

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

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Abstract

This study investigated the contribution of a commission of inquiry in the fight against corruption. The study explored available research on the history, roles, functions, and the mandate of a commission of inquiry. It includes the definitions of corruption and state capture and what type of anti-corruption institutions South Africa has available. The study found that 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, which impairs the fight against corruption.

The qualitative research methodology in this study explored the data collected through semi-structured interviews conducted with industry leaders. The researchers 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.

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1. Introduction

1.1. 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 and De Waal (2015:1) state that corruption is a global phenomenon, becoming more multifaceted and intense as the competition for global resources increases. Serfontein and De Waal (2015:2) 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 Protector, Advocate Madonsela, to open a formal investigation (PARI, 2022:1). The allegations involved the Gupta family, where it was alleged that the Gupta family had significant influence over public official(s) (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 Deputy Chief 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 aimed 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 researchers 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 must use to combat corruption.

1.2. Problem Statement

South Africa is known for its corrupt activities in both the public and private sectors (Serfontein and De Waal 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). 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-corruption agencies and legislation (Pillay, 2004:586).

The research problem at hand revolved 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 researchers focused on the role of a commission of inquiry in combatting corruption and specifically Zondo Commission

1.3. Research objectives

Primary objective

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

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.

In section 2, this paper sets out findings in respect of the history of commissions of inquiry and defines such commissions, corruption, and state capture. In section 3 the researchers contextualise the research methodology followed to arrive at the results discussed in section 4. The conclusion, recommendations and limitations will be discussed in sections 5 to 6 of this paper.

2. Literature Review

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 section concludes with a view into the mandate of commissions, how the Zondo Commission was established, and the role media can play in the fight against corruption.

2.1. 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 Parliamentary reform in the 1850s (Rowe and McAllister,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 and McAllister,2006:100). In South Africa, a 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 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 the arrest of approximately 250 people (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 whistleblowers 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.

2.2. Defining 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 and Christensen (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 such as Hurricane Katrina, socio-technological accidents like the Fukushima Nuclear Accident, and other pandemics like the swine flu (Renå and Christensen, 2020:41).

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). The same 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). The Commission Act stated that a commission of inquiry only investigates matters critical to public concerns in a nationwide crisis (Middleton 1986).

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 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. Middleton (1986:258) mentioned that a commission is, in fact, nothing other than an advisory board to the executive committee of the government.

2.3. Role and function of a commission of inquiry

Middleton (1986:257) describes the commission as a valuable tool for the government as it is deemed 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).

Rowe and McAllister (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. Beer (2011:2) summarised that a commission of inquiry’s primary functions are:

- To establish the facts;
- Determine accountability, blame, and retribution;
- To learn lessons;
- To restore public confidence;
- To achieve catharsis; and
- To assist in developing policy.

2.4. 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.

The Prevention and Combating of Corrupt Activities Act (“PRECCA”) of 2004 defines corruption as 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”.

Anti-corruption mechanisms:

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).

Anti-corruption agencies

The United Nations Convention against Corruption (“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). South Africa signed the UNCAC on 9 December 2003, which started the process of implementation legislation like PRECCA and also initiate the creation of anti-corruption agencies (UNCAC, 2004).

South Africa has many forms of institutions and agencies all playing their part in the fight against corruption, including inter alia the following (Pillay, 2017:4):

- The Anti-Corruption Task Team (ACTT)
- Asset Forfeiture Unit (AFU)
- Independent Police Investigative Directorate (IPID)
- Special Investigating Unit (SIU)

In terms of legislation, South Africa has the PRECCA which is its primary anti-corruption and bribery act.

2.5. 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 and Dobovšek, 2021: 74). Martin and Solomon (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.

2.6. 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).

The Inquiries Act of 2005 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).

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 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).

2.7. 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.

The Commission investigated several SOEs, national governments, and provincial governments (Associated Press, 2023). 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 (Associated Press, 2023).

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. A whistleblower, Mr Athol Williams, who appeared 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.

