middleton,1986:258).

Renå *et al.* (2020:43) mentioned that commissions of inquiry have two functions: the instrumental and symbolic functions. The instrumental function is where the Commissions are part of a learning process.

The Commission's recommendations should lead to policy changes and adequately prepare the government to address the subsequent crises (Renå *et al.*, 2020:43).

The symbolic function is to reassure the public that the government is taking the crisis seriously and appointing such a commission can restore the public's confidence in the government (Renå *et al.*, 2020:43).

Peté (2020:924) argues that appointing a public commission of inquiry provides an official "stamp of approval" to drag severe social problems into the public spotlight. The author also mentioned that these types of commissions play a political role by providing vital information on issues of governance and responsibility during their investigation and reports. The author concludes that, in his opinion, these commissions are valuable and essential in combating corruption. Rowe *et al.* (2006:101) provided the criteria to measure the success of a commission of inquiry, namely the period the Commission took to do the investigation and provide recommendations, the cost and public influence.

Beer (2011:2) mentioned that a commission of inquiry's primary functions are:

- **Establishing the facts:**

The Commission must provide an understanding of what happened.

- **Accountability, blame, and retribution:**

Ensure accountability in two ways, i.e., in the broader sense, holding the government accountable and, more directly, identifying the wrongdoing by individuals, organisations and organs of the State.

- **Learning lessons:**

A commission's primary goal is to prevent recurrence; it also makes recommendations for actions to be taken.

- **Restoring public confidence:**

A commission aims to restore the public confidence in the government.

- **Catharsis:**

A commission provides the opportunity for reconciliation and resolution by bringing the parties together and forcing them to face each other's perspectives and problems.

- **Developing a policy:**

A commission can assist with developing policies or recommend changes to policies.

The Inquiries Act 2005, section 21 of the UK, lists the powers of their Commissions of Inquiry:

- The chair and any persons assisting with the inquiry have powers of entry and inspection;
- The chair or any persons assisting with the inquiry have the power to summon witnesses to give evidence or produce documents and to take evidence on oath and administer oaths or require the making of declarations;
- Requiring any such inquiry to be held otherwise than in public where or to the extent that a Minister of the Crown directs.

The effectiveness of a commission of inquiry can be measured according to Kennedy (2018:319) by the following criteria:

- Comprehensive investigations;
- Quality reports that outline the issues and set out realistic recommendations;
- Cost-effective;
- Using media coverage to educate the public; and
- Restoring the public's confidence in the government.

2.1.4 Corruption

Stapenhurst (2000:9) mentioned that corruption is rooted in a country's culture, social history, and political environment. Corruption distorts a country's economic and social development through bribery and wrong choices by the government. The extent of corruption within a country depends on the power a public official can exercise.

One of the main reasons corruption flourishes in countries is the lack of accountability or consequences for the corrupt crimes (Stapenhurst, 2000:9). Habtemichael (2009: 87) describes corruption as a plague or cancer that invades all sectors of society, and the author mentions that corruption will never be eliminated due to human nature.

Corruption threatens democracy and the rule of law, results in abuses of human rights, skews markets, and supports and funds organised crime and terrorism (Habtemichael, 2009: 87).

It prevents sustainable economic, political, and social development, drives up corporate costs, discourages investment, and wastes resources owned by the public (Budhram *et al.*, 2018:26)

The legal definition of corruption is "any person who gives or accepts or offers to give or accept any gratification amounting to an unauthorised or improper inducement to act or not to act in a particular manner using is guilty of an offence" in the PRECCA. Morris (2011:2) categorises corruption into upper- and lower-level categories. Upper-level corruption involves presidents, ministers, high-ranking officials, and legislature members, whereas lower-level corruption refers to civilians.

Habtemichael (2009: 53) categorise corruption into three categories, namely:

- Individual:

Small-scale corruption involves only a few people, usually very junior officials such as policemen, customs and tax officials. The cost is minimal but profound public alienation, and it is often hard to stop (Habtemichael, 2009: 53).

- **Institutional:**
Corruption generally pervades a particular institution, industry, or activity with tenders and can significantly impact government revenues and trade diversion (Habtemichael, 2009: 53).
- **Systemic:**
When corruption pervades society as a whole, it becomes part of daily transactions, and this is where corruption affects institutions, influences individual behaviours at all levels of the political and socio-economic system, and tends to be challenging to avoid (Habtemichael, 2009: 53).

Corruption has a long history in South Africa, with a net loss of billions of taxpayer money to finance corrupt public officials and their counterparties despite the broad legal framework to combat corruption, including numerous legislations and special units within the government (Katharada, 2021).

Anti-corruption mechanisms:

Corruption is a multidimensional problem that has been pervasive throughout history. Thus, the attempts to fight corruption should also be multidimensional.

A multidimensional anti-corruption mechanism should have a framework that includes legislation, special agencies, private institutions, and communities (Dixit, 2016:1). Anti-corruption agencies have been unable to curb the corruption phenomenon efficiently, with the key reasons being faced with severe challenges like an unstable political environment and dealing with multi-layered corruption schemes (Pillay, 2017:1).

The media offers a key route for information about governmental, administrative, and business activities to be disseminated throughout society, thus giving the public a critical capacity to hold those in power accountable. By uncovering, exposing, informing, and educating people about the detrimental effects of corruption on society, the media can significantly increase the political risk of those exposed to their corrupt practices and foster critical awareness of civil society (Schauseil, 2019:2).

Different media genres unfold their respective strengths and show their limits as anti-corruption tools, depending on the different levels they take effect, the audiences they address, and the broader media ecosystem they rely on (Schauseil, 2019:1).

Information technologies can create endless opportunities not only for economic development but also for the fight against corruption with the development of e-government and courts, digital public services, and tools that report the facts of corruption (Halai *et al.* 2021:1).

Anti-corruption agencies

The UNCAC was established in 2006; it is a global network with more than 350 civil society organisations in over 100 countries committed to promoting prevention and monitoring corruption (UNCAC, 2023).

The UNCAC compiled a comprehensive framework as a guideline. Within this framework, article six stipulates that each state party must ensure the existence of anti-corruption parties, and article 36 specifies that such agencies should specialise in combating corruption through law enforcement (UNCAC, 2004).

Section 181 of the *Constitution of South Africa* (1996) states that the anti-corruption agency should be subject to the supreme law and the country's legal system. Section 181 of the *Constitution of South Africa* (1996) also states that these agencies should be independent and impartial, exercise their powers and perform their duties without fear, favour or prejudice (Pillay, 2017:6).

South Africa has the following agencies, which all have mandates to investigate corrupt activities (Pillay, 2017:4):

- **The Anti-Corruption Task Team (ACTT)**

The ACTT is a group of government representatives entrusted with implementing the government's anti-corruption program. The ACTT was established in October 2010 to expedite high-priority inquiries and legal actions of corrupt activities using an integrated, multidisciplinary operating strategy (South Africa Government, 2023).

The ACTT is a subcommittee of the Justice Crime Prevention and Security (JCPS) Cluster, and it is chaired by the head of the Directorate of Priority Crime and Investigations (South Africa Government, 2023).

- **Asset Forfeiture Unit (AFU):**

The POCA regulates the AFU and can seize assets or proceeds identified as the benefits of engaging in illicit activity (NPA, 2023). The AFC mainly focuses on organised crime and corruption cases in the private and public sector.

The AFC must provide a direct link between the asset and an illicit activity when they apply to seize the assets or proceeds (NPA, 2023). The AFU work together with the SAPS and SARS in their investigations.

- **Independent Police Investigative Directorate (IPID):**

The IPID aims to be a practical, independent, and impartial investigation unit that acts in the public's best interest (National Government of South Africa, 2023). The IPID provides independent oversight over the SAPS and MPS by conducting impartial investigations of any identified alleged criminal offences committed by any members of the SAPS and MPS (National Government of South Africa, 2023).

- **Special Investigating Unit (SIU):**

The SIU is regulated by the Special Investigating Units and Special Tribunals Act, Act No. 74 of 1996 (SIU, 2023). The SIU's primary mandate is to investigate any severe accusations of corruption, malpractice, and maladministration of government organisations, government assets and public money and to recover any financial losses endured by the government (SIU, 2023). The SIU investigators are empowered to take civil action to correct any wrongdoing uncovered during investigations. The final reports of the SIU (2023) are submitted to the President; the report gives an overview of the illicit activities and recommendations.

The above agencies are supplemented by the Public Service Commission (PSC), which assesses, monitors, and evaluates state policies, practices, and compliance and controls, and the effectiveness of the anti-corruption agencies (Pillay, 2017:4).

Private institutions also monitor, investigate, and report on corruption in South Africa. One of these institutions is the Corruption Watch, a non-profit organisation that opened in January 2012 and relies on the public to report corruption, which they then investigate and report on (Corruption Watch, 2023).

Legislative framework in South Africa:

South Africa has the following legislation for the prevention and combatting corruption (Katharada, 2021):

- **Prevention and Combating of Corrupt Activities Act (“PRECCA”), 2004:**
PRECCA is South Africa’s primary anti-corruption and anti-bribery act; this act defines corruption and imposes statutory reporting obligations when there is suspicion of any offence committed that is mentioned in this act (Katharada, 2021).
- **Prevention of Organised Crime Act (“POCA”), 1998:**
This act mentions measures to combat organised crime, money laundering, and criminal gangs. The act also mentions the obligation to report certain information once received (South Africa Government, 2023).
- **Protected Disclosures Act, 2000:**
This act’s aim is to provide procedures and protection to anyone who makes a protected disclosure; whistleblowing is formally known as making a protected disclosure (Citizens Information, 2023).

If a person reports possible misconduct in a place of employment that they currently work at or have previously worked at, they are protected by law. The whistle-blower is also covered if the employee is fired or punished for disclosing such wrongdoing (Citizens Information, 2023).
- **Financial Intelligence Centre Act, 2001:**
This act was established to identify and stop the funding of terrorism, money laundering, and other illicit activities. It plays a crucial part in safeguarding the integrity of South Africa’s financial system (National Government of South Africa, 2023).

South Africa was one of the 189 countries that signed the United Nations Convention Against Corruption (hereafter “UNCAC”) in 2003, and South Africa is also responsible for reviewing the progress of other member countries (Government Media Statement, 2019).

2.1.5 State Capture

State capture is a form of corruption that influences government policies, the legal system, and the economy to further the interests of influential people, businesses, or groups operating inside or outside the government (Geldenhuys, 2018:29). State capture is seen as the most severe form of governmental corruption (Bester *et al.* 2021: 74).

Habtemichael (2009: 52) mentioned that state capture is a type of corruption and is often known as influence peddling, which is a result of private agents and public servants working together to take control of the legislative, executive, and judicial branches of government.

Following the release of the State of Capture report by former PPSA Advocate Madonsela in late 2016, state capture became central to public discourse over South Africa’s future governance. Many analysts argue that the notion of state capture had been part of the dealings of the national party for a long time but had been concealed by the fact that South Africa was not yet regarded as a failing state.

One may claim that it began after 1994 when the State implemented several measures to redistribute funds among various industries (Madonsela 2019:113). Establishing local networks of patronage, bureaucracy, and bribery, a lack of local capacity, misusing local public resources, public procurement, facilitating services and informal payments, a climate of impunity, and the absence of adequate controls and oversight mechanisms are all ways that state capture can occur. It can manifest in different forms (Madonsela 2019:117).

Martin *et al.* (2016:22) mentioned that state capture can be in two forms:

- Where an individual or company has exerted control over both the State and economy, and
- The development of complex structures and networks that are interdependent to function.

State capture has a variety of repercussions on the nation's politics, economy, and social actors. Lower rates of growth and foreign investment are expected in the long run. Furthermore, the nation's unemployment rate is impacted. Examining state procurement is the most effective method of gauging the extent of state capture. The execution of suitable legislation to prevent corruption is expected to be impacted by state capture (Bester *et al.*, 2021: 79).

