

Whistleblowing and Whistleblowers in Africa

Whistleblowing and Whistleblowers in Africa:

*Promoting Accountable
and Ethical Societies*

Edited by

Purshottama Reddy, Chris Jones,
Pregala Pillay and Sakhile Zondi

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and Sakhile Zondi

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This book is dedicated to the late Babita Deokaran who paid with her life for blowing the whistle.

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FOREWORD

It gives me great honour to write this preface for this book on whistleblowing and whistleblowers during my short winter research visit to Uppsala University in Sweden in January 2025. The time here has been useful for reflecting on many aspects of what makes our societies sustainable and how universities and higher education institutions in general can play a role in ensuring we retain the skills and talent of our youth and skilled labour force who end up emigrating due to various pull factors. Recently, the term “brain circulation” has been coined to describe the departure or permanent emigration of skilled and talented people from their home countries to look for better prospects elsewhere (see European Commission: Directorate-General for Research and Innovation, *From brain drain to brain circulation – The PSF supports national policy-makers in designing major R&I reforms*, Publications Office of the European Union, 2023¹).

Creating enabling environments and strong regional and continental economies can assist addressing and retaining the skilled talent needed to build a skilled professional base that can drive innovation and socio-economic development. To do this, there must be a strong focus by all stakeholders on eliminating corruption, addressing social justice issues, and creating governance systems and structures that protect citizens and the public from unfair treatment and discrimination. Having made this point, unfortunately, the world is currently facing several geopolitical issues in certain regions that impact on global peace and sustainability in many ways.

The ability of universities to share data, evidence-based knowledge, and the experiences of citizens of various countries with regard to whistleblowing and whistleblowers and what governance and support structures can be put in place remains one of the impactful ways we can, as a sector, contribute to fighting and addressing corruption. It is hoped, of course, that the contributions mentioned here will influence policy makers and create more awareness amongst citizens as well as practitioners.

It can be argued that corruption remains one of the most pervasive threats to achieving sustainable development, good governance, and public trust. Within South Africa and the broader African continent, the struggle

¹ <https://op.europa.eu/en/publication-detail/-/publication/9e39b4bd-843c-11ee-99ba-01aa75ed71a1/language-en>

against corruption continues and is linked to the desire of citizens of the various countries to achieve social justice, democracy, and equitable development for all. It is within this context that whistleblowers play a significant role in helping to achieve accountability and transparency. However, there remain risks associated with whistleblowing and whistleblowers often experience difficulties, and face personal risks and inadequate protection. The authors who have contributed to this book share critical perspectives on promoting an accountable and ethical society. Experiences are shared from South Africa, other African countries and beyond to provide insights and arguments on the role of whistleblowing in addressing corruption and building resilient institutions.

South Africa's history, from colonial rule to democracy, has, despite making significant progress in other areas, unfortunately been characterised by corruption scandals that continue to undermine trust in the institutions that are supposed to protect its citizens. Whistleblowers face obstacles that range from victimization to threats to life, despite the South African Protected Disclosures Act of 2000. In the African continent, whistleblowing is recognised as an important tool for fighting corruption, but relevant laws and policies are still not able to protect whistleblowers, many of whom end up exposed and discouraged.

The book uses scholarly insights, case studies, and policy analysis to bring to the fore issues that need consideration, such as the interplay between legislation, governance, and cultural norms. Progress made thus far in this context is highlighted and gaps identified.

As we aspire to more sustainable, equitable futures for all, the book challenges researchers, policymakers, civil society, citizens and all stakeholders to reimagine the role of whistleblowing in our respective societies. Through articulating an accountable culture, as well as integrity, fairness and social justice for all, we can create an enabling and just society in which everyone can thrive.

Congratulations to the editors of the book and all authors for the contributions.

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Deputy Vice-Chancellor
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Stellenbosch University, South Africa
January 2025

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SECTION A

NATURE AND SCOPE OF WHISTLEBLOWING AND WHISTLEBLOWERS

CHAPTER 1

PROMOTING AN ACCOUNTABLE AND ETHICAL SOCIETY

C. JONES AND P. S. REDDY

Keywords: accountable, anti-corruption, civil society organisation, ethical, local governance, lockdown, public sector, technology, whistleblowers, whistleblowing

Introduction

Contemporary societies are often confronted by public sector corruption and bad governance that necessitate effective whistleblowing mechanisms. It is against this background that the whistleblowing phenomenon is gaining an increased momentum in anti-corruption circles across the world. In the South African context, for example, the challenges of state capture and COVID-19 corruption have elicited an increased recognition of the roles of whistleblowers as agents of the reduction of corruption, maladministration, and bad governance in the public and private sectors. The fundamental objective of whistleblowing is to improve the disclosure of information about illegal and unethical conduct that are usually associated with government institutions. DeMott (2021) associates whistleblowing with the acts of corruption and unethical conduct. As the conceptual definitions of whistleblowing tend to differ across the globe, most apposite literature concurs that the definition of whistleblowing lacks clarity and unanimous legal conceptualisation. In light of this, we have left room for various definitions of whistleblowing. Sometimes they overlap, but they also differ from each other. However, we did not want to settle on one agreed-upon definition or impose such upon our different authors. Hence, we do not provide a comprehensive discussion of the conceptualisation of whistleblowing in this chapter or in the book as a whole. Furthermore, some authors worked with more than one way of defining whistleblowing without indicating or clarifying which definition is the most valid; and indeed, the latter was not expected of them.

