

The Role of Whistleblowing as a Mechanism to Prevent State Capture: A Case from the Global South

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Abstract: State capture is a highly problematic phenomenon, with it entailing collusion practices between state functionaries and private individuals to repurpose the state for their own gain. It creeps up in vulnerable states, those that are developing or are undergoing a transition. When it manifests, it drives those vulnerable states to fragility, turning them into vehicles for predation with severely negative consequences for the state's citizens. South Africa was plagued by state capture whilst under the leadership of Jacob Zuma (2009-2018). State-owned enterprises were looted, government contracts were manipulated, and structures intended to serve the public good were abused at the behest of the wrongdoers. This came to the fore because of the disclosures of whistleblowers, who reported the wrongdoing to parties that were able to effect action. They exposed a complex system of collusion, highlighting to the South African public how comprised the state had become. Their actions ultimately led to the removal of Jacob Zuma as president of South Africa, leading to the re-democratization of South Africa. The subject of this paper is, thus, concerned with the role the South African whistleblowers played in combatting state capture. Ultimately, this paper's goal is to present an argument that whistleblowing has the capacity to curb, and even prevent, state capture. However, it must also be added that when promoting the use of whistleblowing as an ethical check, adequate legislative protection for whistleblowers needs to exist, as does the cooperation of the state and civil society when supporting whistleblowers.

Keywords: state capture, whistleblowing, South Africa.

INTRODUCTION

Allegations of impropriety in the South African government and state-owned enterprises (SOEs), under Jacob Zuma's presidency (2009-2018), came to the fore due to the disclosures of whistleblowers (Radulovic, 2023). Whistleblowers are members of an organization that disclose information about perceived organizational wrongdoing to others who can effect action (Near & Miceli, 1985). Advocate Madonsela, the Public Protector² at the time, compiled a report with the aid of whistleblowers' disclosures. The disclosures and Madonsela's report contributed to the promulgation of the Zondo Commission,³ which

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2 An independent state institution established in terms of Chapter Nine of the South African Constitution, in order to safeguard democracy.

3 Officially the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State.



itself produced a report. It established that it was not ordinary corruption plaguing the country, but rather state capture.

While state capture does bear similarities to corruption, it has much worse consequences. Corruption is the abuse of state positions for the purposes of personal gain, and is typically an individual and opportunistic act executed by a loose network of corrupt actors (Bagashka, 2014; Bhorat et al., 2017). State capture distinguishes itself from corruption through its complexity and far-reaching outcomes, as it tends to emphasize the capacity of private actors to intrude on state affairs by exerting control over state policies (Desai, 2018; Fazekas & Tóth, 2016). It is more treacherous than merely lobbying and bribing officials (Desai, 2018). State capture extends to several illegal activities that expand control over the state via significant influence.

If one were to consider a focal point of state capture, one could accept that it is concerned with conducting illicit, illegal, and non-transparent influence over the state (World Bank, 2000). The network attempting to influence the state requires significant structure to achieve its goals. Repeated transactions occur on an organized, systemic, and increasing scale (Bhorat et al., 2017). The corrupt individuals who comprise this network organize themselves around key segments of the state, allowing them to pursue their interests at the expense of the public good (Fazekas & Tóth, 2016). This network accrues the power to “influence the design and adoption of new laws, rules, and regulations”, and the manipulation of the existing ones (Mbaku, 2018: 772). Achieving this outcome requires collusion in redirecting state resources, which is accomplished through the connivance of private actors and captured officials (Desai, 2018; Trantidis & Tsagkroni, 2017).

When state capture reaches severe proportions, the wrongdoers develop the ability to hinder, disgrace and dismantle political opponents with relative ease (Longhurst, 2016). This, typically, results in a challenging political situation and a complicated everyday life for ordinary citizens, one riddled with informal practices and compensatory mechanisms that bypass both jurisdiction and moral standards (Longhurst, 2016). The impact that state capture has on the economy is detrimental. It deters domestic and foreign investment, undermines sustainable growth, and creates obstacles for private enterprises (Smith & Thomas, 2015).