2.8. 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 (2000:15) 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.

3. Research Methodology

This study was conducted in two phases, namely, a literature review followed by an empirical study. The researchers elected to perform a pilot study before interviewing participants to ensure that the interview guide was relevant and met the research objectives

3.1 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.

3.2 Primary Data

3.2.1 Sample

Sampling method

The purposive sampling method is based on the judgement of a 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). This method was used to identify key individuals, media, and the public.

Pilot study

A pilot study is also known as a feasibility study comprising small-scale versions of the proposed study where a researcher does trial runs with specific people (Kim, 2010:191). The researchers 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 researchers to meet the research objectives; and
- Improve the interview questions to ensure they are aligned with the research objectives.

The researchers commenced the pilot study through an interview with a knowledgeable academic in the commercial crime environment.

Through this interview 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 objectives:

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

Sample size

Seven key participants were identified during the pilot study and two additional participants as result of the “snowball effect. Data saturation was reached after interviewing nine participants.

3.2.2 Data Collection

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

3.2.3 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).

3.3 Ethics

The article stem from the contents of a mini dissertation submitted by the main author for adhering to the requirements of an MBA degree at the NWU Business School. 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 researchers took into account the Protection of Personal Information Act requirements enforced in July 2021 regarding the participant's knowledge and informed consent.

3.4 Reliability and trustworthiness

The reliability of the study was supported by the use of qualitative data analysis tools to ensure that the data collected, and data analysis techniques were standard. Reducing the possible researchers bias, the researchers 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 researchers used an external party to transcribe the interviews. The data was then imported into ATLAS.ti to ensure that the information was analysed with the minimum interference from the researchers.