2.1.6 Mandate or terms of reference

The mandate of a commission is the detailed request of what to investigate and to report on any violent incidents or illicit activities that might lead to the prosecution of those involved; for instance, this will typically differ considerably from that of a commission asked to investigate aspects of the development of natural or other resources, like the feasibility of building a storage dam or railway (Middleton, 1986:254).

Kennedy (2018:318) defines terms of reference as the commission of inquiry's power, and it should guide without being restrictive that will hinder the commission's investigations.

The author also mentioned that the Commission should not act outside its terms of reference as any work conducted will be out of its jurisdiction and thus unlawful (Kennedy, 2018:318).

Middelton (1986:257) mentioned that the terms of reference of a commission must be clear.

The matters that must be investigated should be apparent and discoverable to ensure a witness who is obligated to testify is protected, in a sense, when they deliver a testimony that prejudices themselves, is confined to the matters of the public interest (Middelton, 1986:257).

The Australian legislation refers to the mandate as power, and per the legislation, the chairperson can investigate what they think is necessary or expedient to investigate for any of the general purposes of the Commission; the chairperson can at any time (Australian Government, 2010):

- Investigate and make a special report on any matter to which this section applies; or
- Authorise another person to investigate and make a special report on any such matter.

The legislation in the UK defines terms of reference as the following (Inquiries Act of 2005):

- “The matters to which the inquiry relates;
- Any particular matters as to which the inquiry panel is to determine the facts;
- Whether the inquiry panel is to make recommendations;
- Any other matters relating to the scope of the inquiry that the Minister may specify.”

The act specifically mentions that the Commission has no power to act outside its terms of reference and that the Commission has a consultative duty. The terms of reference may be subject to judicial review, and the Minister must consult with the Commission chair regarding the terms of reference (Inquiries Act of 2005).

Kennedy (2018:336) stresses that the terms of reference should be clear, flexible, and systematic, providing a guideline for the Commission to respond to the issues.

The terms of reference for the Zondo Commission were an extensive scope to “investigate matters of public and national interest concerning allegations of state capture, corruption and fraud” (PARI, 2022:1). The terms of reference were focused on the practices of the executive members of the state and the nature of their relationship with private individuals, including the Gupta Family (PARI, 2022:1).

It also included some issues raised in Advocate Madonsela's report published in October 2016. However, the Commission was charged with a much larger scope than Advocate Madonsela initially envisioned (PARI, 2022).

The report on state capture issued by Advocate Madonsela on 14 October 2016 investigated the below issues and recommended that the President appoint a commission of inquiry to investigate the following matters (N.P., 2016:353):

- The role of the Guptas and Mr Zuma in influencing appointments and dismissals to cabinet and an array of state entities;
- The awarding of contracts, mining licenses, and other business to Gupta companies;
- Improper intervention to prevent the closure of bank accounts of the Gupta-owned companies; and
- The appointment of Des van Rooyen as Finance Minister without following proper procedures.

The initial scope of the Zondo Commission was too broad, as it required the Commission to investigate allegations of corruption and fraud in every municipality, every provincial government department, every national government department, and every state-owned entity or organ of the state. Such an investigation would have taken more than ten years (PARI, 2022:1).

The terms of reference were amended. Thus, the Commission ultimately focused and reported on the following (PARI, 2022):

- The irregular public appointment;
- Improper conduct of the National Executive and public officials;
- Concerned efforts and activities of the Gupta enterprise in gaining control of governance and procurement in state-owned enterprises (hereafter SOEs) and government agencies; and
- General corruption (including fraud, money laundering, and racketeering) in public entities and all levels of the government.

2.1.7 Zondo Commission

The Zondo Commission was established and subsequently headed by Deputy Chief Justice Raymond Zondo (Gerber, 2018). In February 2018, Mr Zuma promulgated the regulations applied to the Zondo Commission, which made the Commissions Act 8 of 1947 applicable to the Zondo Commission.

In January 2021, Mr Zuma was compelled by the Constitutional Court to answer all the allegations against him. More than 30 witnesses implicated Mr Zuma in allegations of state capture (Smit, 2021).

The Commission investigated several SOEs, national governments, and provincial governments with a focus on the Free State. The Commission was active for three and a half years, from January 2018 to June 2022, under the direction of the chairperson, Chief Justice Raymond Zondo.

The Zondo Commission received valuable information through whistle-blowers. There is a concern for the safety of the whistle-blowers in South Africa, as there are numerous reports on whistleblowers who were murdered in the past couple of years and due to that a whistleblower, Athol Williams, who appear in front of the Zondo Commission left the country as he was concerned about his safety (Associated Press, 2023).

The Commission was divided into six phases. During this period, the Commission heard testimonials of over 300 witnesses over 429 days of public hearings, and 3,717 people were summoned, where 1,438 were implicated (Judicial Commission of Inquiry, 2022). The Commission published its report in six parts, ending with the recommendations in part six.

The Zondo Commission cost almost R1 billion over four years, and there is uncertainty about whether it was worth the cost (Ramela, 2022). Promises by President Ramaphosa to clean up the state capture after the release of the reports appear not to have been received with optimism from South Africans (Business Day, 2023). Business Day (2023) did mention that it is too early to declare the cost spent as a failure as notable steps were taken with arrests of former Transnet boss and the payments made by companies that pledged to pay back the money, like the ABB group.

2.1.8 Media

The media can be predominant in exposing corruption and initiating legal, political, and penal action against it. The media can inform and educate the public about the detrimental effects of corruption and, through exposure, increase the political risk of those involved in the corrupt practices (Schauseil, 2019:2).

Stapenhurst (2000) mentioned that the role of media is critical in promoting good governance and curbing corruption. Media can also assist in providing remedies or solutions for corrupt activities.

Peté (2020:906) believes that the media keeps the threats to constitutional democracy constantly in the public mind, which is an essential force against those that undermine the principles of constitutional democracy. According to Peté (2020:906), media helps highlight the extent of the corruption, the people involved, and any consequences after the commission of inquiry report or recommendations.

According to Schauseil (2019:3), the media can play three main functions regarding corruption, namely:

- The media can be seen as a “watchdog” for corruption; many see media as an additional pillar of democracy. Thus, media is equal to the other three pillars: law, representation, and knowledge (Jackson, 2023). Media monitors, observes, and reports on any wrongdoings by public officials and executives;
- Promote integrity by reporting illicit activities to the public, thus equipping the public with the information and enabling the public to report on those activities; and
- Engage with citizens in anti-corruption efforts through new technologies and digitalisation.

The mainstream media is essential in bringing investigative reporting to a broader audience. Even though it is crucial to reach as many people as possible, the information published must be accurate, which can encourage advocacy organisations and governmental investigators to become active (Schauseil, 2019:5).

The media has a long-term impact on anti-corruption activities, changing as sociality and technology change in the future through digitalising public awareness and citizens' capacity for critical judgment (Schauseil, 2019:5).

In South Africa, we have defined freedom of speech in section 16(1) of the *Constitution of South Africa* (1996) as “Everyone has the right to freedom of expression, which includes — freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research”.

Media independence is determined by the country's legal framework, financial and economic pressure, professional ethics, and restraints on media freedom can develop into government censorship (Schauseil, 2019:5).

Media freedom is a valuable instrument in the fight against corruption; the media is seen as an independent source and plays a crucial role in exposing corrupt behaviours and providing information to the public (Bhattacharyya *et al.*, 2015:13). Jha *et al.* (2017:60) mentioned that while social media plays a valuable role in media freedom, social media platforms like Facebook are also a valuable tool for corruption awareness.

Information and communication technology is a positive tool that forces governments to be more transparent, accountable, and less corrupt (Adam *et al.*, 2021:1).

The Zondo Commission in South Africa drew a lot of media attention during the investigation process, and one of the comments made by the head of Media Monitoring Africa, Mr William Bird, is that the Commission and media should work together in combating corruption (Ramphela, 2019).

Conclusion

This chapter provided the study's theoretical background so the reader can understand the essential themes of this study.

It is noted that the Zondo Commission was not the first commission in South Africa to address some corrupt activities as other commissions, like the PIC and Seriti Commission, also investigated alleged illicit activities. The importance of having the correct mandate for such a commission of inquiry was highlighted, as the mandate should be specific to the issues the Commission should address. The media plays a vital role as an anti-corruption tool, and it was also noted that it played an essential role in the Zondo Commission.

In the next chapter, titled “Research Methodology”, the researcher delves into the methodology followed to collect the results using semi-structured interviews.

CHAPTER 3 RESEARCH METHODOLOGY

Introduction

In this chapter, the researcher discussed the research methodology followed to collect data to meet the research objectives; the study was conducted in two parts: a literature review and an empirical study.

3.1 Literature review

The first phase of the research methodology was the literature review (Van der Merwe, 2022). The literature review aims to give the reader an in-depth understanding of a commission of inquiry and how it plays a role in the fight against corruption in South Africa.

The following sources of information were used in this study: Google Scholar, Google, NWULIB, and EBSCOhost.

The sources include:

- Journals;
- Publications;
- Dissertations and papers on the subject;
- Books; and
- News and internet articles.

(van der Merwe, 2022)

3.2 Empirical study

3.2.1 Research paradigm

According to Kamal (2019:1338), a paradigm is a set of beliefs about how specific problems exist and how such problems can be explored. There are five philosophies in business and management: positivism, critical realism, interpretivism, postmodernism, and pragmatism (Saunders *et al.*, 2016:144).

Positivistic, critical, and interpretivism paradigms were considered for this study. Critical realism describes what a person sees and experiences regarding the underlying structures and observable events (Saunders *et al.*, 2016:138). Critical realist research, therefore, focuses on explaining observable events by looking for the underlying causes and procedures (Saunders *et al.*, 2016:140).

Interpretivist research aims to develop new, finer interpretations of social worlds and contexts by collecting essential data from the research participants (Saunders *et al.*, 2016:141).

Due to the nature of the objectives of this study and the need to collect data to develop new and finer interpretations, an interpretivist research paradigm was adopted.

3.2.2 Research approach

There are two types of research approaches: deductive and inductive (Saunders *et al.*, 2016:51). A deductive approach is when the researcher wants to adopt and test a clear theoretical position by collecting data. Thus, the study would be theory-driven.

An inductive approach is where the researcher wants to investigate a topic and develop a theoretical explanation from the data collected and analysed. Thus, the study would be data-driven (Saunders *et al.*, 2016:52).

This study adopted an interpretive research paradigm. Thus, it followed the inductive methodological approach.

3.2.3 Methodological choice

There are three methodological choices, namely quantitative, qualitative, and mixed methods. Quantitative research examines relationships between variables, measured numerically and analysed using statistical and graphical techniques (Saunders *et al.*, 2016:166).

Quantitative research is usually linked with a positivistic research paradigm and a deductive approach, mainly when used with predetermined and highly structured data collection techniques (Saunders *et al.*, 2016:166).

Qualitative research studies participants' values and associations, using various data collection techniques and analytical procedures to develop a conceptual framework and theoretical contribution (Saunders *et al.*, 2016:168). Qualitative research is often linked with an interpretive research paradigm (Saunders *et al.*, 2016:168). The mixed method combines quantitative and qualitative research methods, such as interviews and questionnaires.

Considering the nature and objectives of this study and the fact that the study was conducted through semi-structured interviews, the qualitative research method was the most suitable methodological choice.

3.2.4 Research strategy

The research questions and objectives will steer the research strategy; this links with the philosophy, research approach, and more realistic concerns, including the extent of existing knowledge, the amount of time available, and access to potential participants and other data sources (Saunders *et al.*, 2016:178).

According to Saunders *et al.* (2016:178), there are eight strategies to follow under qualitative research: experiment, survey, archival and documentary research, case study, ethnography, action research, grounded theory, and narrative inquiry.