This paper’s subject matter is concerned with the role that whistleblowing can play in combatting, and even preventing, state capture. South Africa is a recent and prominent example of state capture where whistleblowers played a significant role in bringing the phenomenon to the fore. The goal of this paper is, thus, to utilise this case as an example in illustrating the effective role that whistleblowing can have in preventing state capture. This point has been confirmed within the South African context; thus, the paper assumes the transferability of the South African case to other contexts. This assumption would mean that whistleblowing could indeed present itself as an effective preventative mechanism against state capture, in varying global contexts. To attain adequate data regarding state capture and whistleblowing in South Africa, a qualitative approach employing two research methods was utilised. This entailed interviewing participants involved in exposing state capture, as well as conducting a document analysis.



STATE CAPTURE AND VULNERABLE STATES

The concept of state capture emerged during the transitional period in Eastern Europe (Uzelac, 2003; Myburgh, 2017). The term generally remains reserved for countries in the former Soviet Union and developing countries in the Global South (Visser & Kalb, 2010). As state capture constitutes an exceedingly menacing form of corruption, when it manifests in these transitional economies, “it runs the risk of becoming socially embedded and institutionalized” thus making it difficult to maintain democracy and stability (Bester & Dobovšek, 2021: 85). It emerges because a country possesses an inability to achieve sustainable transformation, which itself is the result of contextual factors, structure, and geopolitical competition (Longhurst, 2016). An incomplete process of transformation, riddled with interference and irregularities, only confirms the capture of a state (Uzelac, 2003). Such was the case in post-communist Montenegro, where a hybrid regime, in a state of flux between a system of parliamentary democracy and authoritarian rule, was the result of a failure to fully reorganize its socio-political system (Bieber, 2003).

Even though state capture is more abundant in transitional and developing economies, it is not absent in fully-fledged liberal democracies either. In the contemporary West, state capture manifests under the influence of the financial sector, led by global finance and liquidity (Visser & Kalb, 2010). Western financial corporations disproportionately influence the global banking sector and political structures (Visser & Kalb, 2010). In the US, financial institutions influence policies because of their control over state finance (Visser & Kalb, 2010). Western European banks have used a similar anchor model to influence European states (Visser & Kalb, 2010).

Since countries undergoing transition are acutely susceptible to state capture, they are also typically in a position of vulnerability, South Africa proving testament with its post-apartheid transition. As the country was undergoing a transition, it appeared to be experiencing a fragile stability (Beall et al., 2005). The cause of this fragility stemmed from a myriad of social problems – poverty, chronic unemployment, a raging HIV/AIDS epidemic, personal insecurity, and property insecurity (Beall et al., 2005). The social fractures of apartheid remained, and new fractures emerged under African National Congress (ANC) rule (Beall et al., 2005).

The country was fortunate not to descend into open and full-scale civil war, with it being dubbed a miracle political transition. However, this peaceful, negotiated transition was, in fact, tainted by widespread violence (Kaufman, 2017). It was political violence that was not simply scattered, but it involved the implementation of distinct military strategies (Kaufman, 2017). Black political parties, the Inkatha Freedom Party (IFP) and the ANC, jostled for support leading up to the democratic transition. Members of the parties clashed, which resulted in the deaths of several supporters from both sides, with violence surging in the face of the election and continuing into 1995 (Kaufman, 2017). As such, South Africa was still relatively stable, yet deepening societal problems contributed to social instability. Moreover, stability achieved through the ANC’s single-party political dominance made that stability more fragile (Beall et al., 2005). Due to this fragile stability, Beall et al. (2005: 698) determined that South Africa was in a transient and low-level “tenuous equilibrium”.



