



STATE CAPTURE COMMISSION CONFERENCE

Understanding the findings
and recommendations of the Zondo Commission
14-15 September 2022



State Capture Commission Conference: Understanding the findings and recommendations of the Zondo Commission

Conference Report



Hosted by PARI and CASAC
September 2022



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About the Conference

In June 2022 the Commission of Inquiry into Allegations of State Capture presided over by Chief Justice Raymond Zondo delivered its final report to the President of South Africa.

The work of the Commission provides strong evidence of state capture, and detailed insight into how state capture was organised and facilitated. The Commission has provided the country with a set of recommendations which should be actively debated by civil society, government, business, and South Africans generally. An holistic analysis of the Commission's report can serve to inform future actions that different role-players, key amongst them civil society formations, can undertake to ensure that appropriate action is taken to reduce the space for state capture, fraud and corruption, especially in the public sector. Importantly, a critical analysis of thematic areas of the report can help to highlight whether the recommendations go far enough and are implementable, whether they require revision or refinement, or whether additional action is required.

In light of this, the Public Affairs Research Institute (PARI) and the Council for the Advancement of the Constitution (CASAC) organised a conference to examine the Commission's report in depth. The hybrid conference was held on the 14th and 15th of September 2022 at the University of Johannesburg and online.

The conference provided a platform for participants to analyse and debate key areas of potential interventions to enhance state and private sector accountability, with a focus on the following themes:

- Review of South Africa's anti-corruption capacity and architecture;
- Strengthening institutions of governance and oversight, including Parliament;
- Appointments and dismissals in key institutions, and the public sector generally;
- Public procurement reform;
- Whistle-blower protection and support;
- The role of the private sector as enablers of state capture; and
- The role of civil society in closing the space for state capture.

This report is a summary of discussion, recommendations, and 'next steps' that emerged at the conference.

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Contents

| | |
|---|-----------|
| 1. Introduction | 5 |
| 2. Keynote address by Terence Nombembe, Head of Investigations at the Commission | 5 |
| 3. Oversight and accountability: the role of Parliament | 7 |
| Parliament and the Executive | 8 |
| The committee system..... | 8 |
| Electoral reform | 9 |
| 4. Anti-corruption capacity: establishing an anti-corruption agency | 9 |
| The international dimension | 10 |
| The Zondo Commission recommendations..... | 10 |
| 5. The private sector | 12 |
| Where does corruption in the private sector come from? | 13 |
| How, and how not, to combat corruption in the private sector | 14 |
| The international dimension | 15 |
| 6. Personnel practices in public administration | 15 |
| Politicisation in public administration | 16 |
| Ethics..... | 16 |
| Professionalising the public service..... | 17 |
| 7. Public procurement reform | 17 |
| Reforming the public procurement system | 18 |
| E-procurement and green procurement..... | 19 |
| Learning from the private sector | 20 |
| 8. Whistleblower reform | 20 |
| The legislative environment..... | 21 |
| Security | 21 |
| Incentivising | 21 |
| Civil society..... | 22 |
| 9. Implementing the recommendations: the role of government, Parliament, civil society, the private sector and the media | 22 |
| The view of the Commission about what needs to be addressed: A crisis of government, credibility and accountability; endemic corruption. | 22 |
| Known limitations to what can be done..... | 22 |
| What government must do..... | 23 |
| What Parliament and its structures such as Portfolio Committees can do..... | 24 |
| What civil society organisations can do | 25 |
| What the private sector can do..... | 26 |
| What the media can do..... | 27 |

Abbreviations

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| BUSA | Business Unity South Africa |
| NACAC | National Anti-Corruption Advisory Council |
| NACS | National Anti-Corruption Strategy |
| NPA | National Prosecuting Authority |
| SIU | Special Investigating Unit |
| SOE | State-owned enterprise |
| ToR | Terms of Reference |

1. Introduction

In January 2018 the Commission of Inquiry into Allegations of State Capture, often known as the Zondo Commission, was appointed to investigate matters of public and national interest concerning “allegations of state capture, corruption and fraud in the public sector, including organs of state”. The Commission’s Terms of Reference (ToR) were concerned predominantly with the practices of executive members of the state (that is, senior politicians tasked with having authority over the running of the government, such as the president, cabinet and equivalent at provincial level), and the nature of their relationships with private individuals, and specifically the Gupta enterprise. Much more broadly, the Commission was mandated to investigate the nature and extent of corruption in the awards of contracts by state entities and government departments.

The report of the Zondo Commission, with the final volume presented in June 2022 after an enquiry lasting four years, deepens understanding of state capture and how it unfolded in South Africa.

The conference aimed to focus on institutional weaknesses that enabled state capture, and on the recommendations that will help to strengthen South Africa’s public institutions, accountability, and democracy. The main focus would not be on particular perpetrators and role-players but on systemic issues that need addressing to better insulate South Africa from state capture.

The conference looked at:

1. The role of the private sector
2. Public procurement reform
3. Personnel practices and appointments in public administration
4. Institutions to fight corruption
5. What whistle-blower protection and support are required, and incentivising whistleblowing.
6. The role of Parliament
7. How the recommendations can be implemented, and the role civil society can play in helping to ensure accountability.

In October 2022, the President is to report to Parliament on his plan of action in relation to the report, and particularly its recommendations. This conference should be part of a process to craft a set of proposals and interventions that will result in effective implementation of those recommendations and identify levers that can ensure that this happens.

The conference brought together speakers and participants from civil society, academia, business, and government, and generated concrete proposals for action. An outline of the panels and programmes is attached as Annexure 1.

2. Keynote address by Terence Nombembe, Head of Investigations at the Commission

The Commission had to determine five issues:

1. Was there state capture?
2. If there was, how did it come about?
3. Who were the perpetrators and the key role players?
4. What measures should be put in place to ensure that it would not recur?
5. What conditions existed to provide fertile ground for state capture to take root?

Continuous public visibility was critical to the work of the Commission, as were a culture of team work, agility, responsiveness to change and administrative excellence. Any compromise of the Commission’s

professionalism and code of conduct would have been instantly and publicly obvious. Funded by the Department of Justice, it had to account for its work in terms of what it had to deliver.

The Commission's reporting deals with what happened, when, how, who was involved, how much was involved, how often things happened. It covers the many shortcomings, inefficiencies and incapacities that failed to prevent state capture: whether there was a lack of clear legislative and regulatory frameworks and if they were side-stepped; systems and processes of oversight and assurance; the role of Parliament.

The Commission's Terms of Reference (ToR) required it to make recommendations; in its reporting, they are numerous recommendations. Many require further investigative work, particularly by the law enforcement agencies. The Commission's effective and smooth collaboration with these agencies over its lifetime should be able to speed up their work.