Due to the nature of this study and the fact that interviews were the primary source of the research, the best strategy would be grounded theory; this strategy is also referred to as taking an inductive approach, thus also in line with the methodology chosen in 3.2.3 above (Saunders *et al.*, 2016:193).

3.2.5 Time horizon

Conducting a study has two types of time horizons: cross-sectional and longitudinal. Saunders *et al.* (2016:200) describe cross-sectional as a “snapshot” and longitudinal as a “diary”. Cross-sectional studies are the most used in academic research studies as there are time constraints to finalise the study (Saunders *et al.*, 2016:200).

This study is classified as a cross-sectional study, as the interviews occurred over a short time.

3.2.6 Study population and sampling

Identifying the population:

A study population can be defined as the complete set of data from which the sample is taken (Saunders *et al.*, 2016:274), and the selected sample correlates to the population emphasised in the research question and objectives (Saunders *et al.*, 2016:275).

Asiamah *et al.* (2017:1607) define a research population as a group of people with one or more characteristics in common, and the population can influence the credibility of the research. The researcher must understand their population and have a specific criterion to select their population (Asiamah *et al.*, 2017:1608).

The population of this study was specifically focused on key individuals who not only played a role in either the Zondo Commission or any other commission of inquiry but also the public and media to ensure that the data obtained was relevant to answer the research questions.

Sample Framework:

The sampling frame for a probability sample is a comprehensive list of all the participants in the target population from which the sample was drawn (Saunders *et al.*, 2016:277). There was no complete list for this research study, and the researcher’s supervisor assisted with selecting individuals.

Sampling technique:

Sampling techniques will enable the researcher to reduce the data needed to collect by considering only data from a subgroup rather than all possible cases or elements (Saunders *et al.*, 2016:272). There are two sampling techniques: probability or representative sampling and non-probability sampling (Saunders *et al.*, 2016:275).

Probability sampling is when the probability of each case being selected from the target population is known and equal for all cases; this technique is mainly associated with survey and experiment research strategies (Saunders *et al.*, 2016:275-276).

Non-probability samples are when the probability of each case being selected from the target population needs to be discovered, and it is impracticable to answer research questions or to address objectives that require the researcher to make statistical inferences about the characteristics of the population (Saunders *et al.*, 2016:276).

Considering the above, the non-probability sampling technique was used; the sample was judgemental and focused on key individuals to ensure that the primary and secondary objectives were achieved.

Sample size:

Interviewing between eight and ten participants for the study was recommended until data saturation occurred. Data saturation is when no new data, themes, coding, or ability to replicate the study is available after data collection (Fusch *et al.* 2015:1409).

During the selection of the interviewees, the researcher considered the requirements of the Protection of Personal Information Act that was enforced in July 2021 by sharing personal information only with the participant's knowledge and informed consent.

Sampling method:

The purposive sampling method is based on the judgement of the researcher based on their knowledge, which would provide the best information suitable to meet the research objectives; it is essential to focus on those people that are knowledgeable on the topic and the willingness to share it (Ebeto, 2017:2).

The researcher performed snowball sampling, which is defined as the selection of participants that is referred by selected participants (Tenny *et al.*, 2017).

As described above, a judgemental sample is used to identify the key individuals, media, and the public that either played a role in the Zondo Commission, economic crimes, or know of the Zondo Commission.

Per the above, the following was vital for the researcher to determine the following. Thus, a pilot study needed to be done:

- A refined sample framework.
- The sample size to ensure saturation.
- Determining who the participants need to be to answer the research objective.
- A purposive sampling method was selected, and the researcher needed to justify the chosen participants.

Pilot Study:

A pilot study is also known as a feasibility study comprising small-scale versions of the proposed study where the researcher does trial runs with specific people (Kim, 2010:191). The purpose of a pilot study is to test the research strategy, for example, the data collection method (the acceptability of the interview) and sample size (Kim, 2010:192). A pilot study is intended to collect data for something other than the study (Kim, 2010:192).

The researcher performed a pilot study to enhance the following two areas:

- Sample framework to ensure that the correct industries and specific participants are selected to enable the researcher to meet the research objectives; and
- Improve the interview questions to ensure they are aligned with the research objectives.

A pilot study conducted for this study:

The researcher conducted a pilot study interview on 21 June 2023 at 21:30 via Zoom with a prominent academic with respect to commercial crime, integrity studies, and corruption and an attorney by trade. The pilot study was 29 minutes long, and the following was discussed with a prominent academic.

Using the inputs provided by the prominent academic, the researcher made the following changes to the research strategy.

Sample framework:

The prominent academic provided valuable insight into selecting people who will provide the most insight into the research topic. Inclusion criteria for the sample framework were used to select the following key industries as the industries that provided the most valuable insight in answering the research objective:

- The media;
- Academics in the forensic field;
- Auditing and assurance firms;
- Forensic investigator(s); and
- Political analyst(s).

During the interviewing process, the researcher did snowball sampling and interviewed two additional participants. These two participants were vital for the study as each of them held an important position:

- Prosecutors who were involved in other commissions of inquiry that also investigated alleged corrupt activities; and
- An attorney who was part of the investigator's team of the Zondo Commission.

All the individuals were accessible as they live primarily in Gauteng and Free State, and most of the interviews were conducted over Zoom.

Sample size:

During the pilot interview, seven key participants were identified during the pilot study, with two additional participants due to the “snowball effect”; thus, nine participants were interviewed. Data saturation was reached after interviewing nine participants with expertise and knowledge on the subject, and no additional insight or new information could be gained from other participants.

3.2.7 Collection of data

As mentioned above, the qualitative research approach was used in this research project, and the data will be collected through interviews. A few different types of interviews can be used to collect data (Saunders *et al.*, 2016:390). This research project will use a pilot study and a semi-structured interview.

Semi-structured interviews:

This type of interview has a list of themes and some key questions to be covered, but the questions may vary from interview to interview; this means that the researcher may omit some questions in particular interviews, given a specific context concerning the research topic (Saunders *et al.*, 2016:391).

The order of questions may also vary depending on the conversation flow (Saunders *et al.*, 2016:391). The semi-structured interviews were conducted to get more information on the participants’ opinions and focus on ‘what, where and why’ (Saunders *et al.*, 2016:392).

Duration of the interviews:

The semi-structured interviews were scheduled for 30 minutes, but all the interviews went on longer due to the additional information provided by the participants. The participants interviewed are experts in their fields and could elaborate on all the questions.

Nature of data:

Qualitative research depends on social interaction between the researcher and participants. Due to social interaction, the data will likely be more diverse, flexible, and complex than quantitative data.

Therefore, analysis and understanding of these data must be sensitive to these characteristics to be meaningful (Saunders et al., 2016:568).

Process of data collection:

The data was collected by conducting in-person (where possible) or online interviews (through Zoom).

Method of collecting data:

As mentioned above, semi-structured interviews were conducted where the questions addressed vital themes but also allowed the participants to provide as much detail as possible to give the research as much data to analyse.

3.2.8 Designing the measuring instrument

For the methodology section, this study adopted a qualitative method and collected data through one-on-one interviews. The researcher used a semi-structured interview guide as an instrument to manage the interviews.

The researcher formulated questions to enable the researcher to answer the primary research question; the researcher performed a pilot study (mentioned in 3.2.6) to enhance these questions.

Pilot Study:

The purpose of the pilot study was to improve the questions in the semi-structured interview to ensure that the study's objectives were met and that the participants would understand the question and be able to provide the data they needed.

During the pilot study, there were numerous changes to the questions, and the number of questions increased from twelve to thirteen, and the following changes were made:

Table 1: Changes in interview questions after the pilot study

Questions before the pilot study	Questions after the pilot study
Question one: What is the role of a commission of inquiry?	Question one: What is the role and function of a judicial commission of inquiry?
Question four: Original: What is the function of a judicial commission of inquiry?	Question four: What is corruption?
Question five: What is state capture, in your opinion?	Question five: What is state capture?
Question six: Original: Do you know about the Zondo Commission? How?	Question six: How do you know about the Zondo Commission – were you involved? If yes, describe your involvement in the Zondo Commission. What are the key lessons you have learned, especially the process of the Zondo Commission, and how did that lead to the results (i.e., the recommendations)?
Question seven: Do you think the judicial commission of inquiry will help the fight against corruption?	Question seven: Do you think the media played a valuable role before, during and after the overall process of the Zondo Commission (i.e., from the initiation stage until the final stage, i.e., recommendations)?

Questions before the pilot study	Questions after the pilot study
<p>Question eight: Do you think the media played a valuable role during the Zondo Commission?</p>	<p>Question eight: Do you think the benefit outweighs the cost of the Zondo Commission?</p>
<p>Question nine: Do you believe South Africa has the tools to combat corruption? Name a few</p>	<p>Question nine: Do you believe South Africa has the mechanisms to combat corruption? If yes, name the most prominent mechanism in your view.</p>
<p>Question ten: Do you believe that it will be beneficial to have a permanent the judicial commission of inquiry for corrupt activities only?</p>	<p>Question ten: What do you think of the recommendations made by the Zondo Commission? Is it linked to South Africa's mechanisms for the fight against corruption?</p>
<p>Question eleven: Have you worked in/for a the judicial commission of inquiry before? Any lessons learned?</p>	<p>Question eleven: In your opinion, why are the Zondo Commission recommendations not implemented or reported on if they are implemented?</p>
<p>Question twelve: Do you know of any other Judicial Commission of Inquiries in South Africa? Name one</p>	<p>Question twelve: In your opinion, describe the role of the the judicial commission of inquiry in the fight against corruption, if any.</p>
	<p>Question thirteen (new): Would it be beneficial to have a permanent the judicial commission of inquiry for corrupt activities only? If no, what alternative action should be implemented?</p>

3.2.9 Analysis of data

As mentioned in 3.2.3, the study uses a qualitative research method, described as “non-statistical”; one will not expect a lot of statistical data.

How to analyse the data that is received through a semi-structured interview:

Data from semi-structured interviews was audio-recorded and then subsequently transcribed. In the analysis, it is essential to emphasise what the participants said and how they said it (thus verbal and non-verbal communication) (Saunders *et al.*, 2016:392).

The transcribed data was coded and analysed by using ATLAS.ti. Application: ATLAS.ti is a qualitative research tool that can be used for coding, analysing, and visualising transcripts, and it creates network diagrams (NYU, 2023).

The interview audio was transcribed by the researcher using the Microsoft Office 365 transcribing tool after the text data was codified and analysed using ATLAS.ti.

How the data is analysed using ATLAS.ti:

1. The researcher uploaded the transcribed interviews to ATLAS.ti. application.
2. The AI coding tool was used to generate unique codes linked to transcribed documents' quotations.
3. Thereafter, the researcher would analyse the data and categorise it into overarching themes that best suit the study.
4. After that is completed, the researcher could download the analysis compiled by the AI's summarise function.

Conclusion

In this chapter, the researcher focused on what research method was used to collect and analyse the data. The researcher followed the qualitative approach and collected the data through semi-structured interviews. The researcher also mentioned that ATLAS.ti was the application used to analyse the transcribed data.

The results emanating from the data analysis are set out in the next Chapter.

CHAPTER 4 PRESENTATION AND FINDINGS

Introduction

In this chapter, the researcher presented the data collected through semi-structured interviews. The researcher concluded on the findings under each theme and provided a detailed analysis using ATLAS.ti.

4.1. ATLAS.ti

The researcher used ATLAS.ti to analyse the transcribed interviews. A total of nine documents were imported and analysed. ATLAS.ti AI coding was used to code the nine documents. After the AI coding was completed, the researcher used the concept function within ATLAS.ti to identify the most relevant themes and codes, which enabled the researcher to address the research objectives listed in Chapter 1.

