



21 August 2018

The Zondo Commission from a Corruption Watch point of view

“It is with a heavy heart, and after a number of sleepless nights agonising over the situation, that I bring this matter to you.”

This is taken from a report sent to Corruption Watch. In it, the complainant claims political meddling and abuse of power at one of the major state owned enterprises (SOEs). The complainant further laments the way in which the organisational structure was allegedly changed so as to achieve power over the procurement element – the contracts entered into; the preferred suppliers; the nepotism that saw many skilled staff members leaving because they were sidelined in favour of family members and friends of the powerful executives.

The same entity, no doubt, will feature prominently in the proceedings of the commission into state capture, known as the Zondo Commission, which commenced public hearings on Monday.

Heading up the commission – which was announced in January this year by former president Jacob Zuma – is deputy chief justice Raymond Zondo. He took the opportunity, in his opening address on 20 August, to call on all South Africans who have any knowledge or evidence of ways in which government entities were misused primarily for the benefit of a few, to step forward and reveal their secrets.

Essentially, the commission aims to uncover the extent to which tools and organs of government have been unduly and inappropriately used to enrich and benefit private citizens and individuals, by virtue of them enjoying closeness to political power. The term “state capture” in itself conveys a culture of dodgy dealings and connections that have paralysed some of the state’s functions, only for the benefit of individuals or companies that would most likely have not succeeded had they not had leeway to perform these unlawful acts.

The interest of the ordinary South African in the process is to see years’ worth of unlawful trade – at the expense of public resources – exposed, and justice served for those who were directly and indirectly affected by state capture. But will this be achieved?

Doubts about the commission’s effectiveness

It remains to be seen whether the success of the project will take a form that resonates with the ordinary South African.

Zondo himself has expressed dissatisfaction at the public's lack of enthusiasm to come forward with evidence, while there are deep concerns over the level of co-operation the commission will receive from the leadership of tainted entities.

Further views expressed by the whistle-blower who wrote to Corruption Watch detail the uncertainty of many professionals working in SOEs in the industry that should be regulating them – that of auditors and accountants. Red flags have unfortunately emerged to expose several established auditing firms – which have impressive global reach – in links to dodgy dealings as middlemen between the state and the private sector.

Whistle-blowers need more support

Such an environment does little to encourage whistle-blowing of the magnitude envisaged by Zondo, who is correct to assume that in order for the alleged takeover of government departments to have happened at the scale reported thus far, many public servants have to have known enough to bring forward details that can help the commission.

Corruption Watch, in our many reports from and interactions with whistle-blowers, is aware that all too often the person who should be the hero in the piece, is hunted and condemned as though they were the villain, while the real rogue enjoys not only the fruits of their wrongdoing, but impunity in doing that wrong.

Corruption Watch's work is driven by the reports of corruption that whistle-blowers bring to us. The success of the Zondo Commission will, in large part, depend equally on courageous whistle-blowers to provide it with the evidence it needs to effectively investigate and deal with state capture.

“Unfortunately things are becoming increasingly urgent in South Africa with the deteriorating levels of governance, despite many gallant attempts by a number of organisations such as yours to expose such,” our whistle-blower noted.

For our organisation, and for the country, the Zondo Commission will be an important test of South Africa's whistle-blower culture.

Useful links:

[Corruption Watch](#) website

[Zondo Commission](#) website

[Terms of reference](#) for the Zondo Commission.

Public Protector's [State of Capture](#) report, released in November 2016