Fragile stability deepened with time, and Greffrath (2015) concluded that South Africa was approximating a dysfunctional state. Greffrath's (2015) findings showed that the ANC's interests superseded the interests of the state and the public good; the state struggled to resolve socio-political problems before they escalated to anti-systemic issues; and adherence to political ideologies and doctrines came at the cost of transparency, human rights, and the public good. Greffrath's (2015: 354) forecast was that a "further decay in the capabilities of the South African state" was likely to arise. This would occur due to the depth of state dysfunction and because entrenched regimes oppose democratic political change (Greffrath, 2015). Such state dysfunction inevitably leads to dire consequences. A guide that directs urgent attention towards such issues is the Fragile States Index.

The Fragile States Index scores countries on the basis of political, social and economic indicators (New Humanitarian, 2019). Currently, the Fragile States Index (2023) ranks South Africa within the 'warning' category (with a score of 72 out of 120), which should serve as an alarm. The Fragile States Index was formerly called the Failed States Index, but the use of the Failed States Index terminology gathered controversy which resulted in the name change in 2014. The reason for the change was that it more suitably reflected the continuum of state progress (Pickering, 2014). Chomsky (2007: 1) deems that a failed state has an "inability or unwillingness to protect their citizens from violence and perhaps even destruction". The powerholders in a failed state tend to regard themselves beyond the confines of domestic and international law (Chomsky, 2007). A failed state experiences civil conflicts that have fragmented government institutions, deteriorated citizen security, and brought about economic recession (Nay, 2013). As such, a failed state is permanently subjected to instability (Pickering, 2014). Essentially, such terminology suggests a degree of finality with regards to the future of the state. Whereas the fragile state is one where the legitimacy, authority and ability of state institutions are weak, but can improve (Nay, 2013; Pickering, 2014).

However, what characterizes both failed and fragile state terminology is that the function of the state is significantly impaired. What transpires when a state is faced with such problems is state implosion (Bates, 2008). Two factors drive this implosion. First, what occurs is the transmutation of the state into a vehicle for predation (Bates, 2008). To engage in predatory behaviours, politicians use their political capital to enlist others that possess sought-after resources instead of using that power to enhance the state's security (Bates, 2008). They promote their own interests at the expense of the citizens' interests, who are now rendered insecure (Bates, 2008). The second factor is the "loss of the monopoly over the means of coercion" (Bates, 2008: 2). This loss occurs due to the contestation for political power between parties that now bear arms (Bates, 2008). Political parties, then, transform into political militias. Private firms and citizens seeking security and protection affiliate with these militias because the state no longer provides security (Bates, 2008). Evidently, the descent into state failure has grave consequences for the citizens of that state. Total erosion of the rule of law occurs, as does a destruction of the state.

In Africa, several countries have experienced such a descent. The Democratic Republic of Congo (DRC) is considered a failed state grappling with a long history of state capture (Mbaku, 2018). The DRC's natural resources have been used by political powerholders (with connections to multinational corporations) for private benefit (Mbaku, 2018). They abuse the DRC's natural resources to secure their positions and further embed the power



of the regime (Mbaku, 2018). Guinea is also struggling with the destruction that a failed state brings, with the country's problems further compounded by mining corporations executing the capture (Mbaku, 2018). The public officials of Guinea have received bribes from selling access to the country's natural resources to foreign investors (Mbaku, 2018). The South African scenario is not as dire, yet warning signs are present that signal toward this descent.

THE SOUTH AFRICAN CONTEXT

The ANC was elected as the ruling party, after people of all races were allowed to vote. Over time, the ANC cemented itself as the most significant political force in South Africa, having won every election since 1994. But a silent coup occurred that “removed the ANC from its place as the primary force for transformation” (Bhorat et al., 2017: 2). This coup's core consisted of a relatively small collection of individuals and companies connected to the ANC leaders. The Guptas are a family that forms an integral part of this network.

Ajay, Atul and Rajesh Gupta immigrated to South Africa, from India, in 1993 (Pauw, 2017). The Guptas quickly established relationships with ministers in the South African government (Myburgh, 2017). By 1998, the Guptas and Zumas entered into a mutually beneficial association (Basson & du Toit, 2017). The Guptas had, at this very early stage, backed Jacob Zuma for presidency (Basson & du Toit, 2017). Jacob Zuma's son, Duduzane, also benefitted from his father's relationship with the Guptas (Basson & du Toit, 2017).