The ATLAS.ti AI coding tool initially generated 509 unique codes assigned to over 400 quotations extracted from the nine documents imported. The researcher analysed the codes and identified 19 most appropriate to the context of the study. The 19 codes were then categorised into six overarching themes. The researcher used the AI summarise function to get a brief understanding of each theme to ensure it is in line with the scope of this study. ATLAS.ti refers to codes as grounded (can also be seen as supported), meaning that the number of quotations that support the code and the higher the number of quotations linked to a code, the more grounded the code is.

An overview of the concepts generated will be discussed in paragraph 4.2, whereas the themes will be discussed in paragraph 4.3, with a conclusion in respect of the data in paragraph 4.4.

4.2. Concepts

ATLAS.ti named “concepts” function recognises and extracts phrases with nouns, counts them, arranges them based on the count, and then produces the concept cloud and tree map results below. This indicates the most prominent concepts identified in

all the documents imported. It was clear that the noun phrases aligned with the primary and secondary objectives. This included instances of “commission”, “corruption”, “government”, “inquiry”, “recommendations”, “media” and “role”, which all can be linked to the secondary objectives listed in Chapter 1.

Figure 1: Concept tree compiled using ATLAS.ti



4.3. Themes

The themes that were identified through ATLAS.ti were:

- Advantages and disadvantages (secondary objective number two in 1.2.2 on page 3);
- Corruption and state capture (secondary objective number four in 1.2.2 on page 3);
- Government (secondary objective number one in 1.2.2 on page 3);
- Media (secondary objective number three in 1.2.2 on page 3);
- Roles and functions (secondary objective number one and five 1.2.2 on page 3); and
- Zondo Commission (secondary objective number five 1.2.2 on page 3)

The figure below visualised the identified themes with their assigned codes.

Figure 2: Visual of the themes and codes

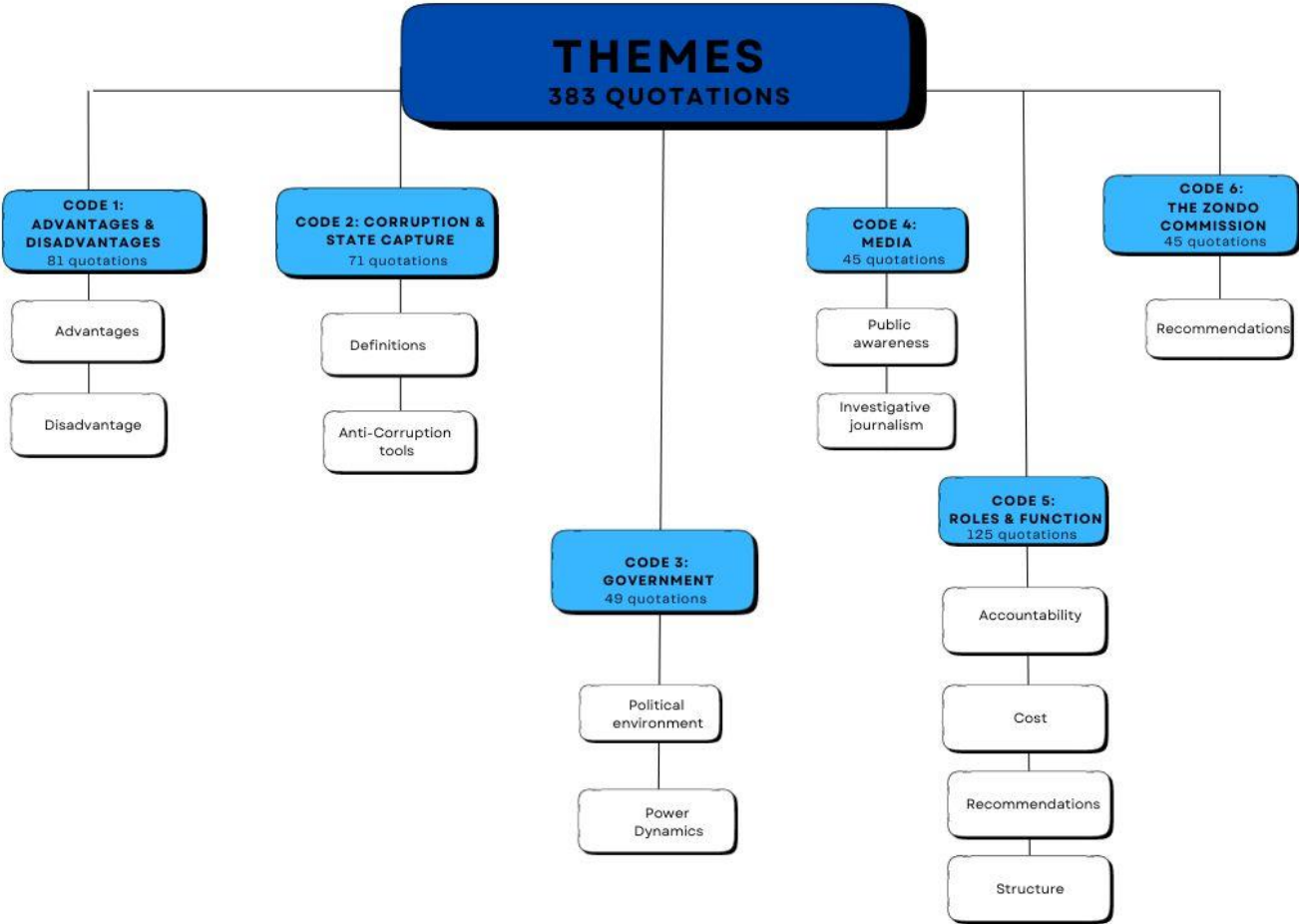
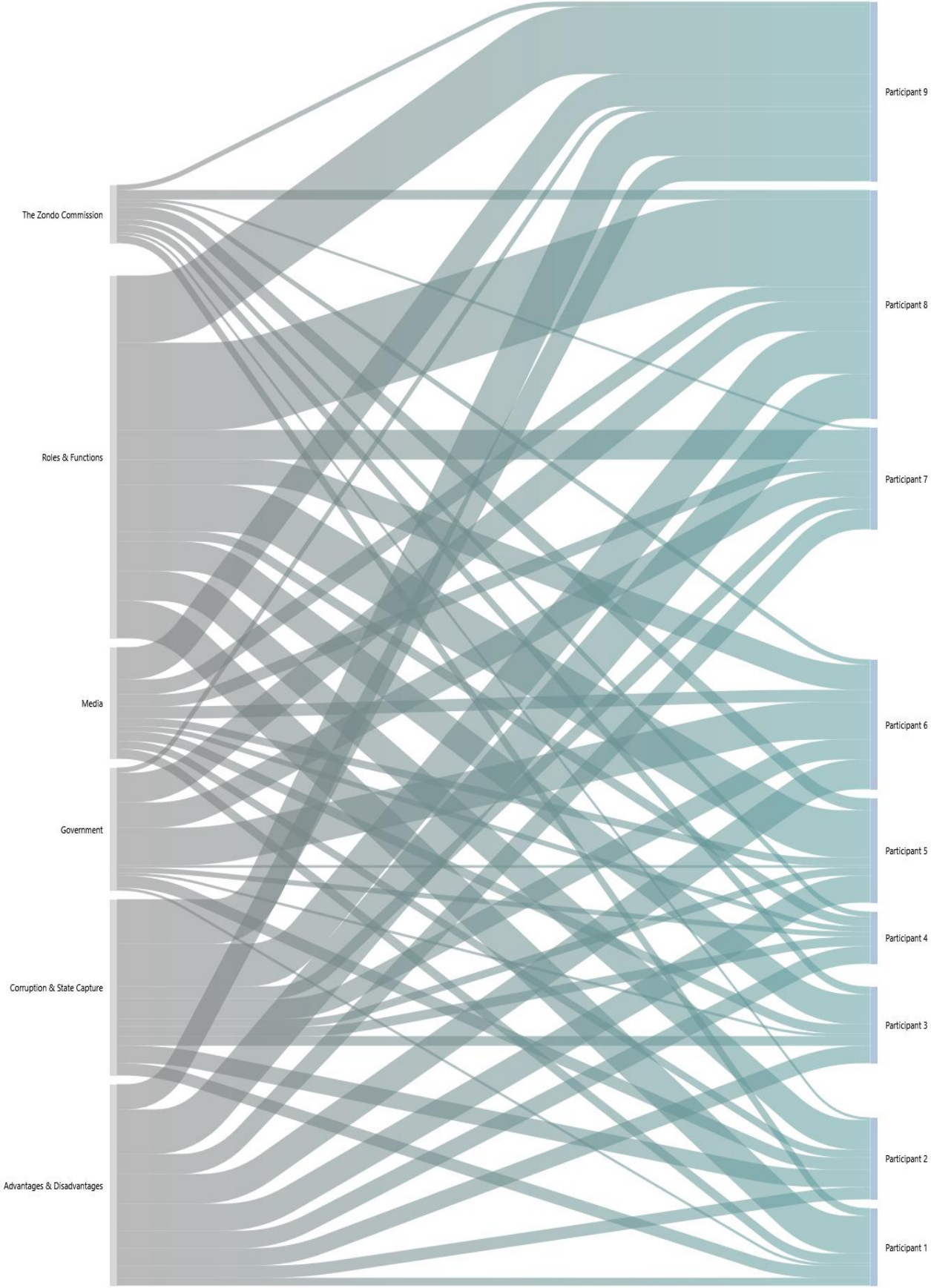


Figure 3: Screenshot out of ATLAS.ti indicating the number of quotations per theme.

Name	Grounded
Advantages & Disadvantages	81
Corruption & State Capture	71
Government	49
Media	45
Roles & Functions	125
The Zondo Commission	45

The data and the objectives must connect through a proverbial golden thread to ensure that the data meets the primary and secondary research objectives (Werbeloff, 2023). The below figure displays how the themes correlate between the participants, indicating that the themes are linked with each participant who contributed to the study.

Figure 4: Theme analysis linking to each participant

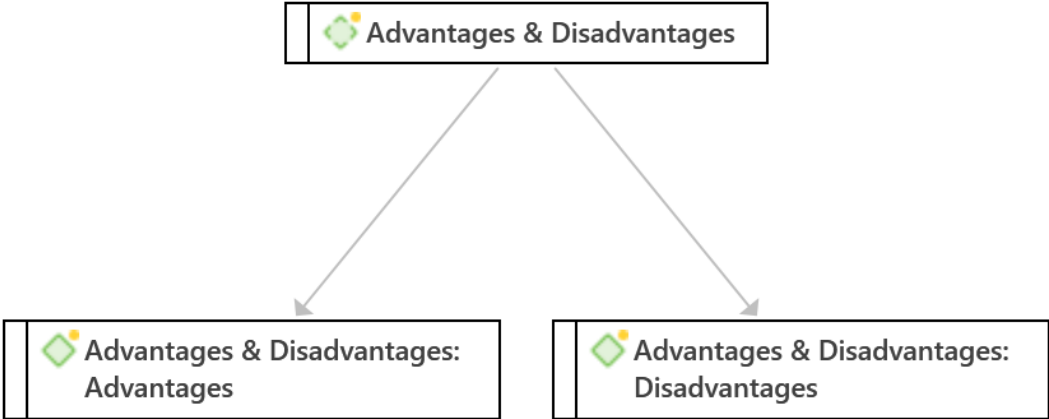


4.3.1. Theme: Advantages and Disadvantages

The advantages and disadvantages were a key theme in this study. All nine participants provided their views on the advantages and disadvantages.

Figure 4 visualises the codes below the theme of which 81 quotations grounded the codes as is evident from the detail in Figure 5. This theme comprised 21.1% of the total quotations identified.

Figure 5: ATLAS.ti category code network: Advantages and Disadvantages



Responses concerning the advantages and disadvantages of a commission of inquiry (refer to Appendix A questions two and three) are summarised as follows for the number of quotations per participant:

Figure 6: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Advantages	1	2	2	2	7	6	5	4	4	33
Disadvantages	2	3	5	5	4	6	3	14	6	48
Total number of quotations										81

4.3.1.1. Advantages

Independence was one of the advantages of the commission of inquiry mentioned by 2 out of the 9 participants. A commission runs independently from any political party and provides the findings based on the investigation performed.