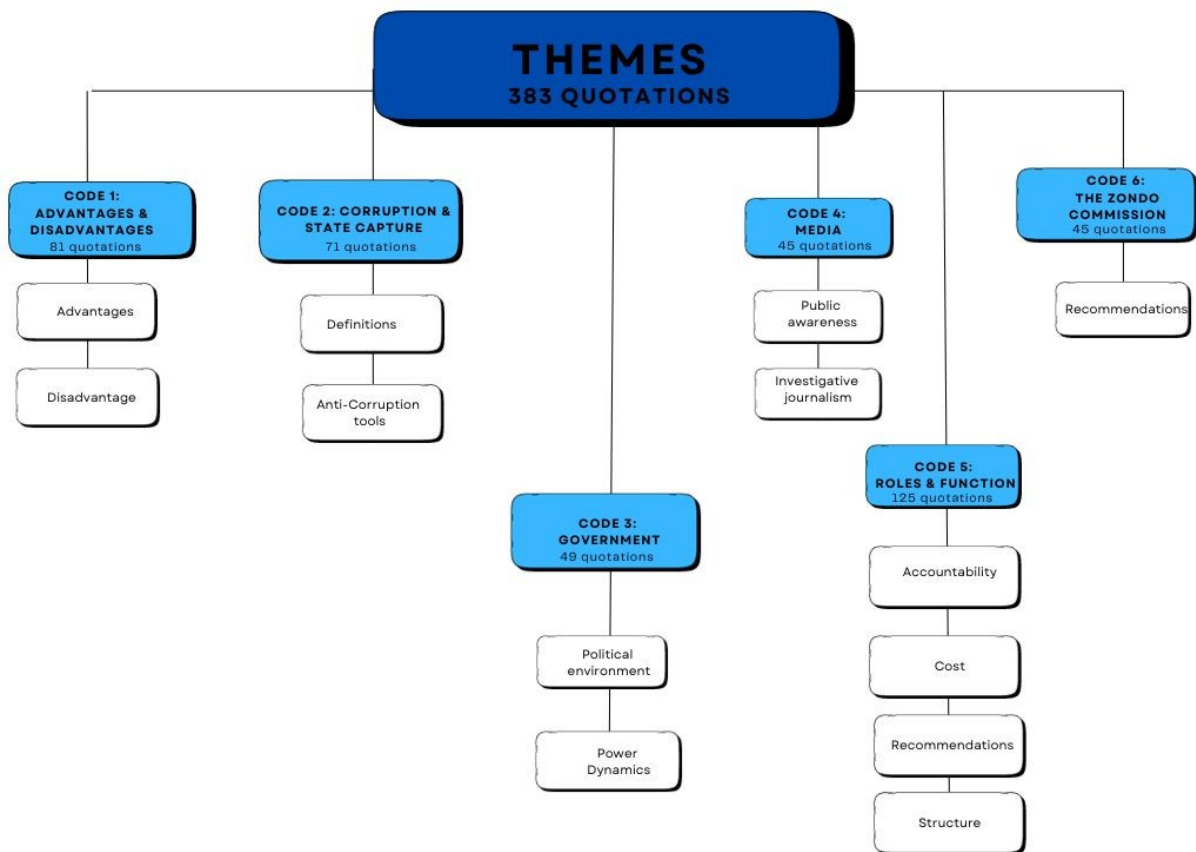
4 Results and Findings

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

4.1 Concepts

ATLAS.ti generate "concepts" that serves as a function that recognises and extracts phrases with similar nouns, which are then counted and arranged, that 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. A depiction of a concept tree can be set out as follows:

Figure 1: Concept tree compiled using ATLAS.ti



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 themes correlated between the participants, indicating that the themes are linked with each participant who contributed to the study.

4.2.1 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 3 visualises the codes below the theme of which 81 quotations grounded the codes as is evident from the detail in Figure 4. This theme comprised 21.1% of the total quotations identified.

Figure 3: ATLAS.ti category code network: Advantages and Disadvantages

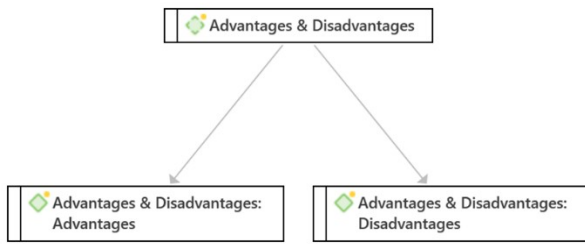


Figure 4: Analytics of the grounded quotations per code per participant

	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

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*].

The most significant disadvantage 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*].

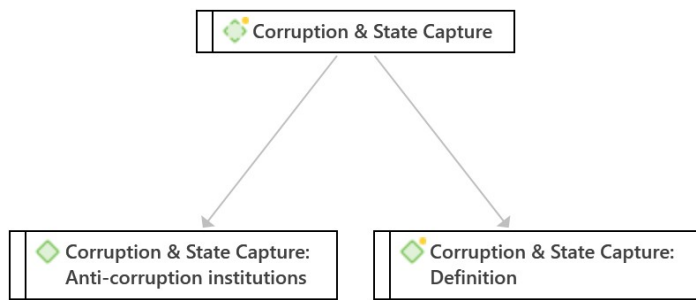
Commissions of inquiry can expose corruption and make recommendations, but they lack the power to prosecute or penalise wrongdoers directly. Commissions often face high costs, bureaucratic processes, and political interference. Implementing their recommendations is not guaranteed, and these factors can 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.

4.2.2 Theme: Corruption

The purpose of this theme was to gain a deeper understanding of corruption and state capture. The researchers also focused on the available anti-corruption institutions in South Africa and whether they are functioning effectively.

Figure 5 visualises the codes below the theme of which 71 quotations grounded the codes as evident from the detail in figure 6. This theme comprised 18.5% of the total quotations identified.

Figure 5: 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 are summarised as follows in respect of 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
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>

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...]*, these statements were supported by statements made by Stapenhurst, (2000:9).

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]*.

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, supported by (Geldenhuys, 2018:29). The country has

adequate 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.

4.2.3 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, allegedly forming relationships with government officials to gain control and manipulate the state for their benefit.

Figure 7 visualises the codes below the theme which of 9 quotations grounded the codes as evident from the detail in Figure 8. This comprised 12.8% of the total quotations identified.