Desai (2018: 499) determined that the influence of the Guptas over the state “consisted of an entanglement of friendship and economic ties between the members of the Zuma and Gupta families”. The Guptas, through the interwoven friendship ties with the Zuma family, were able to accrue influence over state decision-making (Desai, 2018). Thus, the Guptas accrued immense political power due to this relationship. This power made them benefit economically, with the Guptas being able to secure lucrative government contracts (Desai, 2018). Jacob Zuma allowed his son and the Guptas to be involved in removing of ministers (Desai, 2018). Nhlanhla Nene was fired from the post of Minister of Finance by Jacob Zuma as he was opposed to a nuclear programme, and other schemes, that would have benefitted the Guptas (Ntsabo, 2019). Even government advertising was intentionally redirected towards the *New Age* newspaper and ANN7 television channel, both Gupta-owned businesses. ANN7 was used as a political propaganda tool for the Guptas and their associates whilst simultaneously draining taxpayer money (Sundaram, 2018).

The Zondo Report established that South African Airways (SAA) had been destroyed by SAA's former chairperson (a close ally of Jacob Zuma) by re-engineering aircraft leasing agreements, and perverting the organization's procurement and treasury sections (Zondo, 2022a). The Report also detailed how the Gupta's *New Age* newspaper captured the Government Communication and Information System to secure advertising deals and funding (Zondo, 2022b). The South African public procurement system was identified as flawed, thus being one of the main contributing factors that made state capture possible (Zondo, 2022c). The Zondo Commission and Report also revealed the importance of whistleblowers in exposing state capture.



METHODS

A qualitative approach encompassing two research methods was used to acquire the data for this study. Semi-structured interviews were the dominant information source for this study. This entailed conducting interviews with South African whistleblowers, documenting their contributions to exposing state capture. Members of civil society organisations that supported whistleblowers provided further insight to the contributions they made. All participants gave informed consent. Fourteen participants were interviewed, namely: six whistleblowers; two non-governmental organization (NGO) members; five journalists; and a law firm representative. Non-probability sampling was used, with purposive sampling serving as the initial sampling form. The initial sample of seven participants was expanded on by using snowball sampling, in order to access additional participants. Document analysis was utilised as an additional research method, relying on news articles, books detailing state capture in South Africa, official documents and academic research.

THE ROLE OF WHISTLEBLOWERS IN EXPOSING STATE CAPTURE IN SOUTH AFRICA

The role of whistleblowers in exposing state capture in South Africa was varied, but all of their contributions exposed the corrupt relationships between private actors and public servants. It was with the Gupta Leaks that state capture made its way into the everyday vocabulary of South Africans. Stan and John are two anonymous whistleblowers whose disclosure of information comprised the Gupta Leaks (Davis, 2018). Stan and John came into possession of more than 300,000 emails contained on three Gupta-owned Sahara company hard drives (Dlulane, 2018; Ramphele, 2018). The emails document correspondence between the Gupta family, Duduzane Zuma, the heads of SOEs, and major companies (Ramphele, 2018). These emails proved crucial as they detailed the illegal activities of the Gupta family, exposing the corrupt relationships the family had with government officials (Head, 2018).

The two whistleblowers were fearful of making the disclosure to law enforcement agencies, as they did not trust them. They opted to rather make a public disclosure to journalists (Ramphele, 2018). What ensued was a collaborative investigative journalism effort by *amaBhungane*, *Daily Maverick* and *News24* (Sehloho, 2018). The journalists decided to name this exposure the Gupta Leaks. Brian Currin, a prominent South African lawyer, presented the hard drives before the Zondo Commission as evidence (Ramphele, 2018). The emails served as key evidence at the Commission.