Problems of maladministration and self-enrichment – issues that the Commission was established to investigate – continue today and have worsened. Two of the Commission's ToR (1.5 and 1.9) required it to investigate the nature and extent of fraud and corruption, particularly in state-owned enterprises (SOEs) and government. It was not able to get to the bottom of this. As the conference's keynote speaker Terence Nombembe said, it has to be asked what is the psyche of the apparently respectable person or institution involved in such transactions; and is the present situation something that South Africans are prepared to live with?

Greed, Mr Nombembe said, is the primary cause of the implosion of the ability to have a decent state in South Africa. Only by getting rid of this will it be possible to turn the tide. The drive to cling to wealth and power, "greed on steroids", has led to the over-riding of internal controls including by leadership who are supposed to oversee management and has created "a free for all ... the gates were wide open for anything to happen that was wrong."

There was also a breach of professionalism and codes of conduct by those in leadership positions within the civil service and law enforcement agencies, and by professionals in business entrusted with advisory, consulting and other forms of leadership: “a breach of a breach of breach by everyone who was supposed to be an entrusted player in the system.” There was excessive use of cash, with bribes and kick-backs. People looked the other way.

There was also excessive use of harm – by elimination and by damage to careers and livelihoods – against those who wanted to expose wrong-doing. “How, therefore, do we uproot such horrific conduct?” Mr Nombembe asked. Through stronger legislation, relevant policy positions and their implementation, by finding and choosing visibly courageous, moral and inspiring leaders and professionals who can reach out to the many who are “sitting on the fence”, he said. If those who are greedy – individuals, households, institutions – cannot be inspired to feel remorseful, the present situation will continue with greater intensity.

However, greed alone does not explain why state capture was able to take hold in South Africa in the way that it did. Institutional deficiencies and systemic weaknesses in our political system and state bodies are a critical part of the story. The conference panels considered a number of these institutional elements, as well as proposals for reform.

3. Oversight and accountability: the role of Parliament

Parliament represents citizens, makes laws, oversees the work of government, and holds accountable all executive organs of state. There is a system of parliamentary committees that oversee and interrogate the work of government departments. Members of the public can attend and sometimes address committee meetings. The ANC has a majority in Parliament and in all its committees.

Parliament did not adequately oversee the scandals of the Zuma era and Chief Justice Zondo has said that, if the Guptas were to return now, he doubts if Parliament would be able to stop their activities. This raises the question of the failure of Parliament to combat state capture, and especially of the commitment of the majority party, the ANC, to exercise effective oversight. Parliament has not yet done anything about the Zondo Commission report, saying that it will discuss it after the President has pronounced on it. This failure is particularly notable at the level of the National Assembly and its portfolio committees, and is not confined to state capture: there has, for instance, also been a complete absence of oversight of government’s Covid response. Recently, this has led to fears of significant lack of accountability by the President. The Zondo Commission has recommended the creation a parliamentary committee to oversee the President and his functions, but the question remains as to whether parliamentary oversight is really possible.



Parliament and the Executive

The recent, and regular, disruptions in Parliament enormously undermine public confidence in the institution and render it almost dysfunctional.

President Ramaphosa accepted the proposition put to him at the Zondo Commission that a president who was involved in alleged illegal action should be subject to parliamentary scrutiny. He later refused to do this when questioned on the Phala-Phala saga. Recommendations about instituting an oversight committee over the President have to be seen in the light of Parliament's turning a blind eye to abuses. There is no guarantee that whatever laws and regulations are instituted would in fact be observed.

In short, if recommendations about committees and procedures are to have any purchase, it is necessary to deal with the bigger picture of how Parliament conducts itself. Its record is not good: failure to hold the executive to account goes back at least to the 1999 Arms Deal, and it was dismaying to see Parliament defending the indefensible over the Nkandla scandal. This is particularly so at the current juncture, where the perceived demands of the December 2022 ANC national conference and the 2024 general election are rendering the Constitution, the centrality of Parliament and the precedence of MPs' oath of office over party loyalty inconsequential.

The committee system

It is within parliamentary committees that detailed examination of legislation and government performance is meant to take place and where, in theory, detailed pursuit of issues takes precedence over party affiliation. However, this is the exception rather than the norm. Chairs of committees rarely demonstrate independence and rigour in executing their duties. All chairs of committees, except for SCOPA, are occupied by ANC MPs.

Parliamentary protocol is often used as a screen to disguise inaction and to avoid pressing issues. The tone of committees is set by their chairs, and too frequently members of the public presenting cases are obstructed through the sclerotic, though often technically accurate, proceedings i.e. rigid interpretations of parliamentary procedure which ignore or miss the spirit of oversight institutions that limit active debate, scrutiny, and public participation. The reaction to public submissions, as with the issue of road tolls in Gauteng and the Transport Committee, can even be abusive. Genuine attempts at oversight, such as by ANC MP Zukiswa Rantho (who chaired the Portfolio Committee on Public Enterprises), can, as in her case, lead to the political wilderness. There is a lack of follow-through on reports to committees, which are, extraordinarily, not tracked by Parliament. Thus oversight becomes 'a tick-box exercise'. It is not a question of educating government and parliamentarians on the question: they know what is wrong but do not act accordingly. In 2019, President Ramaphosa, who came to power on an anti-corruption ticket, placed individuals such as Faith Muthambi, Tina Joemat-Pettersson and Mosebenzi Zwane, all with clear links to allegations of corruption, in charge of various parliamentary committees.

Ways in which this situation can be changed or circumvented include:

- Consulting the excellent records of the Parliamentary Monitoring Group, which are much better than those of Parliament.
- Awareness by civil society organisations of the legalistic manoeuvres designed to sidestep real investigation and openly criticising those responsible for these manoeuvres.
- Where possible, in the case of a report that a civil society organisation or an individual citizen wishes to have considered, working with the chairperson and, if it proves difficult to make

progress, contacting one of the parliamentary journalists to find out if they can help to get the matter into the system.

State capture is a product of institutional deficiencies: Parliament must prove that it is not reactive and urgently implement the recommendations of the Zondo Commission where it has the authority to do so. It should increase oversight and each parliamentary committee should engage with the Zondo Report to reflect on its past failures and to review its oversight mechanisms. The committee system should be 'reimagined' and committees should work more closely with civil society and the media.

Electoral reform

Unless there is electoral reform of a kind that makes members of Parliament more directly answerable to constituents, as has been recommended by the Slabbert Report and more recently by Minister Motsoaledi's Advisory Committee, there is unlikely to be any change in the current situation where MPs are entirely beholden to party bosses and owe their seats to their party through the closed-list system. The Zondo Commission report supports a constituency system. Parliament, however, dominated as it is by the interests of political parties resists the consideration of meaningful electoral reform.

