



Conduits of Political Corruption and Patronage in South African Government

Sandiso Mahlala¹; Lusanda Juta¹; Lewis Chigova¹; Abongile Zweni²

¹North -West University, South Africa

²Sol Plaatje University, South Africa

E-mail: sandiso.mahlala@gmail.com

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Abstract

Anecdotes of corruption and clear-cut lines of patronage in political parties and the government are frequently featured in South African newspapers and news media. Such graft and favouritism have institutionalised themselves more and more, resulting in the phenomenon of governmental capture and the diversion of Covid-19 relief monies. In order to further their own interests, political elites and those working in the public and private sectors influenced government decisions in this way. This paper presents examples of state capture, Covid-19 corruption, and patronage, as well as how these have a negative impact on broader governance and society at large. The fact that such corruption and patronage are occurring at a time when the South African economy is stagnating is particularly troubling since it implies that more people are getting less and raises concerns about the country's future political stability. This article further examines how party patronage as one method by which political parties exploit the state. The conceptual nature of the study is supported by a survey of the relevant literature from a range of sources, such as government regulations, media excerpts, and scholarly works.

Keywords: *Political Corruption; Political Patronage; Special Investigative Unit; State Capture; Covid-19; Corruption; South Africa*

Introduction

Grey listing has been the buzzword of the day in South Africa, following a 2019 evaluation by the Financial Action Task Force which polices compliance with anti-money laundering and terror-financing measures, it concluded that South Africa fell short of satisfying all 11 of the FATF's effectiveness measures to combat money laundering and terrorism funding. Those conclusions came after a nine-year period of widespread bribery under former President Jacob Zuma. Furthermore, corruption was so rampant under former President Jacob Zuma that South Africa was captured by the Gupta Family, which

had close relations to the President, and on who should be assigned to which positions in the cabinet ministry. This demonstrates how individuals or groups in the public and private sectors influence government policies for personal gain. State capture in South Africa has been estimated by government to have cost the country up to R 250 billion (US\$ 17 billion) between 2014 and 2017 and reduce the country's GDP growth rate by an estimated 4% a year (The Citizen, 2017). However, the fact that such state control occurred at a time when the South African economy was and still is faltering is particularly troubling because it implies that more people are getting less and raises concerns about the country's future democratic stability.

However, for the purposes of this paper, conduits of political corruption and patronage in South African government go beyond state capture; there have been a series of misconducts, maladministration that led to corruption and unethical accountability within government apparatuses such as the Covid-19 personal protective equipment procurement (PPE) scandals. As a result of the incident, Dr. Zweli Mkhize was subjected to the African National Congress's step aside rule (ANC). Mkhize was found to have influenced the awarding of the tender to Digital Vibes by the Special Investigative Unit (SIU), and he was also accused of violating the Public Financial Management Act 9 (Tandwa, 2021). As a result, the Department of Health spent R150 million "irregularly and fruitlessly," which was paid for by Digital Vibes. For the purposes of this research study, the scandals that have been emphasised are not the only scandals that expose the channels of political corruption and political patronage in the South African government; rather, they are merely the proverbial tip of the iceberg.

According to the SIU procurement, Public Protector, the Zondo panel, and the Auditor General's report 2021 to 2022 which the paper will unpack will reveal, how such conduits have caused a slew of problems for South Africans, including poverty, extreme inequality, and a 32% increase in unemployment. Furthermore, such conduits have resulted in the state disaster of Eskom, South Africa's main power supplier of electricity, which is handicapping the country as businesses lose earnings, leading in increased employee retrenchments, adding to the country's already high unemployment rates. This appears to be a reoccurring issue for South Africa, as the corruption index ranks the country at 43, highlighting the high impact of corruption in the SA government and as a whole.

The following section of the paper will give an overview of the state of political corruption in South African government.