Another case involved Mcebisi Jonas, who was offered the Minister of Finance Cabinet position by the Gupta family. He declined this offer, and issued a media statement of these allegations. Nhlanhla Nene was removed as the Minister of Finance during this period and replaced by David 'Des' van Rooyen. Prior to his appointment, Des van Rooyen was a pliable ANC member, who served as a mayor of a small municipality (Basson & du Toit, 2017). Speculations abounded that the decision to replace Nene followed on Nene's resistance to the proposed nuclear programme and similar schemes that were to advantage the Guptas. Van Rooyen was appointed as he would be open to manipulation. Telephone re-



cords indicated that the Guptas and van Rooyen were in contact around this time (Basson & du Toit, 2017). Following on Jonas' revelations, Vytjie Mentor disclosed that members of the Gupta family offered her the position of Minister of Public Enterprises at their home in Johannesburg, in the presence of Jacob Zuma. The offer to Mentor came with the price of making decisions that would be favourable to the Gupta-owned businesses (Madonsela, 2016). Additionally, Themba Maseko, whilst occupying the position of the CEO of the Government Communication and Information System, alleged that Ajay Gupta tried to coerce him to direct government advertising to the Gupta's private newspaper, *The New Age*. He refused to comply and blew the whistle on the Guptas by making a written submission to the ANC. He also told the *Sunday Times* newspaper that Jacob Zuma had asked him to aid the Gupta family (Madonsela, 2016; Shoba, 2018).

The Public Investment Corporation (PIC), a South African SOE responsible for the investment of government pensions, was also subjected to capture, with the ANC intending to misappropriate more than R1.8 trillion of pension money managed by the PIC (Mahlaka, 2019b). Dan Matjila (then-CEO of the PIC) was at the centre of the allegations, being accused of "approving deals based on favouritism rather than commercial viability" (Mahlaka, 2019a). The accusations regarding Matjila arose out of an email sent by an anonymous whistleblower using the pseudonym 'James Nogu'. Nogu accused "various board members and management of impropriety and corruption delving into their personal lives" (Dlamini, 2019). A second email alleged that the CEO was financing his girlfriend from the PIC budget.

Simphiwe Mayisela was tasked with forensically identifying the origin of the emails. He needed to release the mails to himself in order to conduct the investigation. To achieve this, Simphiwe required super admin privileges on the Mimecast cybersecurity platform in order to grant him access to high-level information. He formally opened a case with the Hawks⁴ to gain this access. The office of the Provincial Commissioner of the South African Police Services indicated interest in the case that he had opened. He had a meeting with them, and they commended him on opening a corruption case against the CEO. He was perplexed and responded that his intention was to obtain a Section 205⁵. In response, the police stated that they interpreted the situation differently and requested his cooperation in the matter. He agreed and was granted a Section 205 and, subsequently, super admin privileges. This access enabled him to view some of the emails intended for the CEO, as well as all of the Nogu emails. The contents of the emails contained serious accusations about the CEO exploiting PIC funds by directing them towards girlfriends, and irrational staff increments and bonuses. He saved all of this information on his hard drive and provided it via email and CD to the police. Simphiwe's disclosure contributed to the launching of the PIC Commission, which was established to investigate improprieties within the organization.

Another SOE, SAA, was riddled with a significant debt and was seeking a R15 billion loan. BNP Capital was hired as a transaction advisor to restructure SAA's balance sheet. Cynthia Stimpel recalled that this was unnecessary as SAA had a finance department together with internal auditors, external auditors and National Treasury addressing this. The board members at SAA were adamant of pushing through a R256 million deal with BNP Capital for

4 A special unit established to investigate organized crime and corruption.

5 Section 205 of the Criminal Procedure Act 51 of 1977 is often used by national intelligence agencies and police crime intelligence to apply before a magistrate for clearance of the retrieval of information relating to an alleged offence.



these advisory services. Cynthia felt that the entire board resolution regarding this matter was completely irregular. She was on holiday when her colleague signed a document to approve the BNP deal (Stimpel, 2021). She immediately wrote to the Deputy Directors of Finance at the National Treasury in an attempt to stop the BNP transaction going through (Stimpel, 2021). With no action taken by the National Treasury, Cynthia wrote an email to three banks, of which two responded. She requested a quote for the same service that BNP Capital was to provide. The quotes came in significantly lower than what BNP Capital was requesting. She collated these data, presented them to the board and the CFO, and requested that the BNP deal not transpire. Days later, the BNP deal had been approved.