Participant 1 mentioned *[I think the number 1 advantage is independence ... independence and the fact that it can be objective regarding findings into whatever the issue is being investigated.]* It was supported by Participant 9 as follows *[... independence ensures a fair and impartial inquiry, free from any undue influence].*

A Commission has extensive powers to summon witnesses, gather evidence, and hold public hearings; this was indicated by 3 out of 9 participants. Participant 5 mentioned *[... commissions normally have extensive powers...]*, participant 8 supported this view by adding *[...there are very few structures that have the ability and power to compile witnesses and produce statements to testify, like a commission of inquiry...]*. Participant 9 also mentioned that *[a commission is granted specific powers to summon witnesses, require the production of documents, and examine evidence under oath. This allows the commission to gather information and testimonies necessary for its inquiry...]*.

A commission of inquiry is also transparent and fair, and 2 out of the 9 participants believed that a commission can provide a platform for investigations that other agencies may not have the resources or powers to conduct. Participant 9 mentioned that a commission *[... ensures fairness and objectivity... promotes transparency and allows the public to observe the inquiry process...]*, and Participant 2 supported it by saying *[transparency, fairness, and openness... are some of the most impactful things of a commission...]*.

A commission of inquiry can restore confidence in the government and hold politicians accountable; this was the view of 2 out of 9 participants. Participant 6 commented that *the clear aim is to restore the public's confidence in a system of government or department of the government.]*.

The public hearings and media coverage promote accountability and trust in the investigation process. The Commission's findings can lead to social change and the recovery of funds. Additionally, the Commission serves as a voice of critique and holds politicians accountable for their actions. The view of 7 out of the 9 participants was that a commission provides a platform for investigation, social awareness, and necessary policy or legislation reforms.

Participant 5 mentioned that if *[...bring that the truth of what is happening into the public space, both to inform the public to create social awareness... publicly make this very educational for the public...]*, it was supported by Participant 6, who mentioned that *[...the commission addresses a matter of public concern...it can generally find solutions...]*.

Participant 9 believed that *[...public hearings and proceedings of a commission are usually open to the public and media. This transparency fosters trust in the investigation process and ensures accessible findings, promoting accountability for those responsible...]*.

One of the participants mentioned that a commission enables companies and people to come forward with any information on a specific matter. Participant 6 mentioned that *[... commissions provide a platform where companies can declare any wrongdoings... for example, how EOH stepped forward during the Zondo]*.

The fact that a commission is focused on one singular topic and can provide clear recommendations is one of the advantages provided by Participant 1 *[...a commission can focus exclusively on one topic... it can do a detailed investigation and provide specific recommendations...]*.

4.3.1.2. Disadvantages

The most significant advantage of a commission is that it does not have any power to prosecute any person as it can only make recommendations to the President of South Africa. It was also noted that the President is not obligated to implement any changes; he can decide what will be implemented and what will not. Political will is also an essential factor in a commission. This was supported by 4 out of the 9 participants; participant 4 stressed that *[... the commission has no teeth it; it writes a report after the inquiry, and they give the report to the president, who can decide what to do with it]*. Participant 5 supported the view *[...it could not go to prosecution.]*.

Participant 9's view on the statements is that *[...it is essential to note that while the commission can expose corruption and make recommendations, it is not responsible for directly prosecuting or penalising wrongdoers.]*. Thus, it is clear that a commission's role is to gather evidence through investigations and then provide recommendations; after that, a commission cannot do anything else.

The fact that the government is not obligated to implement the recommendations is the main reason why the recommendations made by the Zondo Commission are seemingly not addressed as the government decides what recommendation will benefit them the best and implements it. This statement was supported by 3 out of the 9 participants, and Participant 5 mentioned *[...we have the problem with the prosecuting authority and the investigating of and there is not the political appeal.]*. Participant 9 supported this statement *[...commissions may still be subject to political pressures or interference...]*.

There is a misconception that the public does not understand the role of a commission of inquiry. The public expected that the wrongdoers would be prosecuted after the recommendations were published, but that is not the case. This causes the public to feel that a commission of inquiry does not serve any purpose and is just a waste of money; this statement was supported by 1 out of the 9 participants. Participant 1 mentioned *[...I know that in public, everybody thought that this commission would lead to prosecution and jail time, but the fact is not that]*.

Commissions investigate publicly known issues, and they usually involve the government, government officials or high-profile politicians like, for instance, Marikana or the Seriti commissions. Thus, the Commission will be subject to political and public pressures.

Government officials may try to stop the Commission by slowing down the process, by delaying their response to the Commission. The public puts pressure by demanding answers on specific issues.

These statements were supported by 3 out of the 9 participants, and participant 9 mentioned that *[...despite efforts to maintain independence, commissions may still be subject to political pressures or interference, especially if the subject matter involves sensitive or high-profile individuals or institutions...]*.

Commissions can be misused for a political agenda by government officials, for example, the Seriti Commission, which investigated the irregularities with arms deals.

One out of the 9 participants supported this and mentioned that *[complicated political problems and issues... can lead to a commission being misused to kill a complex problem slowly... take it out of the public eye... and away from the focus of the media attention...]*.

A commission's work is based on the mandate given to it by the president; it is also one of the factors that can lead to a commission being misused for a political agenda. Participant 6 mentioned *that the Commission has no power other than to do its work through its given powers.*] The participant also mentioned that *[...it can be used politically to defuse a situation that requires urgent attention]*.

Commissions can be expensive and time-consuming; one of the critiques from the public about the Zondo Commission is that it costs too much and takes too long, but the public does not consider the amount of work that went into the Commission to enable Judge Zondo to provide the recommendations. Participant 8 views the cost of a commission: *[They are expensive, and you know it takes time. For example, it takes time to go through, investigate, and go through the process with the witnesses, depending on the terms of reference. However, even with the smaller commissions, it takes a lot of time to go through that, and you only really get the report right at the end and the recommendations]*.

4.3.1.3. Conclusion

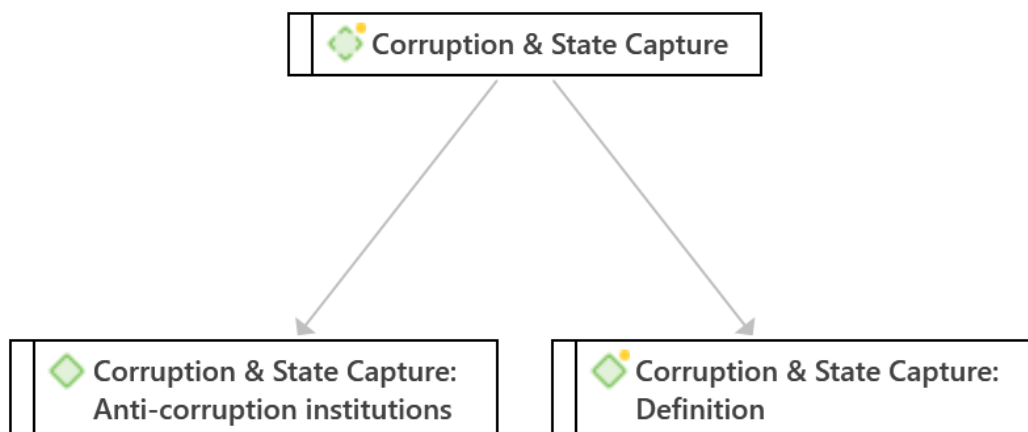
Commissions of inquiry can expose corruption and make recommendations, but they lack the power to prosecute or penalise wrongdoers directly. Commissions often face high costs, bureaucratic processes, and political interference. Implementing their recommendations is not guaranteed, and these factors can affect public perception and confidence in the Commission's efficacy. However, commissions can still play a role in uncovering the truth, influencing public opinion, and shaping government policies.

4.3.2. Theme: Corruption & State Capture

There is no universally accepted definition of corruption. In Chapter 2, the researcher defined corruption and state capture based on the available resources. The purpose of this theme was to gain a deeper understanding of corruption and state capture. The researcher also focused on the available anti-corruption institutions in South Africa and whether they are functioning effectively.

Figure 7 visualises the codes below the theme, and 71 quotations grounded the codes, see detail in Figure 8, this theme was 18.5% of the total quotations identified.

Figure 7: ATLAS.ti category code network: Corruption and State Capture



Responses with respect to the definitions for corruption and state capture, as well as what the available anti-corruption mechanisms are in South Africa (refer to Appendix A questions four, five and nine), are summarised as follows in respect of the number of quotations per participant:

Figure 8: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Definition	3	5	3	3	2	4	4	8	10	42
Anti-corruption institutions	2	2	1	1	1	4	1	9	8	29
Total number of quotations										<u>71</u>

4.3.2.1. Definitions

The definition of corruption can vary. A summarised version from the 9 participants is that it refers to dishonest or unethical behaviour for personal gain, often involving the abuse of power. Participant 1 defines corruption as *[...that is, there is a gratitude that is paid by someone to someone else for certain favours to which they are not entitled or favouring them above someone else.]* Participant 8 added to the definition *that corruption is any act that is designed to influence a process or outcome of anything... If you do anything that will influence an outcome unequally...].*

Corruption is widely spread in South Africa and directly impacts the country’s economy; Participant 9 mentioned the impacts of corruption are *[...It erodes public trust in institutions, undermines the rule of law, hinders economic growth, diverts resources away from essential services, perpetuates poverty, and contributes to social inequality...corruption can have far-reaching negative consequences for societies and economies].*

State capture was considered as where private individuals or interest groups exert significant influence over the government’s decision-making processes and public institutions. Typical forms of corruption are based on the data collected, namely offering, giving, receiving, or soliciting something of value (such as money, gifts, favours, or kickbacks).

Participant 9 defined state capture as *[a form of systemic corruption where private individuals, businesses, or interest groups exert significant influence over the government's decision-making processes and public institutions.]* and also mentioned *[The goal of state capture is to advance their interests, often at the expense of the broader public interest, and to gain control over state resources and policies for personal gain or to further their business interests...]*, participant 1 elaborated on the definition *[...but it is when the decision making is not left to those who were democratically elected, so you have other people in the political process...]*.

State-owned enterprises played a crucial role in state capture, as individuals allegedly used their influence to appoint compliant boards and executives and facilitate corrupt practices. One of the participants mentioned that state capture links directly to the mismanagement of state resources. Participant 3 mentioned that state capture is *[...simple form it was just finding a way to influence the outcome of State tenders to redirect some of the state resources into private hands and political hands...]*.

It is not easy to distinguish between corruption and state capture, one participant mentioned that corruption is part of the operations of a company (government), where a person influences a lower-level employee to do something, i.e., paying a bribe to a police officer. However, state capture influences the Minister who decides those operations. Participant 2's opinion is that corruption sits in the operational world *[...corruption is in the operational world, and that is how you get a specific contract or to get a specific panel... state capture is where you feather the minister's nest and take over the decision making for that minister...]*.

4.3.2.2. Anti-Corruption Institutions

The data indicated that some anti-corruption institutions must be restructured to minimise political interference. Implementation of legislation and interference in institutions are significant obstacles to combat corruption.

All 9 participants mentioned that South Africa has adequate tools, legislation and institutions to combat corruption, but the main issue lies with implementing the laws and the lack of prosecution after the institutions report their findings.

Participant 1 mentioned *[...the legislation, and the structure, I think we have the legislation we need... it is the implementation... it is the structures that need to be there now. I do not believe we have the capacity for our structures.]*

Participant 8 added that *[Our legislation is good, but we were grey-listed because we are just not prosecuting...]*. Participant 5 mentioned that the institutions are not doing what they should because *[They are under-capacitated in person and modern investigative techniques, methods, and equipment]*.