Civil society organisations need to do more to educate the public about the Constitution and electoral reform ("People deserve to be taught what democracy means"); and while these organisations could attempt to force government to implement reform through the courts, litigation should always be the last resort. Pressure led to the passing of the Political Party Funding Act; however, going to law is expensive, time consuming and slow, and victory in court does not always lead to the desired change.

Fundamentally, although electoral reform might help, any electoral system can be misused. The election of local authority councillors through wards has not led to great improvements in municipal administration and accountability. This raises the difficult question of how to encourage or inculcate a culture or ethic of civic responsibility.

4. Anti-corruption capacity: establishing an anti-corruption agency

Currently, there are at least 15 agencies in South Africa in part or wholly dedicated to combatting corruption; and there are at least eight separate pieces of legislation devoted to the same effort. It has long been recognised that this dispersal of skills and resources leads to waste and inefficiency. As far back as 1997, an Interdepartmental Committee of Cabinet recommended the formation of an independent and centralised anti-corruption agency. The *National Anti-Corruption Strategy, 2020-2030* (NACS) is a significant document, though inadequately publicised. Currently, the main initiative has been the formation of the National Anti-Corruption Advisory Council (NACAC), a transitional body whose recommendations are intended to contribute to the formation of a permanent overarching agency. Given the history and continuing presence of corruption, the initiative has been met with scepticism by the public.

The struggle against corruption is generally perceived as a progressive cause. However, anti-corruption can be harnessed for political purposes. In Brazil, the rhetoric of anti-corruption was captured to stage a coup of a kind; in India corruption has been a rallying-point of Hindu nationalists; in South Africa, the EFF has used anti-corruption as a political weapon. It is thus imperative that anti-corruption mechanisms tackle the broad range of weak institutions and socio-economic injustices that can enable corruption.

The international dimension

South Africa has repeatedly committed itself in international fora to combatting corruption and to forming the bodies necessary to carry out that programme: for instance, it signed up to the 2003 United Nations Convention against Corruption, Article 36 of which refers to an independent body or bodies to combat corruption. South Africa has also assented to the Jakarta Statement on Principles for Anti-Corruption Agencies. In addition, the country is a member of various international organisations (OECD, AU, SADC) which have conventions or protocols against corruption. The Jakarta Statement emphasises prevention of corruption. This is an aspect that should be stressed in South African legislation and practice.¹

In terms of enforcement, many jurisdictions do not include prosecution in the remit of their anti-corruption investigative agencies. Where a prosecutorial authority already exists, this must be recognised. Also important is the coordination and strengthening of existing institutions.

The Zondo Commission recommendations

The Zondo Commission recommended three institutional initiatives which must be carefully debated. There was general agreement that some form of dedicated, well capacitated and independent anti-corruption body was needed. The precise functions it should incorporate, and its institutional design in relation to law enforcement was discussed.



A permanent commission on corruption, its structure unspecified

The Commission's recommendations are not clear on what this permanent commission should be: perhaps a replica of the Commission. Debates on this range from rejecting any such commission, on the grounds that there are already many anti-corruption institutions, or that it is not the appropriate form for an overarching anti-corruption body, to initiation of a new Chapter 9-type institution with law-enforcement powers.

¹ Apart from a mention from Vusi Pikoli, there is no focus on organised transnational crime although South Africa has signed UN conventions committing itself to international cooperation in this sphere.

One problem with having an anti-corruption agency which encompasses dedicated investigation and prosecution powers within it, is that the confidentiality that law enforcement agencies demand restricts access to and by the public. If this function were encompassed in such an agency, this might limit the extent to which such an agency engages with the public – and public education and engagement must be an important function of a dedicated anti-corruption body. A Chapter 9 institution, while a guarantee against disbandment, would require at least two constitutional changes and a statutory basis.

Any new overarching agency would need to be involved in education, research and public campaigns with a level of effectiveness similar to those initiated to counter HIV/Aids. These would be expensive but could work. There would also need to be strong relationships with relevant NGOs and academics; this has not been a strong suit of law enforcement institutions.

There was a view that, in the face of the lack of resolute political will on the part of those occupying public office and the erosion of state institutions especially in the criminal justice sector, the creation of a single, independent anti-corruption agency is extremely urgent, albeit possibly delayed by the appointment of the NACAC. Nevertheless, NACAC could play an important role in refining the model for anti-corruption.



Some felt there should be no need to imagine new concepts and structures for anti-corruption law enforcement; for example, the Directorate of Special Operations (the Scorpions), though disbanded, was an effective structure to tackle organised crime and corruption and a continuing model for today.

There was a view that any such new agency should leave individual cases of corruption to law enforcement but investigate systemic corruption, such as in the Gauteng Department of Health or the immigration section of Home Affairs. As with the SIU, the agency should have the investigative capacity and quality of leadership to unravel such instances of systemic corruption. As with so many other issues relating to the attempt to deal with corruption, the role of Parliament – in exercising oversight and protecting citizens – would be crucial.

The fifteen-member Anti-Corruption Task Team, formed to coordinate the fight against corruption across the various law enforcement and related government agencies, has been perceived as a failure – in effect “coordination” did not happen.

A permanent commission on corruption could be situated within the National Prosecuting Authority (NPA).

One view was that another Chapter 9 institution would be superfluous.

It was agreed that the need for an effective anti-corruption agency is urgent. The mandate, location and independence of an anti-corruption body should be the key focus of scrutiny.

Agencies currently combatting corruption must be examined closely in relation to their capacity and their role. The Special Investigating Unit (SIU), while doing a good job, can only act on the authority of the President. In the meantime existing agencies should not be neglected or well-functioning institutions damaged.

An anti-corruption procurement agency:² anti-corruption measures or procurement capacity development?

The intense fragmentation of the procurement system, intended to promote local economic development, has made effective oversight by National Treasury impossible. The Commission suggested that the system should undergo substantial centralisation, and that a Public Procurement Anti-Corruption Agency should be established to counter abuse. A view was that rather than centralisation, the issue is to address the system’s fragmentation.

The Commission’s recommendations emphasise dealing with corruption in procurement and do not touch sufficiently on how to make procurement deliver and on ensuring accountability; simply requiring them to sign up to an Anti-Corruption Charter is not the answer. Rather than an anti-corruption agency, there was an argument that what is needed is a procurement reform agency which will drive change.

Whether to locate such an institution or an empowered procurement regulator outside of Treasury – an independent institution – or to keep it within Treasury should be discussed. If it was located outside of Treasury it might become the target for capture with disastrous consequences.

And a dedicated anti-corruption agency for procurement could not provide the whole solution given the National Prosecuting Authority’s lack of resources and capacity and the possibility that it could itself be captured.

An institution responsible for appointing senior state officials, including, for instance, DGs and the Boards and CEOs of SOEs

The public sector appointment process was key to the state capture project. If such an institution³ was developed it should have panels of first-rate Human Resources and technical personnel drawn from outside government but with high-level government representation to ensure that the institution broadly supports the strategies and approach of the government of the day.