The decision was pushed through without a board meeting occurring, thus indicating to Cynthia they were adamant to process the deal. Cynthia wrote a letter documenting all of her findings in chronological order. She followed the internal whistleblowing process via an SAA hotline available and was then told to submit her evidence physically. She submitted it to two Executive Managers. After following the internal whistleblowing process to no avail, she took the external route using the NGO Organisation Undoing Tax Abuse (OUTA). Cynthia was suspended because of her actions (Stimpel, 2021), though she and OUTA were able to stop the BNP transaction from occurring with a court interdict (Stimpel, 2021).

The private sector's involvement was crucial in capturing the state. Mosilo Mothepu (2021) was a banker at Regiments Capital. When she joined Regiments, it employed six people. The company had only one client – the City of Johannesburg, a metropolitan municipality deep in debt. Mosilo left Regiments Capital after five years, only to return to the company in 2015 (Mothepu, 2021). At this stage, the company numbered 250 employees. This situation was surprising as banks were retrenching and the construction sector was contracting, yet Regiments was growing. Mosilo questioned how Regiments grew during such a period. She was told that they had a relationship with business development partners, in particular, Salim Essa. Essa was, in fact, a close associate of the Gupta brothers.

A split, then, occurred between the partners of Regiments, which led to a separation of Eric Wood from the other two partners, and a move of the employees in the advisory division of Regiments to Trillian Capital Partners. Mosilo was promoted to CEO and Executive Director in Trillian Financial Advisory (a section of Trillian Capital Partners). Eric Wood wanted to take over Regiments Advisory as it contained contracts with various state-owned enterprises. Essentially, Wood took the people, contracts and liabilities from Regiments Advisory and transferred them to Trillian. According to Mosilo, Trillian was supposed to agree on a purchase price for the transfer but the negotiations were terminated. Mosilo found out about the termination of the negotiations, and that legal invoices to be processed for work done on behalf of Regiments by Trillian were backdated and the work was, in fact, not done.

With these revelations, Mosilo decided to resign from Trillian on 22 June 2016 with immediate effect (Mothepu, 2021). She later broke her silence and blew the whistle to the Public Protector. While on vacation, Mosilo was reading the South African news. She read that the Public Protector, Advocate Madonsela, was conducting an investigation into state capture. She realized that she would be able to help Madonsela, recognizing the terms of reference and some of the issues under investigation. Returning to Johannesburg, she made her disclosure to the Public Protector (Mothepu, 2021).



Her disclosure was supported by Bianca Goodson's subsequent disclosure. Bianca held the position of CEO of Trillian Management Consulting, one of the Trillian Capital Partners' subsidiaries (Wiener, 2020). Bianca and Mosilo Mothepu were good friends. In March 2016, she went to Mosilo's office to discuss a business-related issue. They became knowledgeable that their superiors, the owner Eric Wood and Gupta-linked businessman Mohamed Bobat, were involved in the appointment of a new finance minister. Bianca and Mosilo realized that this was highly unethical. That same week "Bianca was instructed to open a Bank of Baroda account for Trillian and sign personal surety on hundreds of millions of rands", which she felt was unprincipled (Wiener, 2020). Bianca resigned from Trillian the following day (Wiener, 2020). Five days later an article was published by the *Mail & Guardian* newspaper implicating Trillian in state capture.

In October of 2016, Bianca received a telephone call from the Public Protector's office. Mosilo had given Bianca's details to the Public Protector (Wiener, 2020). Bianca wrote an extensive statement with information regarding the dubious deals at Trillian and gave it to the Public Protector (Wiener, 2020). She disclosed that Trillian had invoiced Eskom (South Africa's electricity public utility) for approximately R420 million for consultancy work, an apparent unethical business transaction (Basson & du Toit, 2017). Thereafter, she testified in Parliament's public enterprises' committee inquiry into Eskom.

