



Civil Society under Democracy: An Overview of Non-Governmental Organisation Activity in Supporting South African Whistleblowers

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Abstract

During apartheid, the act of disclosing wrongdoing was not a common occurrence in South Africa. With the transition to democratic rule, blowing the whistle on wrongdoing became relatively prominent. However, along with this positive democratic advancement, the South African whistleblower became victim to retaliation. A significant factor contributing to the frequent occurrence of retaliation is the lack of adequate legislative protection for whistleblowers. It is in this context that civil society, which is the voluntary participation of individuals organised around formal and informal associations that are concerned with the advancement of public interests, came forward to support South African whistleblowers. Civil society is, of course, a crucial component for a functional democracy. Non-governmental organisations form the backbone of civil society. To examine the role of non-governmental organisations in supporting South African whistleblowers, this study employed a qualitative approach. Two qualitative research methods were utilised, namely document analysis which served as the dominant source of data, and semi-structured interviews which were used to supplement the data emerging from the document analysis. The findings indicated that throughout South Africa's democratic history, non-governmental organisations have advocated for whistleblowers' rights. They have often aided whistleblowers by providing them legal support, and have made practical tools publicly available to whistleblowers (current and future) to help them better deal with their disclosure experiences. The paper ends with a key recommendation – that non-governmental organisations should better coordinate their efforts to provide whistleblowers more comprehensive support.

Introduction

With the transition to democracy, several societal freedoms emerged in South Africa. One of those was the freedom to engage in the act of whistleblowing. Near and Miceli's (1985, p.4) long established definition for whistleblowing understands it as the act of disclosing information about perceived organisational wrongdoing to others who may be able to effect action. During apartheid, blowing the whistle on corruption and organisational wrongdoing was an uncommon occurrence (Uys 2022, p.49). Whistleblowing only became a prominent act in South Africa with instatement of democracy (Uys 2022, p.49). South African whistleblowers have been instrumental in exposing wrongdoing in the democratic South Africa, acting as change agents in the advancement of the country's democracy (Radulovic 2023c). They have, however, been subjected to significant reprisals, leaving them powerless, abandoned and facing social, work-related, legal and physical retaliation (Radulovic 2023b).

However, South African whistleblower protection legislation, which is intended to safeguard whistleblowers, has been the subject of criticism, offering inadequate protection (Lewis and Uys 2007, p.85; Radulovic 2023a). Without adequate legislative provisions to protect whistleblowers, these individuals seek out, and welcome, agents external to the state that attempt to provide support and coping mechanisms to assist them in their disclosures. In South Africa, non-governmental organisations (NGOs) have had a long-standing role in active citizenry, particularly concerning critical issues such as citizen's rights. NGOs that support whistleblowers contribute to strengthening democracy and accountability, as they attempt to aid whistleblowers in exposing the acts of wrongdoers to the public whilst, to some extent, also holding the wrongdoers to account.

NGOs constitute one of the integral elements of civil society, which itself is a key component of an effective democracy. This article seeks to detail the activities of NGOs in supporting South African whistleblowers throughout the country's democratic existence. In accomplishing this, the article departs by presenting why civil society is crucial in advancing democracy.

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Civil society as an agent to advance democracy

A harmonious society is a democratic one, with rule of law, equality, morality, empathy and justice being present as part of the democracy (Li 2006, p.18). Civil society constitutes one of the key components which are essential for a functional democracy (O'Connell 2000, p.477), and thus a society operating in harmony. Critical theorists, such as Jürgen Habermas, present the argument that a healthy civil society is directed by its members using shared meanings which are democratically constructed via communication in the public sphere (Edwards 2009, p.9).

Civil society entails the voluntary participation of individuals organised around formal and informal associations that are concerned with the advancement of public interests (Dunn 1996, p.27; Kligman 1990, p.420). The functionalist approach furthers this notion by arguing that civil society is the arena “between the state, market, and family where citizens advance their interests” (Heinrich 2005, p.217). Civil society is civic in the sense that citizens can take responsibility to change aspects of their society, provided that they are willing to engage as active participants (Cox 1995, p.4).

It has become a particularly important societal element since the emergence of capitalism which emphasises a clear distinction between public and private sectors, thus pushing towards the emergence of a new ethical backdrop – one that provides a resolution to reconcile and protect both the public and private sectors (Seligman 1992, p.31).