Political Corruption and Patronage in South Africa

According to Mahlala, Mpehle and Netswera (2022), in their paper "Senior political personalities' impacts on public sector ethical leadership perceptions and practices" are of the view that, untrustworthy leadership, corruption, and poor administration are three key ethical issues in the public sector/service that prevent citizens from using public services. This view by these academics is based on the fact that, those that are political and government heads have been at the centre of corruption charges in South Africa. Corruption in SA has harmed the overall state performance, administrative services, and, more crucially, economic and political progress. Corruption is not just a serious impediment to South Africa's democratic endeavours, but it is also likely the most significant element undermining its economic growth and democratic consolidation. As a result, the institutions of government are clearly exposed to all the compromising forces that distort the essence of good governance, public service, and a sense of public morality, which are fundamental to every state (Mafunisa, 2007). This makes South Africa move a step further to achieving the goals articulated in its most recent National Development Plan (NDP 2030) that envisages building a capable, ethical and developmental state.

While the focus of this section is mostly on political corruption, it is crucial to distinguish between political patronage and political corruption because both are found inside government institutions such as the legislature, courts, government bureaucracies, and the executive. In studying particularly, the

context of political corruption, as Gaston's (2005) pointed out, political corruption has attracted substantial attention internationally. Although its existence is acknowledged around the world and throughout history, it is plainly more widespread in some communities than in others, and more common at some points in a society's evolution than at others. This paper agrees with Gaston (2005) when he says that political corruption is the use of state resources for personal gain or political legitimacy. It is the use of entrusted power for personal gain by political leaders with the goal of gaining power or fortune. However, political patronage is the appointment or hiring of a government official based on partisan loyalty. Elected officials at the national, provincial, and local levels of government, utilise such appointments to thank those who assist them gain and keep their positions. This paper is of the view that both political corruption and patronage played a big role in advancing the state of corruption in South African government.

The following section will provide evidence on political corruption and patronage in the South African government.

Evidence on Political Corruption and Patronage in the South African Government

Corruption undermines trust, undermines democracy, stifles economic development, and exacerbates inequality, poverty, social division, and the environmental disaster. Moreover, the UN (2022) views corruption as a multifaceted social, political, and economic issue that affects every country. Corruption undermines democratic institutions, stifles economic growth, and contributes to political instability. Corruption undermines democratic institutions by distorting electoral processes, perverting the rule of law, and creating bureaucratic quagmires whose sole purpose is to accept bribes. Foreign direct investment is discouraged, and small enterprises within the country frequently find it impossible to overcome the "start-up expenses" required due to corruption. However, the focus of this article and section will be on bringing previously undocumented information on political corruption and patronage in South African government, at a time when inequality, high unemployment, and poverty are on the rise.

On March 16, 2016, Mcebisi Jonas (Former Deputy Minister of Finance) confirmed on South African national television that the Gupta brothers (Atul and Ajay), who were not only Zuma's friends but also business partners of his son Duduzane Zuma, had allegedly offered him the position of Minister of Finance (Rapanyane, 2021). This occurred before to Nhlanhla Nene's (Former Finance Minister) dismissal in December 2015, when he was replaced by Des van Rooyen (Former Minister of Finance). Earlier in 2015, Zuma was forced to replace Van Rooyen as Finance Minister with Pravin Gordhan (current Minister of State Enterprise) (Hogg 2015). Furthermore, Nene's dismissal fuelled speculation that Zuma's power to choose and remove Ministers had been substantially influenced by the Gupta brothers (Munusamy 2018). In 2016, Zuma received an appeal to investigate several accusations, including a suspected violation of the Executive Members' Ethics Act (1998) by Zuma surrounding the nomination of Cabinet Ministers, Director Generals (DGs) in government departments, including those in State-Owned Companies (SOEs) Rapanyane (2021). Moreover, the awarding of State contracts to corporations affiliated with the Gupta brothers, particularly in relation to the country's power provider Eskom (Mbatha 2016). Gordhan and Jonas were fired as Minister of Finance and Deputy Minister in a cabinet reshuffle on 30 April 2017, and were replaced by Malusi Gigaba as Finance Minister and Sifiso Buthelezi as Deputy Finance Minister, respectively, in a major rotation (Eyewitness News 2017). It is also worth noting that the timing of Gordhan's departure sparked intense scholarly and popular debates concerning State Capture. Others demonstrated their own concept of State Capture by contending that the State was made up of three organs: the Executive, the Judiciary, and the Legislative, as Zuma stated (Ngoepe 2020). It is hardly a stretch to ascribe South Africa's socioeconomic woes over the last decade to some of the consequences of State Capture. This is to suggest that the country experienced and continues to experience significant levels of unemployment, poverty, and inequities (Mahlala, 2022).