All the participants named the following institutions: The PPSA, SIU, Hawks, NPA, FIC, and SARS, in charge of investigating and prosecuting corruption-related offences; however, their efficacy and competence vary. Participant 2 commented on the perceived best institution currently *[The most effective institution I worked with was the SIU, and in the last three 2-3 years, they have taken their position seriously.]*. All the participants also think that the institutions need to be upskilled or reformed as they are not doing their jobs effectively because they lack skills, capacity, and resources. Participant 8 mentioned *[The role of some of these institutions could also be revisited...so that they stand alone... that there is less political interference]* and *[...it is because of the interference and the hollowing out of these institutions.]*.

The legislation for whistleblowing is, according to 2 out of 9 participants, not comprehensive enough, the protection of whistle-blowers was a concern during the Zondo Commission. Participant 2 stressed that legislation needs *[...stronger protections for whistle-blowers...]*.

It is also essential to collaborate between the government, private sector, and civil society to combat corruption; one participant mentioned an initiative from the government and the top 100 CEOs who have signed a pledge to focus on crime and corruption.

Participant 8 also mentioned the following: *[The private sector is trying to help capacitate these guys, whether it is people like yourself because they have a severe lack of forensic accountants, data scientists, or tools and technology].*

4.3.2.3. Conclusion

Even though there were a variety of definitions for corruption and state capture, it is clear that it involves the government in some way or form. The country has good legislation but lacks the capacity and expertise to enforce it due to the hollowing out of institutions. Chapter 9 of the Constitutional institutions are crucial in safeguarding democracy; the SIU, SAPS, AFU, and AGSA play essential roles in investigating and prosecuting corruption.

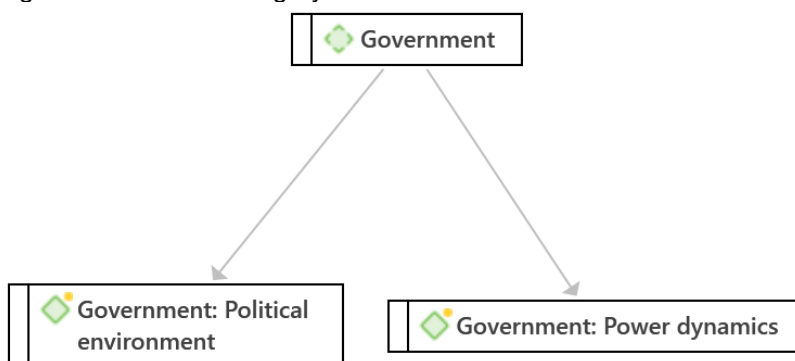
South Africa's institutions were significantly undermined by state capture and rebuilding them would take time and effort. The private sector is also working to contribute to the fight against corruption.

4.3.3. Theme: Government

During Mr Zuma's presidency, there were allegations of state capture in South Africa, with influential individuals and entities, such as the Guptas, forming relationships with government officials to allegedly gain control and manipulate the state for their benefit.

Figure 9 visualises the codes below the theme, and 49 quotations grounded the codes; see detail in Figure 10, this theme was 12.8% of the total quotations identified.

Figure 9: ATLAS.ti category code network: Government



Responses in respect of the Zondo Commission, the participants, referred to the political environment and power dynamics (refer to Appendix A questions nine, ten, eleven and twelve), are summarised as follows with respect to the number of quotations per participant:

Figure 10: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Political environment	1	4	1	1	1	11	5	3	2	29
Power dynamics		1		1		4	5	9		20
Total number of quotations										49

4.3.3.1. Political environment

All 9 participants mentioned that corruption is seen as a significant problem in South Africa, both legally and in broader terms. The corruption issue is that South Africa’s political environment makes it easy to commit corruption. It does not even shock the public when there is a new story about corruption. Participant 3 made the analogue and compared corruption to taxi drivers *[We cannot stop taxis driving down the yellow lines until the public says it is wrong. If all the passengers in the taxi told the taxi driver to stop doing it, he would probably stop doing it, but instead, what do we do?]*

The current political environment is volatile, and corruption is happening freely as there are no real consequences for the wrongdoers.

Participant 4 commented on the current political environment as *[Sometimes feel like we are like in a puppet show; strings are pulled whenever they think it must be pulled, and nothing is happening.]*. Participant 6 commented that the parliamentary committees were ineffective *[Parliamentary committees were ineffective if... There was a manipulation of the public narrative... the ruling party was either complicit actively, or could not do anything, or said they could not do anything about it.]*

If we look at a commission of inquiry, as mentioned before, its mandate (i.e., powers) is given by the president. This implies that there can be an abuse of power if a president is also involved in the specific situation. Participant 6 mentioned [...

constitutionally empowered function of the president. Where the president desires, or the cabinet, in this case, desires investigation... the president and cabinet to make decisions.] and the participant also mentioned [*... if there is too much political input into this type of commission, you can orchestrate like and get the recommendations that they want. You can manipulate, particularly if care is not taken to ensure an independent appointment*].

The recommendations of the Zondo Commission seem to be implemented slowly. Participant 5 opinion about that is the slow implementation is due to political influence [*...with politics and the upcoming election in 2024.*].

4.3.3.2. Power dynamics

The power dynamics in the government were criticised by 5 out of the 9 participants; the participants mentioned that the government may be abusing its powers to commit corruption. Participant 7 following on power misuse of power [*Power without strict rules can seduce some individuals to misuse the power to their advantage, even though if it is a disadvantage to the public... misuse this power and become a blatant political instrument in the hand of the government...*] and participant 4 elaborated on the statement [*Political power issues have diluted the political will and it is almost as if there has been a deal done behind the scenes...*].

This also plays a role in a commission of inquiry where the president can misuse his power by compiling improper commission mandates. Participant 2 mentioned the following on misuse of power in a commission [*There have been tendencies here and worldwide also to use commission of inquiries to get an orchestrated outcome and just let the fire die down...*].

Political will was mentioned many times during the interviews where the 5 participants commented that the political will influences the way the government deals with corruption, prosecutions and recommendations made by commissions. Participant 4 commented on this statement [*...we have the problem with the prosecuting authority and the investigating of and there is not the political appeal*] and participant 4 also added [*Monumental to all of this is the political will and that it*

does not appear to be there.]. Participant 7 added to this statement [The government seldom makes decisions that are not to its benefit. They will implement those recommendations to their advantage and ignore or slowly kill the others trying to get by...].

4.3.3.3. Conclusion

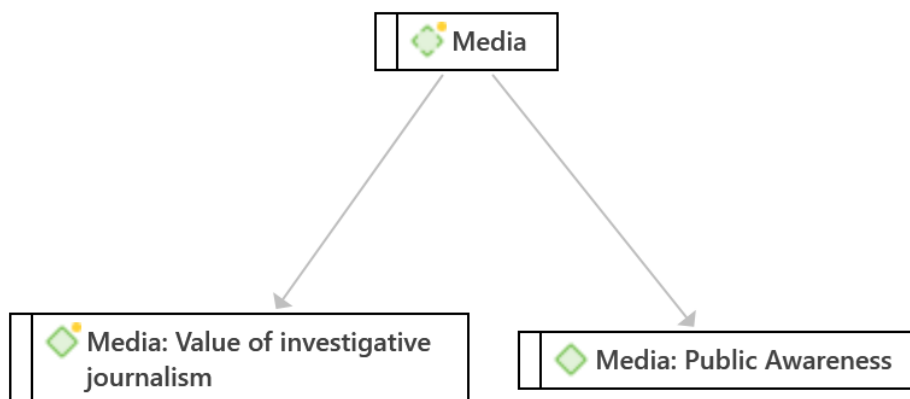
Unfortunately, South Africa is seen as having a corrupt government, where the political environment and the government's power may be misused to participate in corrupt activities. The political environment may make it easy for government officials to be influenced to take part in illicit activities.

4.3.4. Theme: Media

The media, particularly investigative journalists, played a crucial role in uncovering corruption and state capture allegations, exposing the extent of the problem. They provided a platform for whistle-blowers to come forward and share their testimonies. The media's relentless reporting pressured the government to establish the Commission and address the concerns raised. The media's commission coverage allowed the public to be informed and educated about the proceedings.

Figure 11 visualises the codes below the theme, and a total of 45 quotations grounded the codes; see detail in Figure 12, this theme was 11.7% of the total quotations identified.

Figure 11: ATLAS.ti category code network: Media



Responses concerning the role the media played before, during and after the Zondo Commission (refer to Appendix A, question seven) are summarised as follows for the number of quotations per participant:

Figure 12: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Public Awareness	1	0	1	0	1	4	2	4	6	19
Value of investigative journalism	3	3	3	2	2	1	3	2	7	26
Total number of quotations										45

4.3.4.1. Public Awareness

The media plays a valuable role in the fight against corruption; 7 out of the 9 participants mentioned that the media provides the public with information and makes them aware of corrupt activities. Participant 9 mentioned that the media created public awareness [*...helped create public awareness about the importance of holding those responsible accountable through an independent and transparent inquiry.*] and Participant 5 supported that statement [*...publicly make this very educational for the public ...so it is more likely to affect social change...*].

Participant 9’s opinion on the role of media was [*The public nature of the inquiry and its coverage by media help raise awareness about the issue being investigated. This increased awareness can galvanise public opinion, prompt discussions, and push for change in areas where it is necessary...*]

The media in South Africa took on an investigative role where they uncovered information and published it, for example, the Carte Balance television show that televised many cases of alleged corruption. This made the public aware of the issues within the government. Participant 9 mentioned that [*The media’s investigative reporting, exposure of corruption allegations, public awareness campaigns, and advocacy efforts played a critical role in bringing the issue of state capture and corruption to the forefront of public discourse in South Africa.*]

Participant 5 elaborated that one of society's best features is our investigative media *[one of the best features of our society that continues to serve South Africa excellently as our investigative media and independent media.]*.

In the Zondo Commission, the participants mentioned the media's vital role before, during and after the Commission. *Participant 1 mentioned the following [I mean the media made us very aware of the Zondo Commission.]*. Participant 6 elaborated *[...they also played a crucial role in the fact that it was televised... the fact that it was reported on gave it prominence... it served one of the principal functions of this commission of public message, education, and information]*.

4.3.4.2. Value of investigative journalism

Investigative journalists played a significant role in the Zondo Commission; according to all 9 participants, it exposed issues and provided a platform for whistle-blowers to come forward. Participant 6 mentioned *[...the investigative journalists played a critical role. They caused all the trouble initially, and I used that term advisedly and cynically.]* Participant 1 elaborated *[I do not think it valuable; I think it is vital. ... I think our investigative journalism is extremely valuable in uncovering and driving these processes.]*.

Some of the participants mentioned that the media was the reason why the Zondo Commission was started; the media raised the issues about the corrupt activities, which forced Advocate Madonsela to start an investigation on March 2-26. Participant 8 commented that *[...the investigative journalists were reporting on it from day one, whether it was about the Waterkloof landing or something else. They set the ground for its state capture...before the commission even came into existence... they were the checks for the commission because they sat there daily and listening, commenting and so forth]*.

Participant 4 added to the statement that *[the media played, in my respectful opinion, a vital role by first reporting on the commission dealing with the evidence coming out of the commission and questioning the testimony of witnesses who lied before the commission. I think the media played a very proactive and critical role.]*.

The media's coverage helped to establish the Commission and hold those responsible accountable. Despite some criticism, the overall impact of the media's involvement in the Commission was seen as essential and valuable in promoting transparency and accountability in South Africa. *Participant 2 mentioned [the media published proper articles... they created a world where nobody can tell them what not to write about or not ... they kept the public updated during the Zondo Commission proceedings...]* and participant 6 added that the media *[...played a very important role before the commission and were very much party to the work of the public protector and the academia in pointing fingers at problem areas which were later taken up in more detail and extended in.]*

There is the possibility of fake news, which could hinder the process of a commission; Participant 3 did mention that the public should be cautious for *[... fake news published by media... no legislation holds media accountable for any proven fake news published]*.