5. The private sector

Several conference participants spoke of the problem of private sector actors, ‘enablers’, failing to hold themselves accountable for ethical lapses or even for systematic involvement in corruption. Milton

² See also section 6: Public procurement reform.

³ See also section 5: Personnel practices in public administration.

Friedman's claim fifty years ago that 'greed is good' has been modified by more sophisticated versions of what gives capitalism its dynamism. Companies' relative inaccessibility to public scrutiny, and their ability to shed openly compromised individuals while remaining involved in corrupt practices, pose particular difficulties in holding them to account.

Where does corruption in the private sector come from?

In some instances, companies are drawn into corrupt activities by rent-seekers in politics or government; however, it requires consent on both sides and the private sector is not predominantly the innocent or inveigled party.

'Greed' is an inadequate explanation for at least some corporate corruption. Firms like McKinsey and Bain are highly profitable and do not need the proceeds of corruption in South Africa. What, then, are the energies behind such corruption? One view is that corporate corruption, in South Africa and elsewhere, is an organic part of private enterprise: for instance, the inflated and collusive tenders around the 2010 FIFA World Cup largely predated the Zuma era. Underlying the story of Glencore in the United States seems to be that is more important not to get caught than to interrogate suspect business practices. Corruption is thus not necessarily directly about greed; it is the pursuit of a particular business advantage: "the idea of accountability remains very elusive".



While the Zondo Commission made serious findings against the Airports Company of South Africa (ACSA), Bain, McKinsey and others, there was no real attempt to address law firms, auditors, management consultancies and especially banks whose role in oiling the corruption apparatus was crucial. Standard Bank, for instance, should have been held to account for the transfer to Dubai of the proceeds of corruption at Estina. The Commission presented McKinsey in a positive light for having repaid the fees earned by the company; such a repayment should go without saying, but so should fines and even imprisonment. There was a fundamental failure of money-laundering regulations with, at best, routine submission of reports but nothing further. In other cases, such as when an SOE is in trouble and calls in a law firm to investigate, the report is generally not released to the public.

Business Unity South Africa (BUSA) believes that, in light of the evidence presented to the Commission, the banking sector has taken measures to tighten its procedures. However, the adequacy of voluntary codes of conduct can be disputed particularly when problems revealed are not aberrations but

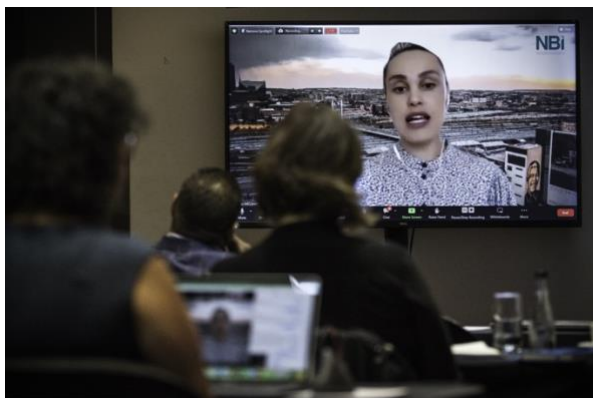
systemic. The workings of the private sector are opaque and there is resistance from the sector to efforts to strengthen legislation promoting transparency.

How, and how not, to combat corruption in the private sector

BUSA is the main collective voice of big business in South Africa. Its CEO noted during the discussions that the Zondo Commission report provides organised business with the opportunity to reflect on its role in corruption in a society that “appears to have lost its moral compass” and acknowledged that, where appropriate, firms named in the report must be prosecuted. However, if systemic issues were not addressed, those bent on benefitting from corruption would undoubtedly find firms with which they would collaborate, thereby undermining business’ response to corruption.

BUSA envisages putting in place “guardrails and mechanisms,” including a code of practice, to bolster defenses against corporate corruption. However, as a voluntary organization BUSA has no control over the actions of its members. There is currently no mechanism to expel or suspend delinquent members, although this could be written into a future code of practice.

Prosecuting private-sector actors is difficult; however, where possible this should be done, using mechanisms such as deferred prosecution agreements and settlement agreements to which HSBC, for instance, was subjected in the United States (the company nevertheless continued to be involved in large-scale money-laundering). Despite the drawbacks of such systems, they could be considered if updated with harsher regulations and monetary penalties, especially as the proceeds of such agreements can feed back into financing action against such firms. As in many jurisdictions, there is a problem in South Africa in taking on complicated cases while pursuing immediate accountability. As with Steinhoff, there is also the question of the state receiving money to investigate corruption from the companies being investigated. This is clearly inappropriate and ineffective.



An example of how corporates behave in practice is that all banks went to the Zondo Commission and stated that they had policies of closing down accounts suspected of involvement in malfeasance; however, Nedbank continued to provide banking services for the Bank of Baroda, implicated in money-laundering for the Guptas. It seems clear that there should be legislation to enforce corporate, and not just individual, accountability.

Allocating greater powers to professional bodies such as the Law Society to investigate and regulate their members should be considered, with greater penalties for inadmissible behaviour and the power to levy greater penalties.

Law enforcement, often conceived of too narrowly, is ‘the elephant in the room’. The ability to act against complex commercial crimes requires equally complex responses, and the question is whether

there are sufficient competencies across the full range of South African law enforcement agencies to meet these needs.

Widespread contempt for and distrust of authority undermine attempts to deal with corporate corruption. Nevertheless, the present moment offers opportunities for doing so. It is acknowledged in the sector that corruption is counterproductive in the long term and that the Zondo Commission has opened up the space for public engagement. This can be used within the private sector to interrogate and where necessary rectify malign tendencies, building strong and diverse leadership and instituting policies supported by effective mechanisms, in particular whistle-blower policies.

Calculating the damage done in terms of social costs by companies that participated in or precipitated corruption is one of the major gaps in the findings of the Zondo Commission. Ways must be found of doing this, and it should lead to professional debarment and payment of reparations, while noting the difficult problem of deferred prosecutions. If there is a criminal settlement, there might be an additional fine. Government, it should be said, has a poor record on reparations, as witnessed with the Truth and Reconciliation Commission.

Corporate corruption should not be treated in isolation. The soil from which it grows tends to consist of an organisational culture including bullying, harassment, gender discrimination and a lack of diverse leadership. Confronting corruption in the private sector should therefore involve a broader campaign against these wider issues.

The international dimension

An indication of the weakness of action against corporate corruption is that important prosecutions against such corruption in South Africa have been initiated in foreign jurisdictions. Examples are the prosecution of Steinhoff in the Netherlands; of PRASA in Spain; and of T-Systems, a subsidiary of Deutsch Telekom, in Germany. These prosecutions are welcome, however, and the South African authorities should collaborate with them to the maximum.