Based on the foregoing research and data, the article believes that such quandaries have also opened floodgates for the current President Cyril Ramaphosa, whose reign was supposed to be predicated on cleaning up corruption. This has proven untenable because he is also facing impeachment for money laundering on his Phala Phala gaming farm. On 3 June 2022, Ramaphosa was charged with theft of a huge quantity of money from his Phala Phala game property in early 2020 by Arthur Fraser, the former director general of the State Security Service. As Fraser brought the incident to light, it became public information and the subject of a formal police investigation. At the request of the African Transformation Movement, the Public Protector's office has been investigating whether Cyril Ramaphosa breached the Executive Ethics Code in regard to the theft of thousands of US dollars on his Limpopo property (ATM) IOL (2023). However, Ramaphosa disputed any wrongdoing and sought judicial review of a report issued in 2022 by a South African Parliament-appointed panel that accused him of "serious misconduct. This has led to, Opposition parties being outraged when the South African Revenue Service (SARS) discovered that there is no record of Hazim Mustafa, the Sudanese businessman who paid \$580 000 in cash to President Cyril Ramaphosa's Phala Phala farm in December 2019, declaring the money he brought into the country (News24, 2023). The forum of political parties, which includes the Democratic Alliance (DA), Economic Freedom Fighters (EFF), and African Transformational Movement (ATM), is pushing for Ramaphosa to be held accountable for the robbery at his Phala Phala estate in Limpopo in February 2020. This paper believes that, at a critical juncture in our democracy, the rule of law, which holds all persons accountable, must be seen to be effective. This article also criticises the fact that there is a poor track record of executive branch members being held accountable for their conduct, and there is much too much evidence of people acting with impunity. It is critical that the president, as the highest position in the land, adheres to the same norms and procedures as everyone else.

The following section of the paper will focus on the conduits of corruption in South Africa, which will dovetail on special investigative unit reports on PPE procurement. It will also look into political heads who have resigned as a result of the ANC step aside rule because they have fallen on the bandwagon of corruption.

High Profiled Political Elites on Corruption Bandwagon

The National Prosecuting Authority (NPA) has charged ANC Secretary-General Ace Magashule in connection with the R255-million Free State asbestos scandal. Magashule has been charged with fraud, corruption, and money laundering in connection with a 2014 contract awarded to the Blackhead Consulting joint venture (JV) by the Free State Department of Human Settlements to audit and remove asbestos from homes (Nicholson, 2021). However, Magashule stated that there was no evidence of a legitimate case against him in the docket, leading him to conclude that the trial was a politically motivated "fishing expedition" aimed at discrediting him and removing him from the ANC. For the purpose of this paper, the authors have provided evidence on the above so-called accusation so as to unpack the conduits of political corruption and patronage in the SA government. According to Myburgh (2019), when Magashule became premier, he feigned that he wanted RDP houses to be larger than they had previously been. On the surface, this appears to be pro-poor and progressive. Yet, as Myburgh (2019) explains, the true goal became evident very quickly. It merely permitted Magashule to demand that fresh tenders be offered while denying access to current companies that had already been evaluated as competent to deliver low-cost housing. Around one billion rands, for example, would be divided between a variety of new contractors, the majority of whom were a network of beneficiaries connected to the premier, between 2010 and 2011.