Civil society has the capacity to create both collaborative and adversarial relationships with the state which can assist, and compel, the state to fulfil its duties towards its citizens (Habib 2005, p.688). It also has the capacity to complement, reform, or oppose the state (Clark 1991, pp.75-76). This can be actuated through civil society's principles of inclusion, fairness, mutual respect, and collective deliberation (DeLue and Dale 2017). Thus, through civil society's advocacy for plurality and diversity, "the consolidation of democracy in South Africa" can be achieved (Habib 2005, p.689).

However, as civil society does not constitute a component of the state, civil society organisations often have inadequate resources to execute their actions. Thus, civil society organisations tend to be limited with their capacity to engage with effective advocacy, particularly when the actions of civil society create adversarial relationships

with the state. Such adversarial relationships are commonplace when whistleblowers' acts expose corruption and state capture in the state, and when civil society supports those whistleblowers. Therefore, those in government become less willing to protect those that expose wrongdoing whilst also being less willing to collaborate with civil society organisations that support whistleblowers.

Since civil society is a network of independent associations binding citizens out of a common concern for good, non-governmental organisations qualify for inclusion within the grouping. Non-governmental organisations are "organizations that serve the public interest, are independent of government, and have humanitarian objectives", with the nature of their activities varying widely in scope (Claiborne 2004, p.207). The United Nations (2011, p.1) identifies the more prominent of these activities as "information dissemination, awareness raising, development education, policy advocacy, joint operational projects, participation in intergovernmental processes and in the contribution of services and technical expertise".

The activity of advocacy is particularly important for this paper, with a specific type of advocacy NGOs being identified. An advocacy NGO's primary focus "is to defend or promote a specific cause" (Malena 1995, p.14). Herein, it could entail advancing the message of the whistleblower and supporting the whistleblower. NGO advocacy for whistleblowers in democratic South Africa has a rich history, for which descriptive data needed to be gathered in order to present an adequate overview. The following section presents the method used to gather the said data.

Methodology

In presenting an adequate overview of NGO activity pertaining to whistleblower support in democratic South Africa, a qualitative research methodology was employed. Two qualitative research methods were used to gather the data. Firstly, documents were used as the dominant source of data. To provide a simple understanding of the documents that were used as sources of data, would entail stipulating that these are any documents that can be read, have not been produced for the specific purpose of social research, are readily available for analysis, and are relevant to the topic being

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researched (Bryman 2012, p.523). This paper relied specifically on digital and print news articles, books produced by whistleblowers, civil society organisations or authors documenting disclosures, and documents intended to aid whistleblowers throughout their disclosures.

Secondly, document analysis was supplemented with semi-structured interviews. The interviews conducted with three whistleblowers, a Chief Executive Officer (CEO) of an NGO, and a journalist proved useful in adding further detail to the data extracted from the documents. Purposive sampling was used to gain access to the participants, as all five participants were easily identifiable through their activities in exposing corruption, writing on whistleblowers and their activities, and publicly advocating for whistleblowers. The participants were open to be interviewed for an academic study, thus securing their participation was relatively easy. The use of two qualitative research methods served as a valuable tool in acquiring a comprehensive picture of NGO whistleblower support activity since South Africa entered into a state of democracy. The following section discusses these activities.

Whistleblowing-related NGO activity in a democratic South Africa

The NGOs that advocated for South African whistleblowers throughout the country's democratic history, and assisted whistleblowers in bringing their voice to the fore, also highlighted themselves as important structures in revealing wrongdoing. Their actions emphasised the importance of civil society in addressing major societal issues. NGOs have also offered myriad forms of support to whistleblowers in South Africa, namely: legal support; financial support; security measures; the protection of whistleblowers' identities; the provision of informal counselling; reassuring whistleblowers; getting journalists interested in whistleblowers' narratives; raising public support for whistleblowers; creating mitigating strategies in anticipation of retaliation; and mediating between whistleblowers and official commissions of inquiry (Radulovic 2022, pp.166-174). The following findings emerge from the documents used as sources of data in this study. They are not concerned with the forms of support offered to South African whistleblowers by NGOs, but rather present an overview of whistleblowing-related NGO activity in democratic South Africa.