6. Personnel practices in public administration

In 2010, the South African government, through the National Development Plan, committed to building 'a capable state'. The functionaries of this state would implement the policies of the government of the day and would have the skills to do so. They would respect the political leadership from whatever party or coalition of parties it might come and work for it loyally, within a professional ambience and rules-based administrative framework that protected their independence from inappropriate pressure.

This was the ideal. It has not worked out in practice. The principles of an efficient, non-partisan career-oriented public service which would carry out the policies of the government of the day are not new in the post-1994 political era. They were put in place in the early '90s and are embodied in Chapter 10 of the Constitution, which limits political appointments to a small number of advisors. That this programme was not initially implemented was primarily because the new ANC-led government feared that the criteria of efficiency might trump that of duty to the incoming administration, and that white civil servants in place, loyal to the old regime, might undermine the new. Thus, vetting by and preferment of candidates by political parties began, and continues, at all levels of government. From

that perhaps originally justified and certainly understandable decision stemmed recalcitrant vested interests that remain to the present day.⁴

Politicisation in public administration

The Zondo Commission found that extensive politicisation of public administration everywhere leads to corruption. However, ‘cadre deployment’ is a distraction, and focusing on it excessively risks ignoring the large system of patronage at the heart of state capture, which lies outside any semi-formal system of deployment. The dominance of patronage is not peculiar to the ANC and occurs whether or not it is openly articulated. The real problem is that South African law provides no real check in practice on the politicisation of the public service. The appropriate remedy is therefore to reform the law through introducing checks and balances. Cadre deployment is currently before the courts but facile politicisation of the issue does not provide any real way forward. Civil society actors should work towards removing the partisan edge, emphasising the fundamental issue and welcoming constructive initiatives currently under way.

Politicisation of the public service is not unambiguous, however. Politicisation is built into the governmental systems of some jurisdictions, such as the United States (US), where there are extensive changes in the administration after a change of government, mirroring the new political regime. The British system on the other hand mandates a non-party-political civil service up to the highest levels. The ANC government is “in a tangle” about this issue, opening itself to the current DA challenge. However, the US system relies on a very broad skills base, which South Africa does not yet have. If the country were to adopt the US model, it would have to possess the means to closely monitor and if necessary discipline politicians in view of what would be their quite extensive operational roles. Would such a system allow the situation that South Africa presently faces? The British model may be preferable for the country. These are debates that need to be considered in relation to the question of professionalising the public service.



Ethics

Loosely defined, ethical behaviour is doing the right thing whether one is being watched or not. Ethical behaviour in the public service cannot be separated from the question of deployment and politicisation, which is fraught with corruption. The Ethics Institute’s data from the public service consistently point

⁴ There was some discussion and disagreement about whether senior public servants should have the protection of the Labour Relations Act: one view was that it is not appropriate for people in high office; another was that it gave senior public servants some protection from arbitrary dismissal by politicians.

out that the politico-administrative environment is corrupt and that the wrong people are promoted and appointed. However, the Institute's data also indicate that people in the system would like to work in a more ethical environment. The lack of separation of politics and administration, particularly at senior, levels is the problem. Inappropriate leaders abuse their powers and are incapable of holding those below them to account; employees are discontented; and the cycle continues.

From an ethical perspective, the need is to appoint leaders who are not politicised: a professional body is required to guarantee a professional environment. When asked, public servants say that recruitment should be on merit, with mechanisms to ensure quality such as pre-screening and vetting. Planning for this is necessary and legislation is needed to put it into effect. This will require political will so that the integrity of processes is upheld. Civil society has a critical role to play in promoting ethical behaviour and in holding government to account.

An independent public service

However justified deployment of political allies may have been, or seemed, in the initial stages of the democratic dispensation, it is not justified now. Although there are institutions, above all the Public Service Commission, that are in theory meant to guarantee the independence of public servants, in practice these processes have been marred by prevarication and delay. It took almost two decades for the relevant constitutional provisions to be written into law, with the framework to implement the 2014 Public Administration Management Act only being initiated in 2021 through the Public Service Amendment Bill and the draft Public Service Commission Amendment Bill.

The Public Service Amendment Bill devolves administrative powers to Directors-General (DG), aligning them with her or his financial responsibilities. This ought in principle to prevent the conflicts that have arisen continuously between ministers and DGs, with the average tenure of heads of government departments being between 24 and 48 months. These existing bills to a considerable extent incorporate the recommendations of the National Development Plan (NDP); it therefore should not need the Zondo Commission to ensure that the commitment made at the beginning of South Africa's democracy to build the capacity of the state is put into practice. However, these amendments do not go far enough.

Professionalising the public service

Depoliticising the public service requires that it be professionalised and become meritocratic, ethical and a career of choice, with the necessary complement of specialist skills which are appropriately deployed. Underpinning this should be legislation for the creation of professional bodies for the public service in general and particularly for procurement officers. These organisations should be on the pattern of those regulating the medical and legal professions, and should implement professional standards, with all procurement and other officers being members.

The National School of Government recruits and inducts public servants, and plans and implements courses, including continuing learning. This institution will remain important in professionalising the public service, in partnership with higher education institutions.

7. Public procurement reform

Public sector procurement is a system for procuring goods or services for specific places such as hospitals and schools, as well as for developing large scale public infrastructure. However, for South Africa's government, procurement is not a strategic function – it should be. R900 billion a year goes through the system and there are over 1000 procuring entities in the public sector. Of the 1.7 million companies registered on the CSD, 1.2 million have been properly vetted and government does business

with 200 000 them. Although by some calculations it represents 30 per cent of public procurement, there is silence on public procurement at municipal level.

The procurement system is archaic, paper-based and without relevant technology and capacity, with procurement often taking place towards the end of the fiscal year primarily to spend unused funds. It focuses primarily on advertising, adjudicating and awarding tenders, but not on the processes to define the needs to be met by the procured goods or services, or on managing the quality and performance of the awarded contracts. Even within a single department, a range of people are involved in procurement actions.

The design of the system, currently decentralised, leads to varying levels of transparency. The extent to which it should be centralised, as recommended by the Commission, or decentralised remains a matter for debate. For some, the issue is less centralising the system than addressing the system's fragmentation, enhancing its operational efficiency, and introducing stronger transparency into the process. A one size fits all approach to reforming the procurement system will not work. There is varying capacity across the system, and different state organs will have different procurement needs (procuring for major infrastructure build and its management is different to procuring basic products).

Reforming the public procurement system

The Commission's recommendations are essentially the same as those of the 1997 Green Paper on Public Sector Procurement Reform and the 2015 Supply Chain Review. Whether or not the present situation should be defined as 'a state of emergency', National Treasury should be enabled to build the capacity to repair the state, with work streams dealing with policy reform, human capacity, modernisation of IT systems and other issues. Small and separate initiatives will not work. The first recommendation of the President's advisory panel (NACAC) should be to build public sector procurement capacity. This must include capacity, as well as willingness, by Parliament and the provincial legislatures to properly oversee public procurement.