4.3.4.3. Conclusion

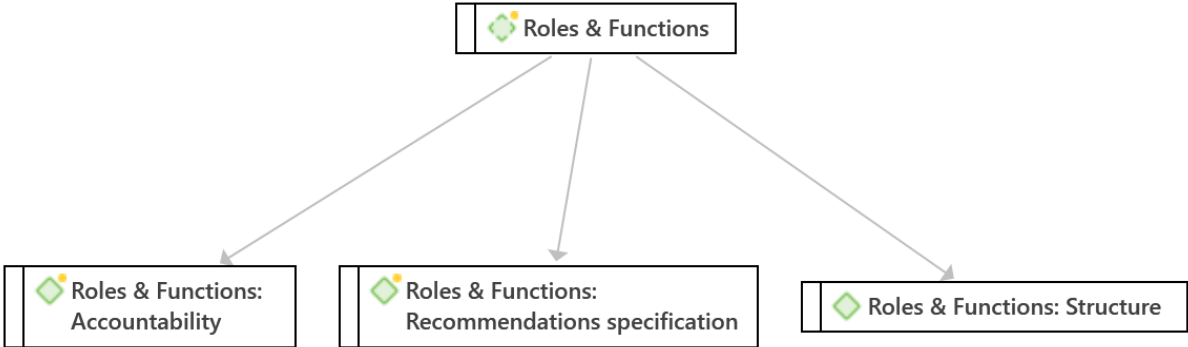
The media played a crucial role in raising awareness, holding politicians accountable, and pushing for establishing the Zondo Commission in South Africa. Their investigative reporting and coverage of corruption allegations generated public outrage and pressure on the government to act. The media's efforts helped educate the public, create public discourse, and uncover the truth behind state capture and corruption.

4.3.5. Theme: Roles & Functions

The Commission is responsible for gathering evidence, making recommendations, and raising public awareness about corrupt practices. Its impact depends on the government's willingness to act on its findings and implement reforms. The Commission's role is not to prosecute wrongdoers but to expose corruption and inform the public, potentially leading to policy changes and reforms.

Figure 13 visualises the codes below the theme, which were grounded by 125 quotations; see detail in Figure 14; this theme was 32.6% of the total quotations identified.

Figure 13: ATLAS.ti category code network: Roles & Functions



Responses concerning the role and functions of a commission of inquiry (refer to Appendix A, question one) are summarised as follows for the number of quotations per participant:

Figure 14: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Accountability	3	3	4	1	5	5	2	2	3	28
Recommendations specification	4	3	0	0	3	1	2	5	9	27
Structure	7	4	9	3	9	2	6	16	14	70
Total number of quotations										125

4.3.5.1. Accountability

A commission aims to expose the truth, hold people accountable, inform law enforcement, and recommend reforms to prevent future problems. All 9 participants mentioned the importance of accountability, and to have accountability in a commission of inquiry, participant 5 mentioned that the following must be done [... get all appointments away from the political leadership as much as possible and build in as much independence as you can... It needs to have stronger powers. It almost needs to have its tribunal, with the possibility of appeal. It is very underpowered.]

It is also essential that a commission is skilled with the correct people and resources to investigate their mandate; Participant 1 commented that the Commission needs *[enough money, enough skills, and enough people]* to fulfil its duties.

The mandate is one of the most important aspects of a commission; the mandate must be specific and ensure that the Commission investigates the correct issues to provide proper recommendations. Participant 6 mentioned that the mandate should be *[...specific, which is in public interest... must establish the facts]*.

A commission must have proper relationships with the private sector, law enforcement and the government to ensure it fulfils its duties. These relationships will be vital to the success of the Commission. Participant 5 mentioned that there should be *[...well-established relationship with the prosecuting authorities, the investigating authorities and crime intelligence to ensure that the commission is adequate and that the processes are streamlined...]*.

Participant 3 elaborated that *[People should understand how it happens, what they need to watch out for, and both government and public and private sector. Remember, it is the private sector who are taking the money from the government]*.

4.3.5.2. Recommendations

A commission's findings and recommendations aim to address the issues identified and prevent similar problems; 7 out of the 9 participants mentioned the importance of making proper recommendations. Participant 9 mentioned that a commission should *[...based on the evidence gathered, presents the findings, and may make recommendations to the government or relevant authorities. These recommendations are meant to address the issues identified during the investigation and prevent similar problems in the future...]*.

The recommendations made by the Commission can either restore or distort the public's view on how the issues were dealt with, and a commission must ensure that the recommendations made will solve the problem. Participant 8 also stresses that

a commission [...builds public confidence if it is run properly and the important thing about it is the recommendations that come out of it...].

The government is not obligated to implement the recommendations; they can carry significant weight and influence public opinion and policies. Participant 9 mentioned that the negative aspect of a commission is that *[The government is not bound to implement the commission's recommendations, but in practice, the findings and suggestions of a reputable commission can carry significant weight and influence public opinion and government policies.]*.

The recommendations do not have a legal implication (like prosecution), but they still can have significant influence. Participant also mentioned that *[...the commission may uncover wrongdoing; it does not have the power to impose criminal sanctions or legal penalties directly. Instead, its impact lies in exposing the truth, proposing policy changes, and initiating further legal actions if necessary.]*.

The recommendations of a commission can positively impact society through amendments in legislation and improvements in operational procedures. Participant 9 commented on the positive aspect of the recommendations made by a commission *[These recommendations can lead to policy changes, legislative reforms, or improvements in organisational practices to prevent similar issues from recurring in the future.]*.

4.3.5.3. Structure

In the fight against corruption in South Africa, a permanent commission could be beneficial; 6 out of the 9 participants believed that a permanent commission could be a great tool against corruption. Participant 2 reflected a positive response to having a permanent commission structure *[As things stand right now in this country and the extent of corruption and state capture... there is a demand for a permanent place where people can go and testify.]*. Participant 5 had the same view *[I think there needs to be a permanent structure to support an ongoing state capture commission...it will limit the time wasted to set up a commission]*.

Participant 4 was against having a permanent commission *[Not at all. My suggestion would be to beef up the Hawks... the investigating arm of the state must be populated by competent, qualified, clean people, not corrupt people, and that goes for the prosecuting authority as well...]*.

Guidelines:

There must be proper guidelines for a commission to ensure that all the stakeholders know what is expected from them. A commission should be able to investigate the issues and prosecute the wrongdoers. It is essential that the NPA is involved and provides guidelines on how evidence is presented to ensure it can be used in court. Participant 1 mentioned that *[... the commission should investigate and prosecute... it needs to be capacitated with enough money, enough skills, enough people... the commission should be the umbrella organisation to take the lead...]*.

The participant provided more detail on the umbrella organisation that it *[...should be multidisciplinary, have the power of the financial intelligence, protect whistle-blowers, and include the office of the Public Protector...]*. Participant 6 added that *[...the important thing about the commission is that it should focus on the big picture...]*.

A commission should be properly structured so that it allows the public to report any illicit activities, and it should allow companies to declare any wrongdoings within the company. Participant 2 mentioned that the structure should enable *[companies to be open up... it must be proactive and be in charge... also allow a whistle-blower to testify and then get a reward for the testimony...]*

It is also vital that the Commission has the proper resources to do the investigations and guidelines on how to perform the investigations to limit any errors in collecting evidence. Participant 2 mentioned that *[...a commission should have proper tools to investigate the allegations...]*.

It is also essential that the correct chairperson is selected to manage the commission. It must be composed of independent and respected individuals, potentially including retired judges, and have its own investigative and prosecutorial capabilities.

Participant 5 recommended that the chairperson be *[...a panel of judges instead of one...]*. Participant 8 mentioned that if a commission has a *[suitable chairperson with credibility and they can uncover the truth... a commission will be successful]*.

Mandate:

A commission should have a proper mandate that sets out the matters to investigate and the powers the commission must have to investigate the matters. Participant 1 mentioned that a commission is *[...a fact-finding mission, and it should have a specific investigation purpose (mandate)]*. Participant 8 supported the statement *[a commission should have a specific focus... for public interest and its transparency...]*.

Participant 6 mentioned the importance of understanding what needs to be done *[We need to understand what happened. We need to understand how it happened and what can be done to stop it from happening again, and then we want to answer those three questions.]*.

The commission must be free to perform the investigations as it sees fit, and the mandate should not limit the commission. The commission needs the authority to investigate the matter in detail. Participant 7 mentioned that a commission should have *[the freedom to decide was the best method or way to investigate; this will give them some flexibility in solving problems.]*. Participant 9 commented that a commission should have the authority to *[... do proper investigations that include...gathering evidence, conducting hearings, and analysing data.]*

4.3.5.4. Conclusion

The commission needs independence, proper financing, investigative powers, and thorough inquiry time. Transparency, openness, and public awareness are crucial, and those found guilty should face consequences such as prosecution or being declared unfit directors.

The commission positively fights corruption, builds public confidence, and contributes to policy reforms. The commission has become a trusted entity, and people have faith in it to report wrongdoing without fear of reprisals. A commission should be able to gather evidence, examine witnesses, and make recommendations.

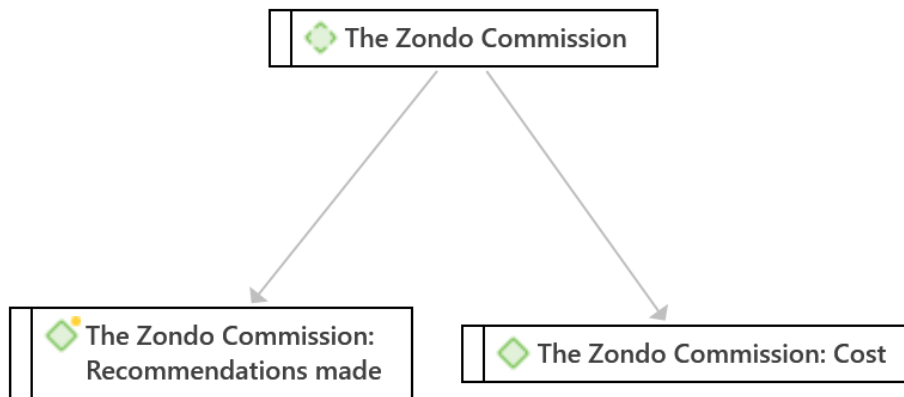
Some participants argue that a permanent commission will be beneficial, and it could focus on prevention and work together with law enforcement agencies while also providing transparency and accountability. At the same time, some argue that existing state organs should manage these responsibilities. The key is a structure that can tackle corruption and enforce change.

4.3.6. Theme: Zondo Commission

A few of the participants worked on the Zondo Commission. They were part of the investigation and research teams. The Zondo Commission was active for about 4 years, and Judge Zondo chaired it. The political and public pressure was a lot, and one participant mentioned that their safety was in danger during the time of the commission. The technology used during the inquiry was very advanced and the first for South Africa.

Figure 16 visualises the codes below the theme, and 45 quotations grounded the codes; see detail in Figure 17; this theme was 11.7% of the total quotations identified.

Figure 15: ATLAS.ti category code network: Zondo Commission



Responses concerning the recommendations and why it has not yet been implemented, as well as if the cost outweighs the benefit (refer to Appendix A questions eight, ten and eleven), are summarised as follows for the number of quotations per participant:

Figure 16: Analytics of the grounded quotations per code per participant

	P1	P2	P3	P4	P5	P6	P7	P8	P9	Total
Recommendations made	3	1	3	2	5	2	1	4	2	23
Cost	1	2	0	1	2	2	3	10	1	22
Total number of quotations										45

4.3.6.1. Recommendations

The overall response towards the recommendations made by the Zondo Commission was positive; 8 out of the 9 participants thought that the recommendations were well founded and served the commission’s purpose. Participant 8 commended the recommendations made *[There were many things that worked, a lot of things have never been done on that scale at this time and just bearing in mind if you look at the Zondo Commission...The country knows what happened, and it is sustainable. The data centre has been passed over to the Department of Justice, and they use the technology...]*. Participant 4 added and mentioned that *[The recommendations are well founded, and it should be followed up that Parliament...]*.