1. Open Democracy Advice Centre

The Open Democracy Advice Centre (ODAC), launched in 1999, was the first NGO that advocated for whistleblowers' rights in South Africa. It was the brainchild of Richard Calland (who was at the Institute for Democracy in South Africa) and Lala Camerer (who served at the Institute for Security Studies). Camerer sought to establish the conceptual link between whistleblowing and access to information. Calland wanted to implement the Protected Disclosures Act (PDA)¹ and the Promotion of Access to Information Act (PAIA)² into practice³, both of which he had lobbied for. This lobbying was done through the Open Democracy Campaign Group (ODCG), a coalition of ten civil society organisations. ODAC registered as a law centre, a legal entity separate from the ODCG. ODAC declared that its mission was to "promote transparent democracy, foster a culture of corporate and government accountability and assist people in South Africa to realise their human right" (Tilley and Stober 2004, pp.187-188).

ODAC's project was ambitious at the time. It initiated a campaign to raise awareness about whistleblowing and to educate people regarding the concept (Tilley and Stober 2004, p.190). Its staff, occupying the role of 'trainers', assisted private sector companies in implementing their whistleblowing policies. Expecting that these newly implemented whistleblowing policies would cause a surge in requests for advice on making a disclosure, ODAC offered free confidential legal guidance on how to blow the whistle. The next logical step was that some whistleblowers would end up in court to receive the necessary protection, with the development of jurisprudence. ODAC "would monitor this jurisprudence and analyse it" (Tilley and Stober 2004, p.190). What was particularly ground-breaking was that ODAC was able to launch a whistleblower helpline. This helpline greatly contributed to the "understanding of how whistleblowing is experienced by ordinary South Africans" (Tilley and Stober 2004, p.191). This data helped them determine that numerous South Africans were afraid to blow the whistle due to a fear of retaliation and that many of the callers were not covered by the protections of the PDA. With all of this acquired knowledge and experience, ODAC expected to eventually make recommendations regarding whistleblower legislation (Tilley and Stober 2004, pp.191-192).

Unfortunately, ODAC's recommendations were not as eagerly received as they predicted them to be. A shift to democratic governance along with a newly implemented Constitution (1996) was, naturally, accompanied by an overwhelming number of new acts for the public and private sectors. As private and public organisations were flooded with these acts, they sought to meet only the minimum requirements. Whistleblowing recommendations were particularly met with antipathy. By 2004, ODAC was still determined to contribute to the progress of whistleblower rights in South Africa (Tilley and Stober 2004, pp.192-194).

In 2010, ODAC published Patricia Martin's (2010) *The Status of Whistleblowing in South Africa: Taking Stock*. It was a very useful tool that delineated South African progress in terms of legislative protection offered to whistleblowers, while also examining the extent to which South African society advanced in its receptivity towards whistleblowers. With the amendment of the PDA, by way of the Protected Disclosures Amendment Act no. 5 of 2017, the book is in need of a new iteration. This is problematic as ODAC has since dissipated, with their website domain and activities being inactive.

2. Right2Know Campaign

In 2010, a new NGO was founded – the Right2Know Campaign. It is “centred on freedom of expression and access to information” (Right2Know Campaign 2022). The Right2Know Campaign truly rose to prominence six years after it was established. In May of 2016, the South African Broadcasting Corporation (SABC) “banned the broadcasting on violent protests on [their] platforms” (Basson and du Toit 2017, pp.129). In response to the SABC's new policy, the Right2Know campaign organised protests in front of the SABC offices petitioning the ban. These protests grew and became known as the Right2Know marches. Journalists were told not to cover these marches, and those that did were suspended (Basson and du Toit 2017, p.130). Eventually the censorship against covering violent protests was relaxed, partly due to Right2Know's marches. In March 2017, then-President Jacob Zuma removed Pravin Gordhan from the position of Minister of Finance. What ensued were a series of nationwide protests, by South African

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citizens from all walks of life, against the actions of the Zuma regime. It was at the African National Congress' (ANC) national policy conference in June that the party officials announced that they would be investigating these protests, likening them to the instigation of a revolution akin to that of Libya and Ukraine. As a response, Right2Know publicly demanded evidence for these claims, failing which the ANC was to never use this rhetoric again (Basson and du Toit, 2017, p.192). To date, no evidence pertaining to the claims of attempted 'regime change' has been presented by the ANC.

