



Monday 24 January 2022

Civil Society Working Group on State Capture: Statement – Response to the Zondo Commission’s Report

On the 4th of January 2022, the State Capture Inquiry (the Zondo Commission) submitted to the Presidency and publicly released the first of its three-part report. The report sheds light on the far-reaching facts that lay bare the extent of the rot, corruption and capture that have hollowed out the state’s institutions and coffers. The cost of state capture has been felt most severely by the people of South Africa who bear the brunt of the looting. Contemporary state capture has led to deepening levels of inequality, poverty and unemployment, amongst host of other challenges. It is unconscionable that constitutionally enshrined human rights such as health care, social security, housing and basic education have been compromised because of the actions of corrupt individuals and corporations.

Now that the four-year State Capture Inquiry is drawing to a close and the first report has been released, nobody should be playing the waiting game. Urgent action must be taken to hold all responsible actors to account.

While we reserve a thorough and comprehensive review of the Zondo Commission’s report for a time when all parts have been released, we welcome the first report that presents strong findings and good recommendations. The recommendations made are an important first step towards accountability. In particular, we welcome the Commission’s recommendations regarding whistle-blower protection, which stand as a watershed advancement for the whistle-blower community in South Africa.

However, the strong findings made by the commission allow for stronger recommendations. We urge the commission not to shy away from making robust recommendations that can act as catalyst for wholesale state reform and will help to ensure that powerful corporations and individuals that have enabled state capture and corruption are held to account.

We call on all relevant actors to take swift and decisive action. The commission lays out a clear agenda for investigation and prosecution by the law enforcement agencies and the National Prosecuting Authority (NPA). However, we can not only rely on the NPA and law enforcement agencies. It is important that, constitutionally mandated oversight structures, such as national parliament, and professional oversight bodies, such as: the South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA), the Banking Association of South Africa (BASA), Legal Practice Council, among others, step up and do their job to ensure that implicated individuals and corporations are held accountable.

The fight against state capture and corruption is inherently a fight for human rights. As civil society and the public we must remain vigilant and continue to demand accountability - the end of the Zondo Commission's hearings does not signal the end of state capture. Instead, this moment should be regarded as the window of opportunity that it is, to be seized by all in the pursuit for justice. While we work to pick up the pieces, the commission's report serves as a roadmap to rebuild and reform.

This statement is endorsed by the following organisations in the Civil Society Working Group on State Capture:

Ahmed Kathrada Foundation (AKF)

Black Sash (BS)

Centre for Applied Legal Studies (CALS)

Corruption Watch (CW)

Council for the Advancement of the South African Constitution (CASAC)

Defend our Democracy Campaign

Dullah Omar Institute (DOI)

Equal Education (EE)

Helen Suzman Foundation (HSF)

Judges Matter (JM)

Legal Resource Centre (LRC)

My Vote Counts (MVC)

Open Secrets

Organisation for Undoing Tax Abuse (OUTA)

Public Affairs Research Institute (PARI)

Section27 (S27)

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