Public procurement must be professionalised, with minimum qualifications for working in the system, within an appropriate legal framework and sufficiently resourced.⁵ The right people must be in the right positions. The system must be designed to ensure openness and transparency about purchasing and about delivery to beneficiaries. It must also protect honest Accounting Officers and supply chain managers and officials from pressures within or outside their organisations. While recognising that high-value procurement, in particular, requires specific expertise, the process should to the greatest extent possible provide for openness in the form, for example, of civic participation in procurement processes including attending procurement committee meetings and accessing their minutes or recordings. Neither the Public Procurement Bill nor the Commission’s findings deal in sufficient detail with the design of such participation, including questions of access such as language and resources to travel to meetings.

Even after the Commission’s revelations, there is a lack of consequence management, with few significant consequences for those involved. Rather than relying on prosecution, the system must have pre-emptive measures in place.

The legislation should make clear the purpose of procurement: obtaining goods and services of the best obtainable quality at the best price, representing value for money and enabling government to provide services. Strategic procurement, and sustainable procurement designed to encourage participation by women, people with disabilities and others, could introduce flexibility not made possible by a wholly rule-bound approach.



E-procurement and green procurement

Both in terms of efficiency and effectiveness, and of limiting the scope for corruption, e-procurement is highly successful and increasingly the norm globally. However, neither the Public Procurement Bill nor the Commission’s reports deal with it – a glaring omission. Nor is there a focus on green procurement.

Open data and the link with performance and delivery

The Public Procurement Bill and the Commission’s reports touch on but do not fully discuss the question of access to data and its use in social auditing of procurement and performance. Defining what data could or should be made public and how (through e-dashboards or other means) this could be done

⁵ Given that the NPA and SIU are crucial to prosecuting procurement offences, the Commission could have made more concrete recommendations about the need to resource these organisations appropriately rather than, as at present, their facing budget cuts.

would require detailed decision-making. It should, nevertheless, be on the list of issues to be addressed in reforming the public sector procurement system.

Learning from the private sector

The private sector spends billions on supply chain systems and their capacity, with high salaries and recognition for procurement specialists. Government needs to learn from the scale, systems, processes and effectiveness of procurement in the private sector and should find ways of engaging with the sector.

8. Whistleblower reform

As one of the speakers said, “There is always a witness” to corruption, and the aim should be to convert witnesses into whistle-blowers. However, a recurrent theme in the discussion was that of vulnerability. When a person embarks on disclosure, for whatever reason or combination of reasons, he or she will probably not fully understand the journey ahead of them, the need for legal and other expert advice or, probably, the social and economic challenges and dangers that they are likely to face.

It is therefore vital to protect whistleblowers, psychologically and physically, for their own welfare, and also to encourage other potential informants to embark on what can be a long, lonely and difficult journey. They must therefore be ‘incentivised’. This has various legal, administrative, economic and security dimensions.

The Zondo Commission had four recommendations relating to whistleblowers:

1. Anyone disclosing information should be accorded protection as stipulated in article 32.2 of the UN Convention against Corruption
2. There should be an agency through which disclosures can be made.
3. Disclosures should be incentivised by assigning a percentage of what is recovered to the whistleblower when the case is successful.
4. Immunity from prosecution should be available to whistleblowers who might otherwise be open to prosecution.

It was agreed that, like those of many other recommendations of enquiries and commissions, the recommendations of the Zondo Commission, while admirable in themselves, ‘may not land’ and that civil society must continue to apply all possible pressure to ensure that whistleblowers are encouraged, assisted and protected.



The legislative environment

The Protective Disclosure Act is the main legislation bearing on whistleblowing. However, it is conceived of in terms of the labour relations landscape and assumes that the employer is the appropriate first port of call for a whistleblower. This is clearly not always so. Law on whistleblowing should instead be conceived of and written in terms of human rights legislation. The following programme to be enacted into law was proposed:

1. Widen the scope of what constitutes a whistleblower.
2. Expand the range of places to which whistleblowers can go to make a protected disclosure and as far as possible make this easy to do. Institutions are easily corrupted; if one route is perceived as dangerous, the whistleblower would have others which he or she can follow, though some believe that multiple routes would be confusing.
3. A dedicated agency was agreed to be necessary, using technology which enhances citizen involvement.
4. Review and strengthen the rules and laws relating to security.
5. Reward whistleblowing. The legal principle of *qui tam*, in terms of which private individuals who assist a prosecution can receive all or part of the damages retrieved, is the relevant approach here.
6. Provide social support but also, vitally, legal advice to whistleblowers. It is not possible to rely on NGOs alone.

There is an initiative to draft a whistleblowing law that could mobilise civil society and provide a model for action in Parliament. Suggestions are in line with the programme above. In addition:

1. Retaliatory action against whistleblowers should be criminalised and there should be heavy consequences for employers who fail to protect them.
2. Non-disclosure agreements used to silence or pay off whistleblowers should be outlawed.

Security

Security for whistleblowers is vital. At present, confidentiality is not respected. At worst, this leads to tragedies like the assassination of Babita Deokaran. Large companies bring resources to bear against whistleblowers which they have no hope of matching, even with the assistance of NGOs like Corruption Watch, and whistleblowers are left exposed. How they can be supported financially while undergoing the lengthy process of pursuing their disclosures is a difficult and contentious subject. The legal process is acutely skewed towards employers: what can be done to even the balance?

There need to be internal and external reporting channels; these should be separate so that the validity of whistleblowers reports can be checked and whistleblowers protected.

The Zondo Commission did not complete its law enforcement workstream: this is a significant omission.

Incentivising

There is a strong case for incentivising whistleblowing, which the Zondo Commission approved, in spite of claims that this amounted to privatisation of justice. It is more accurately seen as institutionalisation related to the recovery of damages.

The Commission suggested that a fixed percentage of sums recovered could go to the whistleblower where a deposition leads to the recovery of resources. Institutionalisation is important; one possibility was a South Korean style of institution that would investigate public corruption and disburse incentives and rewards afterwards. More likely was a public procurement regulatory institution based in the office

of the Chief Procurement Officer, in whatever body replaces the SIU, or in the SIU itself if it is made permanent.

In the meantime, might funds be made available from the Criminal Assets Recovery Account (CARA) to support whistleblowers and their families?

Civil society

The support of the social partners should be sought through NEDLAC: the voice of civil society must be heard and not that of 'a discredited state'.

The Johannesburg Stock Exchange should have an office for whistleblowers.