As Right2Know addressed issues of corruption, they advocated for those exposing it – the whistleblowers. They have gone on public record to appeal against the unfair dismissals of whistleblowers, while also publicly rejecting the victimisation of whistleblowers (Mtabane 2017). Most recently, Right2Know has engaged in the public support of whistleblowers in South Africa. They commended Judge Raymond Zondo⁴ acknowledging the importance of whistleblowers in exposing state capture. Furthermore, they have rallied in support of the financial incentivising of whistleblowers calling on the private sector, the public sector, and civil society to endorse this. Aside from incentivisation, Right2Know is lobbying for adequate whistleblower protection (Nkosi 2022). The Right2Know Campaign continues to advocate for whistleblowers, along with lobbying for government transparency.

3. Corruption Watch

Corruption Watch, an NGO that uses “reports as an important source of information to fight corruption and hold leaders accountable for their actions”, was established in January 2012 (Corruption Watch 2022a). Their aim is “to ensure that the custodians of public resources act responsibly to advance the interests of the public”, whilst safeguarding the state from corrupt relationships (Corruption Watch 2022b). They accomplish this by pursuing litigation against wrongdoers, organising public education events regarding corruption, investigating reports of corruption, organising corruption awareness campaigns, publishing research on corruption, and promoting good governance. They advocate for those people who have fallen victim to corruption, and are involved in submitting recommendations for legislative improvements, with a particular focus on the Protected Disclosures Amendment Act (Corruption Watch 2022a). Their claims were confirmed when they initiated civil litigation in 2015 against then-President Jacob Zuma (Basson and du Toit 2017, p.84).

In terms of active involvement in aiding whistleblowers, Corruption Watch published *The Whistleblower's Handbook* (Erasmus 2014). It is a useful tool for prospective whistleblowers and is freely available on Corruption Watch's website. It provides an explanation for what whistleblowing entails and why it is important in advancing corrective action. Also presented is a practical illustration of how one can engage in the act of disclosure, whilst placing a warning that one might not be thanked for doing so. Available are also the narratives of whistleblowers that shed light on what one might experience. A description of all the South African legislative frameworks that protect a whistleblower, along with a list of “useful contacts” in the event of a disclosure can be found in this handbook (Erasmus 2014, pp.2-25). Besides the handbook, Corruption Watch actively maintains a whistleblower archive on their website containing whistleblowing cases, developments, and advice (Corruption Watch 2022c). Corruption Watch is still actively involved in monitoring and exposing corruption involving public resources in South Africa, thereby also being involved in monitoring new whistleblowing developments in the country.

4. Organisation Undoing Tax Abuse

Another NGO began supporting whistleblowers approximately four years after Corruption Watch's establishment. OUTA was initially formed as the Opposition to Urban Tolling Alliance in February 2012, but changed its name to Organisation Undoing Tax Abuse in 2016 to cover more comprehensive civil activism (which would grow to comprise supporting whistleblowers) (Duvenage and Serrao 2015, p.xviii). Wayne Duvenage has served as OUTA's CEO since its inception.

Initially, OUTA's civil activism arose out of the opposition to the e-tolling system (Duvenage and Serrao 2015). The e-tolling system is a highly contested electronic toll collection infrastructure which was implemented in 2013, only in the province of Gauteng, by the South African National Roads Agency Limited (SANRAL). Many citizens of Gauteng felt that it was an unjust and expensive implementation, as the electronic toll collection gantries were added on already existing road networks, and users had previously utilised these road networks without these additional charges. OUTA had organised in opposition to this, and Wayne Duvenage, who was interviewed for this study, was the driving force behind this NGO. He was the chairman of the Southern African Vehicle Rental and Leasing Association (SAVRALA) at the time.