Figure 7: ATLAS.ti category code network: Government

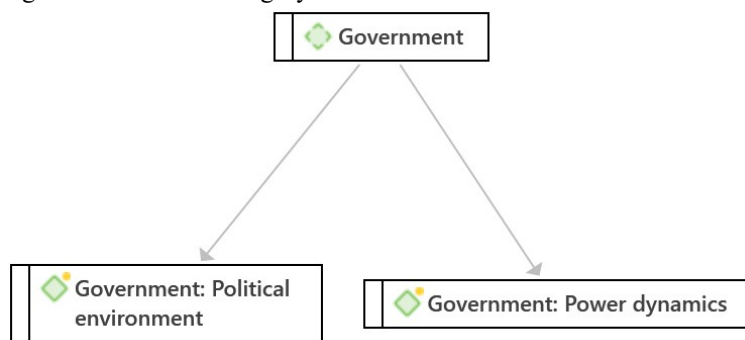


Figure 8: Analytics of the grounded quotations per code per participant

	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

All 9 participants mentioned that corruption is seen as a significant problem in South Africa, both legally and in broader terms, this statement was supported by (Everett *et al.* 2006:1) 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 analogy 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.]*

Unfortunately, South Africa may be 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.

4.2.4 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 9 visualises the codes below the theme of which 45 quotations grounded the codes as evident from the detail in figure 10. This theme comprised 11.7% of the total quotations identified.

Figure 9: ATLAS.ti category code network: Media

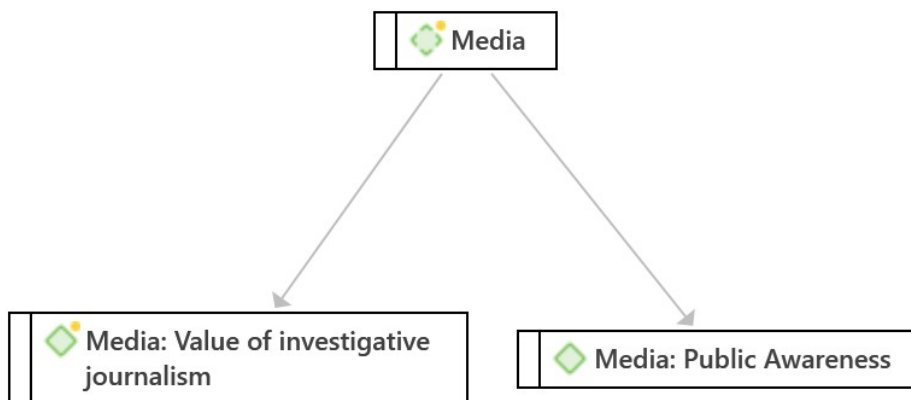


Figure 10: Analytics of the grounded quotations per code per participant

	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

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...*].

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.

4.2.5 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 11 visualises the codes below the theme of which 125 quotations grounded the quotes as evident from the detail in figure 12. This theme comprised 32.6% of the total quotations identified.