In the end, the poor suffered: socio-economic rights such as the justiciable entitlement to the progressive realisation of housing were trampled on, while people close to Magashule, such as Rachele Els, an old friend of his from Parys, and soccer boss Mike Mokoena (who would prove himself useful when political donations were needed, such as in 2014, according to a source cited by the author, when

Magashule called on him to donate towards the ANC's elections campaign by Magashule was and continues to be no friend of the poor. In truth, he is an opponent of the poor Myburgh (2019). Magashule, who is, without a doubt, a dangerous constitutional delinquent. Even his family members, like his daughter Thoko Malembe, received contracts from the FSHS through a firm called Unital amounting to 150 million, in which she owns 30% of the company that received the tender.

The Fall of State Entities Due to Corruption

Despite several legislative frameworks established to combat corruption in South African state entities, corruption remains their existential threat. The noteworthy ones include the Investigation of Serious Economic Offences Act No. 46 of 1995; the Executive Member's Ethics Act No. 82 of 1998; the Public Finance Management Act No.1 of 1999; the Protected Disclosures Act No. 26 of 2000; the Public Audit Act No. 25 of 2004; the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 and the Public Administrative Management Act No.11 of 2014. These legal frameworks are complemented by various policy frameworks such as the Code of Conduct for the Public Service 1997, the Public Service Anti-Corruption Strategy 2002, and the Public Sector Integrity Management Framework 2013.

Regardless of the comprehensive legislative and policy frameworks in South Africa, the fall of state entities in South Africa due to corruption remains a complex issue that has been ongoing for many years. Corruption has devastated the South African economy and society, leading to the collapse of state entities and widespread public disillusionment (Mlambo & Masuku, 2020). Even though state corruption has long roots in South Africa, in the post-apartheid era, corruption has become endemic in government, with public officials using their positions to enrich themselves and their families rather than serving the public interest. As Bracking (2018) succinctly notes, insofar as political corruption is not new in post-apartheid South Africa, the ten-year Zuma government marked a shift from political corruption through kickbacks and contracts for relatives to a more structural pattern of systematic capture of the state with impunity. The most high-profile widely-reported example of corruption in South Africa in recent years has been the scandals surrounding the Gupta family, who were accused of using their close ties to former President Jacob Zuma to influence government decisions and secure lucrative contracts with state-owned enterprises. The 2016 State of Capture Report investigated complaints of alleged improper and unethical conduct by the president and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of ministers and directors of State Owned Entities (SOEs) resulting in the improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses (Public Protector, 2016). The Gupta scandals, along with other blatant corruption cases emanating from malpractices by public officials, have resulted in the downfall of several state entities, including Eskom, South Africa's national electricity provider, Transnet, the country's rail, port and pipeline operator and South African Airways, the nationally owned air carrier.

Corruption and the Downfall of SAA

South African Airways (SAA), the national airline, has faced severe financial difficulties for the past decade, leading to its placement under business rescue in 2019 due to mounting debts and losses. Corruption has played a significant role in the airline's demise, with numerous reports highlighting malfeasance and mismanagement. In 2017, the Auditor General noted a flawed procurement system in SAA where, for example, goods, works, and services were procured in a way that is not fair, equitable, transparent and competitive as required in Section 51(1a) (iii) of the Public Finance Management Act (Auditor General, 2017). Further, in 2016, the country's public protector investigated SAA and found that the airline had unlawfully awarded a lucrative contract to a company owned by the Gupta family, who have been implicated in several corruption scandals in South Africa (Public Protector, 2016). The contract was worth millions of rand, and it was discovered that due process was not followed in awarding it.

Furthermore, since 2016, three state commissions have investigated allegations of corruption and mismanagement at SAA, revealing numerous instances of wrongdoing. Firstly, the 2016 report by the Public Protector found that SAA had unlawfully awarded a catering contract to LSG Sky Chefs without following proper procurement procedures, leading to a recommendation for disciplinary action against those responsible and a National Treasury investigation (Public Protector, 2016). Secondly, the 2017 report by the Auditor-General uncovered irregular expenditures of over R5 billion between 2015 and 2016 (Auditor General, 2017). The report revealed that SAA had failed to follow proper procurement processes, leading to contracts being awarded without competitive bidding. The report also highlighted inadequate financial controls, resulting in wasteful and fraudulent spending.