A theme that ran through the conference was that it was essential to 'build an ethical culture'. Other measures that should be taken include:

1. Making it easier to blow the whistle.
2. Taking steps to counteract whistleblowing abuse.
3. Monitoring investigations.
4. Providing cash to support whistleblowers, perhaps sourced from the Criminal Assets Account.
5. Taking steps to criminally sanction those persecuting whistleblowers.
6. Relentless pressure from civil society organisations to ensure that prosecutions take place.

A gap in the Zondo Commission's findings on whistleblowers is that they do not emphasise the private sector in this context.

SMMEs can encounter corruption in the government and corporate environments to which they are trying to gain legitimate access. They can be put in compromising situations and find themselves, especially as the weaker partner, being sucked into corrupt activities.

There are admirable initiatives such as the 'Whistleblower House' which help to provide medical assistance, help with mental issues and even food on the table: the things that make life bearable. The Public Protector's office ought to be an important source of support but has a lack of capacity and skills to respond to whistleblowing.

NACAC has been appointed for a period of three years: civil society should keep a close eye on this body.⁶

9. Implementing the recommendations: the role of government, Parliament, civil society, the private sector and the media

The view of the Commission about what needs to be addressed: A crisis of government, credibility and accountability; endemic corruption.

Known limitations to what can be done

- South Africa has had many commissions of inquiry; most of their recommendations have not been implemented by government. This undermines public faith in commissions of inquiry and in the likelihood that action will follow from their work.
- The ruling elite is implicated and there will be attempts to block reform.

⁶ See section 3: Anti-corruption capacity: establishing an anti-corruption agency

- Meaningfully measuring impact is difficult but must be rigorously attempted.
- The role of official government communications bodies such as GCIS is always ambiguous in communications re anti-corruption and behaviour change. NACAC and future anti-corruption bodies cannot simply rely on this, and must explore creative partnerships to support public messaging about corruption and anti-corruption.



What government must do

- Recognise and accept the extent to which the actions and actors of state capture have undermined the sovereignty of the state evidenced in, for example, the disturbances of July 2022.
- Not cherry pick which reform recommendations to implement.⁷ Ensure that reforms address systemic problems in oversight, law enforcement, whistleblowing, politicisation, procurement and the role of the private sector.
- Commit to timeframes within which the recommendations of commissions of inquiry will be implemented; put in place and use roadmaps, with incentivisation, to measure implementation. This includes ensuring suitable and ongoing public sector training and capacity building and, specifically, modernising and implementing a procurement system that will be, to the greatest possible extent, corruption-proof and which will provide the goods and services needed within the state at the correct price and quality.
- Define and continuously monitor the levels of maturity that the civil service is expected to display, with 'booster doses' to sustain forward movement.
- Comply with timeframes within which departments commit to providing feedback to the public.

⁷ As noted in the discussions, the Zondo Commission focussed on national government and SOEs. There thus remains much work to be done in relation to the numerous other state-related organisations.

- Adequately fund and capacitate law enforcement agencies; abstain from interference with their work.
- Do not make low quality appointments to Chapter 9 institutions – civil society to monitor these vigilantly.
- Address the current situation in which a large percentage of senior government officials are appointed in ‘acting’ capacities.
- Recognise and act on the effect (on continuity, skills, institutional memory) of excessive turnover of key personnel: DGs, mayors, Premiers, ministers. The system is constantly starting from scratch.
- Emulate good practice: for example, the steps that the UK has taken against management consultancy Bain & Company.⁸ Cancel contracts with, seize assets from, and blacklist companies implicated in state capture. In South Africa, the Competition Commission has a system that appears to work. Collaborate with professional bodies, such as the South African Institute of Chartered Accountants (SAICA) which represents accountants and which is currently analysing how it can uphold standards of auditing and accountability.
- Protect whistle blowers.
- Learn from the extensive international experience of building and operating procurement systems and monitoring corruption; dismiss ideas of South African exceptionalism.
- Identify and act on areas where organisational structuring does not align with policy for achieving shared and priority goals: for example, the Economic cluster.
- Where current policy, such as the Public Administration Management Act and the draft Public Service Amendment Bill, exists and is appropriate, implement it. But ensure more thorough going reforms.
- Ensure that there is definitive legislative policy governing all of the issues identified as needing to be addressed in these discussions.
- Make what were argued to be the two changes with the greatest positive potential: legislate the National Development Plan and reform the electoral system.
- Most importantly, apply and sustain political will to making the changes that are critically needed; they must not be dismissed as ‘not practical’. Be willing to resist the ‘headwinds’ against change. Exercise visionary, progressive, mature thought leadership. Be prepared to make any necessary constitutional changes.
- Deal with “the iceberg of greed”.⁹

What Parliament and its structures such as Portfolio Committees can do

- Provide informed oversight without inappropriate interference; with provincial legislatures, properly oversee public procurement.
- Be part of the process of ensuring that appointments of the right quality are made to Chapter 9 and other state-related organisations.

⁸ <https://www.theguardian.com/business/2022/aug/03/bain-and-co-barred-from-uk-government-contracts-over-grave-misconduct-in-south-africa>

⁹ Terence Nombembe’s closing remark.

What civil society organisations can do

- Apply collective pressure to hold leaders accountable, including during the period leading to the President's report to Parliament on how government will be implementing the Commission's recommendations. Highlight the specifics of how state capture and maladministration have affected and continue to affect people: for example, lack of ambulances and text books. Call out politicians and political parties for their 'lack of shame' in continuing to hold office when it is clear that they have been involved in malfeasance.
- Mobilise (through women's, youth, trade union, church and other organisations) in the run-up to the President's presentation in Parliament in October. The focus should not only be on the Commission's findings but on corruption in general in society.
- Use the Promotion of Access to Information Act (PAIA) where relevant to access required information from the Commission; collaborate with other organisations which have experience of obtaining information in this way and/or which want the same information. Use *pro bono* legal support where available.
- Participate in discussions and debates.



- Campaign to ensure that the findings of inquiries into SOEs are made public.
- Create platforms to educate citizens about issues that they need to know about in order to monitor ethical government performance.
- Simplify, interpret and make accessible bulky information such as the reports of the Zondo Commission.
- Create channels to keep pressure on government: for example, the online campaign organised by non-profit organisation Open Secrets and Corruption Watch's Days of Zondo podcasts.¹⁰
- Choose which issues are the most strategically important to campaign on and/or which will rally the greatest amount of public support: for example, VBS, Estina and/or being part of a legal pursuit of Markus Jooste.¹¹ Collaborate around applying pressure for law enforcement to

¹⁰ <https://www.opensecrets.org.za/> <https://www.youtube.com/hashtag/dearjudgezondo>

<https://podcasts.apple.com/us/podcast/the-zondo-commission-unpacked-a-corruption-watch-podcast/id1544946394>

¹¹ When discovered, the cover-up by Jooste of losses by Steinhoff International of which he was CEO wiped out almost all of the company's value in a week and resulted in losses by South African as well as international investors, including the Public Investment Corporation (PIC) which invests on behalf of the Government Employees Pension Fund and whose support for

successfully prosecute cases relating to state capture; track what has happened or is happening to companies and individuals whose malfeasance was exposed by the Commission.