After broadening their mandate in 2016, OUTA began tackling various issues impeding on South Africa's democracy together with the name change. The mandate expansion was motivated by a need to be further involved in civil society by combatting corruption and maladministration in the South African Government and state-owned enterprises (SOEs) (BusinessTech 2016). This is the point at which OUTA began supporting whistleblowers in South Africa. Because of this, they had to broaden their team and add litigation and research sections. OUTA began challenging SOEs such as Eskom, South African Airways (SAA), and SABC, along with taking government to court and engaging in lawfare. One of their most significant victories was Dudu Myeni, the former chairperson of SAA, being declared a delinquent director⁵. This was a significant victory not only for OUTA, but also for a whistleblower interviewed for this study – Cynthia Stimpel, whose disclosure detailed improprieties within SAA while Myeni was in charge.

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The first line of support provided by OUTA to whistleblowers is a platform for complaint. It typically comes into use when an organisation’s internal whistleblowing processes have failed the whistleblower. After the internal whistleblowing system had failed Cynthia, she contacted Corruption Watch via their website where she typed a brief summary of a dubious deal transpiring at SAA along with the amount SAA was set to lose. Corruption Watch never responded to her (Stimpel 2021, p.140). She, then, contacted OUTA because she was advised to do so by a friend of hers that served as moral support. Wayne Duvenage said that when an NGO receives a disclosure of such a nature, it becomes important for the NGO to decipher whether the disclosure is a legitimate one. In the case of Cynthia Stimpel, OUTA needed to have more information regarding the nature of her disclosure. The reason for this is that they face a danger as civil activists of being misled or following the incorrect path.

Duvenage used the case of Paul O’Sullivan⁶ to illustrate why this can be problematic for civil activists. Paul O’Sullivan was trying to identify parties that advanced state capture. He attempted to establish a trail of economic wrongdoing committed by Dudu Myeni at SAA. Wayne shared that Paul O’Sullivan “got a false bank statement sent to him which showed a nice big deposit” into Myeni’s account. Once it was publicly disclosed that

this was a fake, it worked against O’Sullivan, as he was known for his ability to weaponise information and emails. As a by-product, O’Sullivan had to apologise, and Wayne said that this is an example of “damage done” to a civil activist. According to Wayne, this is the way in which “retractors can set you up”, and, therefore, they had to set up a process to ensure that they are dealing with substantive facts. With regards to Cynthia Stimpel’s disclosure, the information was, of course, factual.

After establishing the disclosure information as factual, the NGO receiving the whistleblower’s disclosure must take the disclosure seriously. Only once an organisation has broken down and understood the full scope of the allegations, can they react swiftly. Wayne recalled that, in Cynthia Stimpel’s case, OUTA compiled their paperwork quickly – within one week. OUTA wrote an affidavit (a statement written under oath), based on their consultation with Cynthia, and filed that affidavit with the aid of an attorney. OUTA, then, confronted SAA and requested that they cancel the dubious deal with a dodgy service provider, or face being taken to court. With an inadequate response from SAA, OUTA sought an urgent interdict. Subsequently, SAA lawyers called OUTA and stated that they had cancelled the agreement that was under scrutiny, with the R256 million deal being abandoned.

Resource power ended up being a key asset in OUTA combatting SAA with regards to the dubious financial transaction. Wayne supported this notion, because if OUTA “didn’t have money”, they “couldn’t build the papers and interdict quickly”. OUTA’s ability to access to considerable financial resources was of crucial importance in this instance. According to Wayne, very few organisations possess this resource. As of late 2024, OUTA continues its primary work as a civil action organisation focusing on exposing government corruption and the abuse of taxes and public funds.

5. Platform to Protect Whistleblowers in Africa

The Platform to Protect Whistleblowers in Africa (PPLAAF)⁷ is a French NGO that appears to possess expansive monetary resources. It was started in 2017 by lawyers, anti-corruption campaigners, and investigative journalists. One of its co-founders, French lawyer William Bourdon, represented the likes of Edward Snowden and Julian Assange (Dalby 2020). PPLAAF’s purpose is “to defend

whistleblowers, as well as strategically litigate and advocate on their behalf where their disclosures speak to the public interest of African citizens” (Platform to Protect Whistleblowers in Africa 2022). PPLAAF has represented many prominent African whistleblowers.