Thirdly, the 2018 Judicial Commission of Inquiry into State Capture report, led by Deputy Chief Justice Raymond Zondo, found that SAA had been a key target of state capture (Republic of South Africa, 2022a). The report found that the Gupta family had used their close ties to former President Jacob Zuma to influence the appointment of senior executives and secure contracts for their own companies. Additionally, the report revealed that SAA had been poorly managed, with a lack of accountability and oversight leading to significant financial losses. It was further recommended that former high-ranking SAA officials be investigated for fraud and corruption committed during the tenure of the airline's ex-chairperson, Ms Dudu Myeni (Republic of South Africa, 2022a). These reports highlight SAA's extensive corruption and mismanagement, which have contributed to its decline and financial losses. They underscore the need for stronger governance and accountability mechanisms in state-owned enterprises to prevent corruption and ensure effective management.

Corruption at Eskom

The state-owned electricity provider Eskom has also been hit hard by corruption allegations. In recent years, the company has been embroiled in a number of scandals, including allegations of kickbacks and irregularities in contracts with suppliers. In 2018, it was revealed that a company owned by the Gupta family had received billions of rand in contracts from Eskom, despite not having the necessary expertise or experience (Republic of South Africa, 2022c). This led to a public outcry and the resignation of several senior executives at Eskom. The company's financial problems have also been exacerbated by mismanagement and inefficiencies.

The state-owned electricity utility in South Africa, Eskom has been plagued with corruption allegations and investigations for many years. Some of the major reports on corruption at Eskom include the following. Firstly, the 2016 "State of Capture" report by the South African Public Protector's Office investigated allegations of state capture by former president Jacob Zuma and his associates (Public Protector, 2016). The report alleged that Eskom executives and board members were involved in corrupt activities with the Gupta family, a wealthy Indian business family with close ties to Zuma. Secondly, in 2019, Eskom commissioned an independent forensic investigation into allegations of corruption, conducted by law firm Werksmans Attorneys. The report, released in 2020, found evidence of widespread corruption, fraud, and mismanagement at Eskom, implicating several senior executives and board members. Thirdly, in 2020, the Judicial Commission of Inquiry into State Capture heard evidence from several witnesses implicating Eskom executives and board members in corrupt activities, including awarding contracts to companies linked to the Gupta family. Fourthly, in 2021, the Special Investigating Unit (SIU) released a report on corruption at Eskom, which identified several instances of procurement irregularities, fraud, and corruption involving Eskom employees and contractors. All these reports paint a picture of a deeply corrupt and mismanaged organisation, with many senior executives and board members implicated in corrupt activities. In 2023, exposures by the former head of Eskom, Andre de Ruyter, suggest that the problem of corruption at the power utility is far from being resolved. Mr De Ruyter alleged that Eskom was bedevilled by corruption and gave a case where a top government official was at the centre of it (Bonorchis, 2023).

Corruption at Transnet

Transnet, the state-owned transport and logistics company, has also been the subject of several high-profile corruption cases in recent years. Similar to Eskom and SAA, allegations in the media and reiterated in the Public Protector's 2016 State of Capture Report as well as the Judicial Commission of Inquiry into State Capture report that the company had awarded contracts worth billions of rand to companies linked to the Gupta family (Public Protector, 2016; Republic of South Africa, 2022b). In 2016, State of Capture report highlighted instances where These contracts were reportedly awarded without following proper procurement procedures, and there were allegations of kickbacks and other forms of corruption involving Department of Public Enterprises and Transnet officials. Because of the corruption scandals, several senior executives at Transnet were suspended or resigned, and the company's financial performance was low.