Currently, it seems like the government does not implement the recommendations of the Zondo Commission; there are various reasons, such as the government not being obligated to implement them and a lack of political will. Participant 1's opinion on why the recommendations is not implemented is *[I think there is so much focus now on national elections next year that politicians are not driving this kind of thing]*. Participant 9 added that *[... many of the institutions tasked with implementing the Zondo Commission recommendations are institutionally challenged, still captured, or aligned with the interests of the governing party.]*.

4.3.6.2. Cost

All the participants mentioned that the Zondo Commission's cost was necessary to uncover the truth and address corruption. The public believes it is a waste of money, but they do not consider the large-scale investigation that the commission performed as there were over 90 in-depth investigations.

Participant 4 commented on the R1 billion spend *[If you look at the recoveries already made because of this from the commission, that would never have happened if it were not for the Zondo Commission and hopefully, there is a lot of money still out there that must be collected.]*. Participant 9 added that *[There is no price too high for the truth and the value and purpose of understanding. South Africa before the Zondo Commission is a very different place from the one after that.]*.

During the investigation, the commission collected large volumes of data, and there was no proper data centre to collect and store the evidence. Thus, part of the cost was due to developing the data centre. Participant 5 mentioned that the commission *[...bought very expensive and unique hardware and software for the country, which now belongs to the law enforcement authorities...]*. Another reason for the high cost was hiring proper venues; as high-profile individuals were testifying, like the president, the venues needed to have proper security.

The costs were also increased by appointing senior attorneys and investigators.

Participant 8 mentioned that *[... they had very junior advocates, and it did not work, so halfway through it was just silks... a commission needs proper senior people representing them and presenting evidence in the beginning]*.

4.3.6.3. Conclusion

The recommendations made by the Zondo Commission were well-founded, and they addressed the issues in the commission's mandate. The cost is also justified, as it has already led to recoveries of stolen money and exposed wrongdoing. One of the biggest expenses was the data centre, which the Zondo Commission handed over to the Department of Justice to use.

Conclusion

For a commission to gain credibility, it needs to operate independently and transparently and must be able to publish its findings and recommendations without any political influence. The current mechanisms in South Africa to combat corruption appear weak and need to be strengthened, including whistle-blower protection. Law enforcement should be free from political control.

The Zondo Commission has successfully uncovered corruption and held people accountable, but ultimately, it is up to politicians to implement its recommendations.

The commission does not have any power to prosecute the wrongdoers. Most of the participants support specific recommendations by the Zondo Commission and suggest additional measures such as an independent panel for appointments, more robust support for whistle-blowers, and a separate authority for procurement.

Overall, they believe that commissions of inquiry could serve multiple purposes, including establishing facts, accountability, learning lessons, restoring public confidence, developing policy, and fulfilling investigative obligations.

CHAPTER 5 CONCLUSION AND RECOMMENDATIONS

In Chapter 1 of the study, the researcher identified the primary research objective, which was supported by five secondary research objectives. In this section, the researcher discussed the outcomes achieved in respect of each objective.

5.1.1 Primary research objective (1.2.1)

To get an in-depth understanding of the role the Zondo Commission had in the fight against corruption in South Africa.

Throughout the study, the reader was first informed on the history, definition of an inquiry, what a mandate is, defining corruption and state capture, and what the media's role played. All the above information set out in Chapter 2 sets the tone of this study. In Chapter 4, this was addressed, and each theme led to obtaining an in-depth understanding of the role played by the Zondo Commission.

5.1.2 Secondary objective number 1 (1.2.2)

Critically assess the working function, role, mandate, legal basis and authority of a commission of inquiry.

The literature review written in Chapter 2 (2.1.1,2.1.2,2.1.6,2.1.7) provided the reader with details of a commission of inquiry, concluding that a commission of inquiry is managed through the Commissions Act 8 of 1947. The reader would have noticed that there is ample legislation in South Africa to combat corruption. The analysed data in 4.3.5 provided a detailed understanding of the roles and functions of a commission of inquiry of which the main conclusions are that a commission of inquiry does not have any "teeth", meaning that it can't prosecute, and it may be prone to misuse by a government.

5.1.3 Secondary objective number 2 (1.2.2)

Critical assessment of the advantages and disadvantages of a commission of inquiry.

In Chapter 4.3.1, the researcher did a detailed analysis of the advantages and disadvantages of a commission. The researcher concluded with a summarised version of six advantages and five disadvantages.

The reader would have noticed no specific category in the literature review in Chapter 2, as minimal resources are available to describe the advantages and disadvantages.

5.1.4 Secondary objective number 3 (1.2.2)

Understand the role that media plays in a commission of inquiry.

The literature review in Chapter 2 (2.1.8) contextualised to the reader the valuable role media plays in a commission of inquiry and as an anti-corruption tool in general. The data in Chapter 4 (4.3.4) provided clear information about what a valuable instrument media is (especially investigative journalism and public awareness).

5.1.5 Secondary objective number 4 (1.2.2)

Understand the meaning of state capture and corruption.

The literature review in Chapter 2 (2.1.4 and 2.1.5) provided the reader with various definitions available for corruption and state capture. The data analysed in Chapter 4 (4.3.3.) provided a more in-depth understanding of corruption and state capture. These two were also notable in many other themes, and the reader should be wary that they are essential in this study.

5.1.6 Secondary objective number 5 (1.2.2)

Ascertain the role of a permanent commission of inquiry in the fight against corruption in South Africa

The researcher addresses this objective through the history, the role of current commissions, the mandates of a commission and the Zondo Commission in the literature study. This was supported by the data analysis in Chapter 4.3.5.3, which indicated that 6 participants believed having a permanent commission of inquiry would be beneficial. In Chapter 4.3.6. the Zondo Commission was analysed, and it was noted that 8 of the participants believed that the recommendations made by the commission were well-founded.

5.2 Recommendation:

After the detailed literature review and data analysis, the researcher recommends the following:

- The data indicates that the current anti-corruption institutions in South Africa should be working more effectively. The government should focus on strengthening law enforcement bodies by providing the necessary budgets and skills. The government should focus on independence to ensure that these bodies are not influenced by political interference.
- The anti-corruption institutions need to be reformed to have more “teeth” to ensure that the guilty parties are prosecuted in a timeous manner by using the evidence gathered through investigations and testimonies. The evidence gathered by these institutions should be in line with the legal requirements to ensure that there is a more explicit link between the evidence gathered and prosecutions.
- South Africa has sufficient legislation, but implementation and enforcement remain challenging; this should be the focus of the NPA. There is a gap in the legislation for whistle-blowers, especially the safety of whistle-blowers, the legislation must be amended to ensure that whistle-blowers are protected when they provide information on illicit activities.

- The government should further invest in proper legislation that provides clear consequences for the media if they publish proven fake news, as fake news creates much uncertainty for the public.

5.3 Conclusion

In Chapter 1 of the study, the researcher identified the primary research objective, supported by five secondary research objectives.

In Chapter 2, the researcher performed a detailed literature study providing information on the history of a commission of inquiry and how commissions work in other countries. The researcher also focused on the theoretical aspects of a mandate and the roles of a commission. A deeper understanding of corruption, state capture, the Zondo Commission, and the media's role in the fight against corruption was obtained.

In Chapter 3, the researcher provided details on the research methodology and design used in this study. The study adopted the qualitative approach and collected the data through semi-structured interviews. The researcher performed a pilot study to ensure that the industries and the interview questions addressed the research objectives.

In Chapter 4, the researcher presented the collected data as analysed using ATLAS.ti, where six themes and overarching themes were identified that enabled the researcher to meet the research objectives.

It was noted that South Africa currently only has temporary commission(s) of inquiry as and when issues arise. The primary role of a commission of inquiry is to determine the truth behind the allegations and make recommendations for reform or prosecution if necessary. The advantages of commissions of inquiry include their independence, allowing for objective investigations, and their ability to uncover and expose corruption or abuse of power. However, there are also disadvantages, such as the temporary nature of the commissions, the fact that the commission cannot prosecute, and the potential lack of political will to act on their recommendations.

The Zondo Commission was the main focus of this study. The media widely covered the commission and played a vital role in uncovering and driving the investigation process. The recommendations made by the Zondo Commission were seen as valuable but may face challenges in terms of implementation.

The lack of implementation of commission recommendations can be attributed to a lack of political will and the complexity of addressing the multifaceted issues of corruption. Looking forward, it is crucial to prevent future corruption and improve the systems and structures involved.

Overall, commissions of inquiry play a crucial role in uncovering and exposing corruption. However, whether there should be a permanent commission is still being determined, as South Africa has anti-corruption institutions, and some believe the government should instead focus on improving the current institutions rather than spending money on establishing a permanent commission.

5.4 Areas for further research

- There should be more studies on the “correct” structure of a commission of inquiry. Even if a permanent commission still needs to be established, the structure will provide clear guidelines for future commissions. The Zondo Commission can be a perfect example of creating such a structure with proper “do’s and don’ts”; this study only touched on a possible structure of a commission. Further in-depth research is needed to plan out the structure that will benefit all parties involved in a commission, and it will reduce cost when a new commission is established, as this will be the base of any new commission.
- There should also be an all-inclusive research study on the legislation that needs to be applicable to a commission of inquiry, and it should be structured according to the nature of the commission. This can be part of the structure to provide a guideline to the chairperson of a commission. The guideline is important for two reasons. One is to identify gaps in legislation.

For example, one suggestion from the Zondo Commission was that the government must review the whistle-blower legislation as there is not enough protection. The other reason is that it can reduce the cost of a commission as there are guidelines for the chairperson.

- Exploring to what extent law enforcement agencies and Commissions of Inquiry could work in parallel to expedite prosecutions following recommendations by Commissions of Inquiry.

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APPENDIX A

Semi-structured interview guide

THE ROLE OF THE ZONDO COMMISSION IN THE FIGHT AGAINST CORRUPTION.

Foreword:

Please note that you did sign the consent form to participate in this study, but you are not obligated to participate in this interview. If at any point in time you would like to stop this interview or you are not comfortable with a question, please inform me and we can skip the question or stop the interview immediately.

INTERVIEW QUESTIONS

Date:	
Time:	
Place:	
Name of participant:	
Current role or position:	

1. What is the role and function of a Judicial Commission of Inquiry?

2. What do you think are the advantages of a Judicial Commission of Inquiry?

3. What do you think are the disadvantages of a Judicial Commission of Inquiry?

4. What is corruption?

5. What is state capture?

6. How do you know about the Zondo Commission – were you involved?

If yes, describe your involvement in the Zondo Commission?

What are the key lessons you have learned, especially process of the Zondo Commission and how that lead to the end results (i.e., the recommendations).

7. Do you think the media played a valuable role before, during and after the overall process of the Zondo Commission (i.e., from the initiation stage until the final stage i.e., recommendations)?

8. Do you think the benefit outweighs the cost of the Zondo Commission?

9. Do you believe South Africa has the mechanisms to combat corruption?
If yes, name the most prominent mechanism in your view?

10. What do you think of the recommendations made by the Zondo Commission?
Do you think it links with the mechanisms South Africa have for the fight against corruption?

11. In your opinion why is the recommendations of the Zondo Commission not implemented or not reported on if they are implemented?

12. In your opinion describe the role of the Judicial Commission of Inquiry in the fight against corruption, if any?

13. Do you believe that it will be beneficial to have a permanent Judicial Commission of Inquiry for corrupt activities only?

If no, what alternative action should be implemented?