Mosilo Mothepu, a whistleblower interviewed for this study who blew the whistle on state capture-linked Trillian, credited PPLAAF as one of the few organisations that came to her aid. PPLAAF had read about Mosilo in the South African *Mail & Guardian* newspaper and, thereafter, reached out to assist her. She already had knowledge that PPLAAF (together with various other networks) supported Julian Assange and Edward Snowden, which instilled in her a confidence of their abilities. Simphiwe Mayisela, another whistleblower interviewed for this study who exposed improprieties within the Public Investment Corporation, was also supported by PPLAAF, with him crediting them with creating “a shield of protection around” him. Bianca Goodson’s (whose disclosure supported Mosilo’s allegations regarding Trillian) experience was much the same with PPLAAF, with their support changing the way she thought about her disclosure experience as they gave her the “confidence to do the right thing” (Wiener 2020, p.266).

Mandy Wiener, a famous South African journalist interviewed for this study, even argued that Mosilo Mothepu, Simphiwe Mayisela and Bianca Goodson were “saved by PPLAAF” (Wiener 2020, p.302). Wiener’s well-constructed *The Whistleblowers* (2020) offers a detailed examination of South African whistleblower’s experiences. When interviewing Wiener, she acknowledged that OUTA and Corruption Watch played a prominent role in supporting whistleblowers. However, her impression was that the most financial support that facilitated whistleblowers in going public came from the PPLAAF. The whistleblowers that Wiener had contact with, questioned as to why such significant support came from abroad and not from within South Africa. Wiener argued was that this “highlights the lack of support” for whistleblowers in South Africa. PPLAAF continues to support whistleblowers across Africa, thus maintaining an active role in South Africa.

6. The Whistleblower House

A new South African NGO, The Whistleblower House, was launched on 22 February 2022 (McCain

2022). Its sole focus is on supporting South African whistleblowers. This has signalled a significant emergence of support for whistleblowers from within the country. One of the founding members is Bianca Goodson, whilst Cynthia Stimpel and the former chief operating officer of OUTA formed part of their team. It has been developed as “a non-profit, public benefit organisation that facilitates access to support services for whistle-blowers”, and generates awareness about the whistleblower’s predicament (O’Regan 2022). Aside from actively supporting South African whistleblowers, The Whistleblower House also alerts the public to abuses of power, directs attention of law enforcement toward to criminal acts, and disrupts corrupt networks across a variety of institutions (Whistleblower House 2024a).

The “library” centre on The Whistleblower House’s webpage offers a variety of useful tools, namely: a free handbook, free guidebooks and toolkits, and links for the purchase of books that offer narratives of several South African whistleblowers; with these resources being useful for both whistleblowers and those aiding a whistleblower (Whistleblower House 2024b). Corruption Watch’s *The Whistleblower’s Handbook* is freely available on the webpage along with two new crucial resources – the *Whistleblowing Management Handbook*, and the *Whistleblowing First Responder Guide*. The *Whistleblowing Management Handbook* provides “practical guidance to persons in ethics, governance and management positions who have some form of responsibility” associated to whistleblowing (Groenewald 2020, p.1), while the *Whistleblowing First Responder Guide* is a guide for those individuals to whom a disclosure is made (Groenewald 2023). The *Whistleblowing First Responder Guide* is an innovative tool for effective (and safe) cooperation with a whistleblower.

By October 2022, The Whistleblower House had already assisted 91 whistleblowers (The Citizen 2022). A post on their LinkedIn page, on 7 August 2024, had indicated that The Whistleblowers House had a repository of 310 whistleblowers. This means that The Whistleblower House had supported all 310 whistleblowers, in some form, up to that point in time. According to the LinkedIn post, the varying forms of support have entailed providing legal services, psychological aid, financial aid, and safety and security aid to these whistleblowers. No further

public data was available regarding the scope of support provided by The Whistleblower House, likely due to the sensitivity of the data handled by the NGO (with it emanating from disclosures). The growth in the number of whistleblowers supported by The Whistleblower House, in a relatively short period of time, is commendable.

Conclusion

With South Africa's transition to democracy in the early 1990s, the emergence of whistleblowing as a response to unethical and illegal behaviours accentuated the need for an active civil society capable of supporting whistleblowers. In this context, civil society has been predominantly represented by NGOs that have played an essential role in offering support to whistleblowers. This paper illustrated how various NGOs have actively advocated for whistleblowers and their rights, while also providing essential tools and resources to support them. In the absence of comprehensive and effective governmental whistleblower protection legislation, the support offered by NGOs has been particularly vital. Thirty years into South Africa's egalitarian rule, it is evident that civil society, through its support of whistleblowers, has contributed to the advancement of the country's democracy. However, frequent reprisals faced by whistleblowers indicate that both whistleblowers and those supporting them continue to face an uphill battle. Thus, despite the considerable efforts exerted by civil society, much work is still required to ensure the empowerment of whistleblowers, which would inevitably result in reinforcing the integrity and accountability of South Africa's democratic institutions.