This analysis reviewed a few notable reports that have exposed corruption cases at Transnet. Firstly, the Judicial Commission of Inquiry on State Capture heard extensive evidence of corruption at Transnet, including allegations that contracts were awarded to companies with close ties to former president Jacob Zuma and his associates. The commission report revealed that during the period between 2010 and 2018, Transnet corruption and malpractices took place in the procurements of locomotives, network services and infrastructure expansion (Republic of South Africa, 2022b). The evidence exposed extensive wrongdoing by members of the Transnet board of directors and senior executives at Transnet during the relevant period. It further highlights how the then Minister of Public Services participated in corrupt activities.

Secondly, the MNS Attorneys Forensic Report commissioned by Transnet in 2018, uncovered extensive evidence of corruption and irregularities in Transnet's procurement processes (Republic of South Africa, 2022b). The report alleged that Transnet executives and board members had enabled corrupt activities by external service providers, resulting in substantial financial losses for the company. Thirdly, the 2018 Final Report on Forensic Investigation into Various Allegations at Transnet and Eskom exposed a series of corrupt deals with Chinese companies, resulting in billions of dollars of overpayments and irregularities in procurement processes (National Treasury, 2018). The report claimed that Transnet executives had received substantial kickbacks in exchange for awarding contracts to these companies. It was revealed that Transnet officials went out of their way to assist China South Rail in their bid to be appointed for the supply of 95 locomotives (National Treasury, 2018). The report further alleged that (the then) Minister of Public Enterprises Malusi Gigaba compromised the procurement process by signing the Locomotives Supply Agreement between Transnet and China South Rail as a witness.

These reports expose the extent of corruption and irregularities at Transnet, and the need for significant reforms to address these vices. Even though Transnet has taken some steps to address corruption and improve governance, including the appointment of a new board and executive team, and the implementation of new procurement policies and procedures, a lot needs to be done to root out corruption, restore public trust in the company and ensure that it operates in a transparent and accountable manner.

Methodology

The study followed a purely qualitative approach to extract descriptive and narrative information, specifically, descriptions of a situation (Kumar, 2018). The qualitative research approach helped to understand political corruption and patronage in South Africa. The approach involved the studied use and collection of a variety of empirical materials, such as the case study, description of personal experiences, life stories, interviews, observational, historical, interactional, and visual texts, all to describe phenomena (Denzin & Lincoln, 2008). The study collected data from secondary sources, which included government

or state-linked publications. These publications included state commission reports, treasury reports, policies, relevant laws, and the 1996 Constitution of South Africa. The use of secondary sources allowed the researchers to gain a comprehensive understanding of the political corruption and patronage in South Africa. In addition to government publications, the study also examined mass media reports published in newspapers and on the internet. This allowed the researchers to gain insight into public perceptions and opinions about political corruption and patronage. The data collected from secondary sources were analysed using qualitative content analysis. Qualitative content analysis was used to analyse text-based data, such as state commission interview transcripts, investigative reports, media statements and minutes of meetings. Through content analysis, the researchers were able to identify themes, patterns, and meanings in the data and gain a deeper understanding of the phenomena of political corruption and patronage. The study used a rigorous qualitative approach to gather and analyse data on political corruption and patronage in the South African government. The use of secondary sources and qualitative content analysis provided a comprehensive understanding of the phenomenon and helped to identify the conduits of political corruption and patronage in South Africa.

Conclusion

This paper is of the view that, the fact that such corruption and patronage are occurring at a time when the South African economy is stagnating is particularly troubling since it implies that more people are getting less and raises concerns about the country's future political stability. Moreover, South African government kleptocracy or thievocracy of state funds seems to be the immoral guideline. This is evident due to the fact that politician and office bearers are trapped in the bandwagon of unethical behaviour and misappropriation of government funds. "Kleptocracy" translate as "rule by thieves." In such a system, political leaders come to depend on the accumulation of vast wealth to fund patronage networks and benefit the loyalists who keep them in power. However, this paper is of the view that, political corruption undermines political and economic development in many countries and raises difficult challenges for foreign aid and investment. The paper has, also given facts on the dismantling of state entities due to financial mismanagement and corruption by those who are supposed to serve but ended up serving private interests. The paper also puts afore, that due to such corruption the state unemployment has skyrocketed leading to poverty and more inequality.

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