- Collectively develop and implement a corruption tracker.
- Play to their strengths.
- Make policy proposals that will help to prevent the continuation or recurrence of the current levels of corruption and maladministration.
- Press for and provide financial, security, psycho-social and health care and other support for whistle blowers.
- Be part of processes to capacitate SMMEs so that they can resist being suborned into corrupt activities and how, if they have been compromised, they can be encouraged and enabled to act as whistleblowers.
- Refuse to participate in corruption (such as by bribing traffic officers).
- In areas not highlighted by the Commission for action (for example: steps to be taken against banks known to have been involved with state capture), continue to press for action.
- Do not work in silos; work across coalitions such as the Civil Society Working Group on State Capture. Be part of sharing information about 'who is doing what' in pursuing issues of state capture and what needs to be done to reduce or eliminate it. Continue to collaborate as these organisations did at the start of their engagement with the Commission, when they met to identify their interests in the matter and to structure their involvement in a way that the Commission could work with.
- Keep international supporters informed about what civil society is doing.

What the private sector can do

- Play its full role, including by providing funding for investigative and analytical processes, in ensuring that the Commission's report is unpacked and acted on.
- Act decisively and meaningfully against members in breach of the rules and ethics of public procurement. Bain & Company was readmitted to Business Leadership South Africa (BLSA) when it had paid its fine; this does not signal a commitment to ethical business behaviour.
- Cancel contracts of companies implicated in state capture.
- Develop and enforce an anti-corruption charter for business.
- Strengthen their regulatory frameworks.
- Educate about ethics.
- Support state initiatives.

the company was investigated by a commission of enquiry: <https://www.justice.gov.za/commissions/pic/docs/PIC-ms-20200312-ReportRelease.pdf>

<https://www.news24.com/fin24/companies/financial-services/pic-report-steinhoff-deal-reeks-of-collusion-20200312>

Selecting issues to pursue should, however, not only be based on what will attract most public attention but on which organisations caused the most damage to South Africa: for example, the role of Bain & Company in hollowing out the ability of the South African Revenue Service (SARS) to carry out its functions and raise revenue for the state and to fund services and social grants.

- Collaborate with other sources of relevant expertise and knowledge such as universities.¹²
- Support civil society initiatives and whistle blowers, providing resources and, in the case of whistle blowers who have lost their jobs, employment.

What the media can do

- Drawing on the exceptional contribution that parts of the media have made to exposing corruption in South Africa, ensure that they continue to receive funding enabling them to carry on with this work.
- Recognise that sections of the media were embroiled in state capture.
- Continue to advocate for investigative, motivating publications to dig further; make the findings widely available, including in vernacular languages and particularly by radio.
- Through their skills such as data analysis and by producing accessible guides, make information about sophisticated crimes (often carried out by people able to ‘talk circles around’ others) available to the public.
- Be part of the process to ensure that the Commission’s archive, which may contain information that can be used in prosecutions, is properly stored and managed.
- Highlight deliberate abuses of power, such as the replacement of the head of the Government Communications and Information System (GCIS) to enable enrichment by a specific media outlet (The New Age newspaper) with links to corrupt politicians.



¹² For example, a project being run at the University of the Witwatersrand to identify, in particular, the systemic weaknesses in South African society that created the conditions for state capture. This will result in a report and possibly a book

Annexure 1: Conference Programme

DAY 1: 14 September 2022

| Panel | Speakers |
|--|--|
| Welcome remarks | Lawson Naidoo (CASAC) |
| Logistics/programme | Lindiwe Ndlela (PARI) |
| Keynote address | Terence Nombembe, Head of Investigations: Commission of Inquiry into State Capture |
| Panel 1: Private sector actors: enablers of state capture. | Cas Coovadia (BUSA) - virtual Michael Marchant (Open Secrets) Gugu McLaren-Ushewokunze (NBI) – virtual Khaya Sithole (Corusca Advisory Group) |
| Panel 2: Public Procurement Reform | Kenneth Brown (Trade Capital Investments, Former-CPO) Allison Anthony, Dr (APLU, UNISA) – virtual Jonathan Klaaren, Prof (Wits, PARI) – virtual Zukiswa Kota (PSAM) |
| Panel 3: Personnel practices in the public administration | Ryan Brunette (PARI) – virtual Botshabelo Maja, Dr (DDG: NSG) Fatima Rawat (TEI) Mashupye Maserumule, Prof (Ministerial TT, TUT) |

DAY 2: 15 September 2022

| Panel | Speakers |
|---|--|
| Welcome remarks | Mbongiseni Buthelezi (PARI) |
| Panel 4: Establishing an anti-corruption agency in view of NACS and recommendations | David Lewis (NACAC) Vusi Pikoli (Global Initiative Against Transnational Organised Crime) – virtual Marianne Camerer, Dr (UCT) |
| Panel 5: Whistle-blower protection reform | Richard Calland, Prof (UCT) – virtual Cynthia Stimpel (Whistle-blower House, Citizens of Conscience Foundation) – virtual Moepeng Valencia Talane (Corruption Watch) Thandeka Gqubule-Mbeki (Rhodes University) |

| | |
|---|---|
| Panel 6: Oversight and accountability: the Role of Parliament | Lawson Naidoo (CASAC) Marianne Merten (Daily Maverick) Monique Doyle (PMG) Wayne Duvenage (OUTA) |
| Panel 7: Implementing the recommendations: proposals on the role of government, civil society, the media and private sector | Themba Maseko, Prof (Wits) Zen Mathe (Open Secrets, CSWG) Erin Bates (Business Day) |
| Closing remarks | Mbongiseni Buthelezi, Dr (PARI) and Lawson Naidoo (CASAC) |

Annexure 2: Articles

Daily Maverick, '[Private sector corruption endemic in SA before Zuma State Capture years — financial analyst](#)' by Ihsaan Haffejee, 6 October 2022.

Business Live, '[Not the rotten apples, not even the orchards — the soil itself is the problem](#)' by Dennis Webster, 6 October 2022.

Daily Maverick, '[Plight of Whistleblowers – SA needs a culture shift and proper legislation](#)' by Ihsaan Haffejee, 29 September 2022.

Business Live, '[All eyes on Ramaphosa's remedies after Zondo's diagnosis](#)' by Dennis Webster, 25 September 2022.

Pillay, D. (2022) '[The Zondo Commission: A bite-sized summary](#)'. PARI resources.

More Zondo Commission Resources: pari.org.za/category/zondo/