Figure 11: ATLAS.ti category code network: Roles & Functions

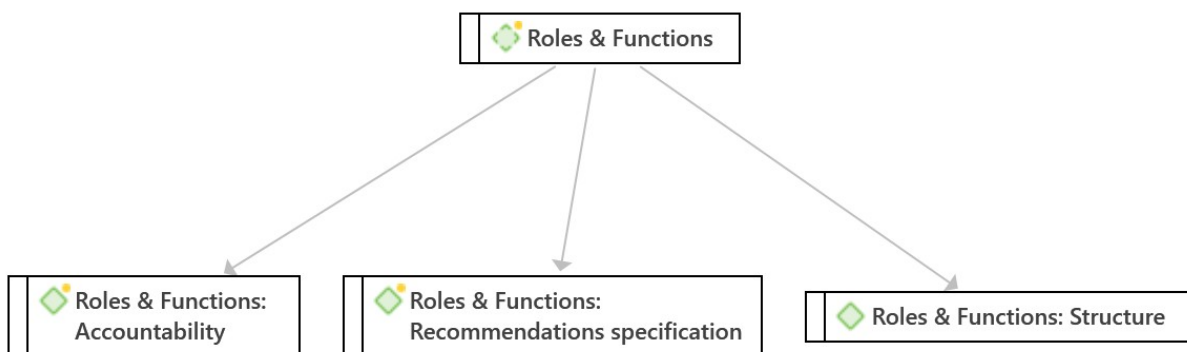


Figure 22: Analytics of the grounded quotations per code per participant

	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

A commission aims to expose the truth, hold people accountable, inform law enforcement, and recommend reforms to prevent future problems. Middleton (1986:257) described a commission as the “middleman”, which is important to hold people accountable. 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.]*.

A permanent commission of inquiry can contribute to the fight against corruption in South Africa; 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]*.

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. The 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 provide 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.

4.2.6 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 acquired during the inquiry was very advanced and the first for South Africa, which will make it easier for future investigations.

Figure 13 visualises the codes below the theme of which 45 quotations grounded the codes as evident in the detail figure 14. This theme comprised 11.7% of the total quotations identified.

Figure 13: ATLAS.ti category code network: Zondo Commission

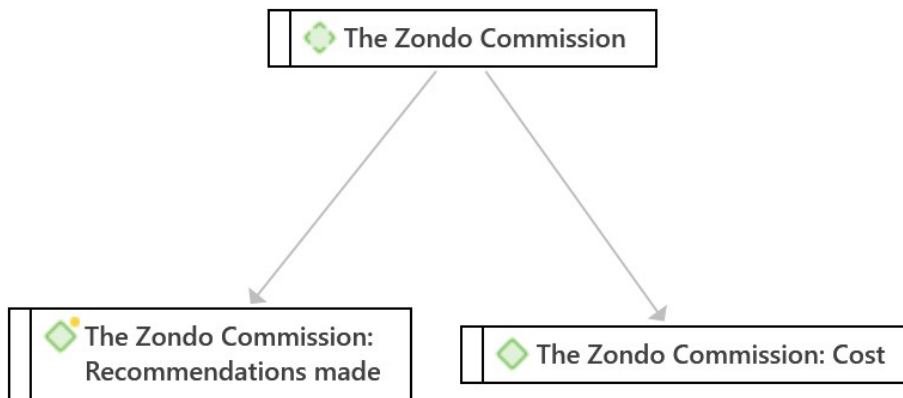


Figure 14: Analytics of the grounded quotations per code per participant

	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

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 by Parliament...]*.

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.

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.

5 Conclusion

In section 1 of the study, the researchers identified the primary research objective of obtaining an in-depth understanding of the Zondo Commission's role in the fight against corruption in South Africa, which was supported by five secondary research objectives.

In section 2, the researchers performed a literature study providing information on the history of a commission of inquiry and how commissions work in other countries. The researchers 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 section 3, the researchers 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.

In section 4, the researchers presented the collected data as analysed using ATLAS.ti, where themes were identified that enabled the researchers 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 alleged corruption or abuse of power. However, there are also disadvantages, such as the temporary nature of the commissions, the fact that the commissions cannot prosecute, and the potential lack of political will to act on recommendations from commissions.

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 may 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.

6 Recommendations, Limitations and Future Research

6.1 Recommendations

After the detailed literature review and data analysis, the researchers recommend 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.

6.2 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:

- This study is not a legal interpretation of the legislation;
- The researchers 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; and,
- An area for improvement is that there are limited statistics available on a global and local level.

6.3 Future 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 good example of creating such a structure with proper “do’s and don’ts”. Further in-depth research is needed to plan out a structure that will benefit all parties involved in a commission.
- There can also be an all-inclusive research study on the legislation that needs to be applicable to a commission of inquiry according to the nature of the commission. This can be part of the structure to provide a guideline to the chairperson of a commission.
- 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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