Importantly, there has been some degree of collaboration among NGOs in South Africa, as evidenced by partnerships such as that between The Whistleblower House and Corruption Watch. These organisations jointly offer the Whistleblowing Management Handbook as a valuable resource on their website, exemplifying the potential of collaborative efforts. There has recently also been an undertaking by The Whistleblower House, PPLAAF, Corruption Watch, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and others. The coordinated effort has been established under an initiative titled Whistleblower Support Platform for Reform (WSPR). As of mid-2025,

WSPR collaborates with several stakeholders in improving the whistleblower system, with regular meetings and various initiatives forming part of their activities.

This is a step in the right direction, because to provide fully effective whistleblower support it is imperative that NGOs (and other stakeholders) wholly coordinate their initiatives within a cohesive and non-fragmented framework. Such coordination could entail not only the pooling of financial resources, but also be focused on the exchange of knowledge and networks. Networks centred around legal practitioners with experience and knowledge concerning whistleblowing cases could be shared. Furthermore, access to resources such as whistleblowing toolkits and handbooks could be disseminated amongst the various NGOs involved in supporting whistleblowers. This would ensure that all NGOs are in possession of the necessary information resources crucial for the support of a whistleblower. It would, however, be necessary to include all NGOs involved in supporting whistleblowers, leaving no organisations excluded from the network.

To this end, the establishment of an independent central state institution could prove beneficial. Such an institution would not only further coordinate efforts and pool resources but would also ensure a unified front in supporting whistleblowers. Crucially, such an institution must be insulated from political interference to maintain its integrity and efficacy. Recommendations for such an organisation have gone as far as to suggest the formation of a Chapter 9 institution, an independent state institution implemented to safeguard democracy, focusing on either broader anti-corruption efforts or focusing exclusively on whistleblowing.

Accompanying the creation of this central body, there is a pressing need for the development of new governmental policies, particularly those focused on revising and strengthening whistleblower protection legislation. Provisions for enhancing whistleblower protection legislation could be taken from tried-and-tested instruments such as the Serbian *Law on the Protection of Whistleblowers* (2014) along with consulting Transparency International's *A Best Practice Guide for Whistleblowing Legislation* (2018), and

compensatory provisions present in Australian and various United States laws could also be used to make necessary reforms for whistleblower compensation. Enhanced legislative frameworks, coupled with coordinated civil society efforts, would provide whistleblowers with more robust support (and protection) and better equip them

to handle potential retaliation. In conclusion, even with a long and pronounced democratic history of whistleblower support, additional efforts will need to be exerted by civil society to ensure that South African whistleblowers are afforded the opportunity to adequately cope with their disclosure experiences.

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Endnotes

- 1 The Protected Disclosures Act no. 26 of 2000, designed to protect whistleblowers from reprisals.
- 2 The Promotion of Access to Information Act 2 of 2000 (PAIA) grants every citizen "the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights" (Promotion of Access to Information Act, 2000: 2).
- 3 Both of the laws were new at the time, as the PAIA was gazetted on 3 February 2000 and the PDA was gazetted on 7 August 2000.
- 4 Deputy Chief Justice Raymond Zondo was the chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State.
- 5 According to Section 162 of the South African Companies Act 71 of 2008, a delinquent director is an individual that has been proven to have acted as grossly negligent or reckless. This affords organisations protection against such a director.
- 6 Paul O'Sullivan is an Irish born South African forensic investigator who was instrumental in the conviction of former South African Chief of Police Jackie Selebi. Acting as a private individual, he has played many key roles in uncovering financial crimes and corruption in South Africa.
- 7 In French, PPLAAF is an acronym for Plateforme de Protection des Lanceurs d'Alerte en Afrique. The English translation is Platform to Protect Whistleblowers in Africa.