Another private firm, Bosasa (headed by Gavin Watson), was also crucial in executing state capture. Bosasa was responsible for catering for South African Correctional Services facilities, through which it had captured elements of the state over two decades (Styan & Vecchiatto, 2019). The leadership of Bosasa achieved this through bribery, just as they had previously done with the South African Post Office and the Airports Company South Africa (Styan & Vecchiatto, 2019). Angelo Agrizzi was operating as Bosasa's COO (Styan & Vecchiatto, 2019). He kept a written record with encoded messages of the people that Bosasa was bribing and the value of the bribes (Styan & Vecchiatto, 2019). Bosasa had bribed influential ANC members as well as civil servants, using not only money to bribe officials, but also luxury gifts and expensive alcohol (Styan & Vecchiatto, 2019). They bribed for the purposes of securing a tender, but also for political protection that would shield them from prosecution (Styan & Vecchiatto, 2019). Due to these illicit activities, Bosasa had gained preferential treatment when being awarded government contracts.

Over time, Agrizzi became disillusioned and on 21 August 2018 he sent out an email to 18 recipients (Styan & Vecchiatto, 2019). As a consequence of his disclosure, the head of the Zondo Commission's legal team introduced Agrizzi as a whistleblower in early 2019. He testified at the Zondo Commission about Bosasa's involvement in state capture through the bribing of state officials, directly implicating Jacob Zuma and the ANC (Styan & Vecchiatto, 2019).

The aforementioned disclosures culminated in a significant socio-political change for South Africa. The whistleblowers' testimonies ultimately led to Jacob Zuma being compelled to vacate his position as the president of South Africa. With Zuma's departure, the network that was responsible for the capture of the state lost its stranglehold over the country. Thus, the actions of whistleblowers resulted in the re-democratization of the state. It is, therefore, evident that whistleblowing acted as a positive change catalyst in South Africa.



CONCLUSION

State capture under Jacob Zuma's regime crippled South Africa. SOEs were looted, state officials worked exclusively for their own gain and not in the public interest, and, as a result, the ordinary citizens suffered immensely. The disclosures of South Africa's state capture whistleblowers undeniably set an impetus for positive socio-political change. Their disclosures brought state capture to the fore and led to the removal of Jacob Zuma as the president of South Africa. The outcome was a testament to the use of whistleblowing as a mechanism to combat corruption and state capture. The fact that whistleblowers have been credited in official government reports supports this notion. Therefore, the case of South Africa sets a precedent in the large-scale use of whistleblowing to expose malfeasance in government. Furthermore, whistleblowing should be encouraged all over the world as a tool to advance democracy through combatting corruption and capture by ensuring that corrupted public officials and private corruptors are held to account. The subject of this paper, the South African case of state capture and the role of whistleblowers in exposing it, should serve as an example for other countries struggling with state capture. The subject also confirms the paper's goal – that whistleblowing can be used as an effective mechanism to prevent state capture, in varying contexts.

However, it must be noted that the cost of exposing state capture has been immense for South African whistleblowers, with them often being left to fend for themselves. Thus, if a state were to encourage the prevention of corruption and state capture via the use of whistleblowing, it would need to ensure that adequate legislative provisions are in place to afford whistleblowers effective protection. This is, unfortunately, not the case in South Africa. There are several global instruments which could be used as a guideline for the reinforcement, or establishment, of whistleblower protection legislation. But, since passing and implementing legislation is a protracted process, there would need to be interim measures in place to provide whistleblowers support in the absence of adequate legislation. In South Africa, this could very well be a Chapter Nine institution, akin to that of the Public Protector but solely concerned with supporting whistleblowers. Such a model could, of course, be implemented in countries across the globe in the form of an independent state institution. What is of utmost importance, however, is that the state cooperates with civil society to aid and protect the current and future whistleblowers. This would ensure higher rates of reporting on capture, whilst offering whistleblowers some peace of mind.

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