Whistleblowers broadly include individuals who report wrongdoing, corruption, and ethical violations that are committed against the public by those, among others, occupying positions of power in the governmental spectrum. Over the last two decades, various definitions of whistleblowing and whistleblowers have been formulated in academic spaces with the view to curb corrupt activities in the public sector. Accordingly, when experiencing degenerative conduct, public sector employees may respond in three different ways: (1) Exit – the common response to dissatisfaction within an organisational setting. For instance, vacating a position by resignation or transfer; (2) Raise concern – expressing concern or grievance about an unfair and unacceptable situation is a common way to address a dysfunctional system that allows the organisation to seek corrective measures to heal itself. This act is synonymous with the practice of whistleblowing. (3) Loyalty – in this situation, individuals may resort to complete or partial compliance with unacceptable behaviours in the organisation.

A key challenge impacting the fight against corruption is citizens' fear of blowing the whistle because of the ineffective legal protection in many countries. The case of Babita Deokaran (former acting chief financial officer of the Gauteng Provincial Government, South Africa) highlights the limitations in the protection available to employees who "blow the whistle" in South Africa. She is referred to several times in the book because what happened to her deeply affected so many people, not only in South Africa, but also globally. In other regions of Africa, the treatment of whistleblowers also indicates a lack of their protection, grey areas, and serious gaps in legislative and policy frameworks, as will be referred to in the various chapters of this book. Focusing primarily on the nature and scope of whistleblowing, the book argues that operationalising effective whistleblower mechanisms in the public sector could enhance accountability and compliance with the rule of law (P. Pillay, pers. comm., 12 December 2022). In the words of Edward Snowden (whistleblower): "The public needs to know the kinds of things a government does in its name, or the 'consent of the governed' is meaningless.... The consent of the governed is not a consent if it is not informed" (Snowden 2013).

Globally, the continued increase in cases of such misconduct as fraud, corruption, maltreatment, and extortion have led to financial and reputational losses for private and public organisations. This has attracted the attention of governments, businesses, scholars, and other stakeholders. Against this background, various scholars have concluded that whistleblowing is one of the strategies that can be employed to curb such malpractices (Martin 2013; also see Davis 2017 and Teichmann 2019).

Definition of Whistleblowing

Australian academic Peter Jubb (1999, 78) describes whistleblowing as

a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organisation, about non-trivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organisation, to an external entity having potential to rectify the wrongdoing.

In other words, a whistleblower is an individual who informs the public or those in authority about alleged illegal or unethical activities taking place in a government department, or private organisation. Such unethical or illegal acts – such as corruption and fraud – may include contravention of the law and a threat to the public interest. When whistleblowers report unethical conduct, it is assumed that they do so in good faith with the anticipation that those involved will be investigated and brought to book.

If one looks more specifically at South Africa – where the four co-editors reside – its

transition from colonial rule to democracy has been marred by several corruption scandals and high crime rates. The National Development Plan: Vision 2030¹ identifies corruption as a significant threat to the rule of law. Corruption curtails the equitable distribution of resources by undermining core democratic principles and impeding social, economic, and political development. (Pillay and Jones 2022)

“The government has adopted several strategies to promote accountability (see Blackmore 2023) and combat corruption in the country. For instance, parliament has enacted laws that attempted to address the problem” (Pillay and Jones 2022). In addition, the 1999 National Anti-Corruption Summit resolved “to develop, encourage and implement whistleblowing mechanisms ... which include measures to protect persons from victimisation where they expose corruption and unethical practices”.² Furthermore, the Constitution³ of South Africa “serves as the overarching framework for protecting whistleblowers”. Whilst the Bill of Rights⁴ does

¹ National Development Plan 2030: Our future – make it work (www.gov.za).

² <https://static.pmg.org.za/docs/2003/appendices/030326resolutions.htm>

³ <https://www.gov.za/documents/constitution-republic-south-africa-1996>

⁴ <https://www.justice.gov.za/constitution/chp02.html>

not contain any specific whistleblower protection provisions, many of its sections are relevant to the issue.

Akin to this, the Protected Disclosures Act (PDA) of 2000⁵ (also see Feltham 2021) is the key legislation relative to whistleblowing. The PDA mandates that every employer should have internal procedures for receiving and addressing cases of malpractice.

Hence, both public and private organisations are obliged to adopt a system for whistleblowing. The ultimate objectives of the PDA are to safeguard employees from retribution arising from whistleblowing in the workplace, to offer recourse for those who suffer such, and to outline responsible channels for sharing information.

However, one of the major challenges faced in the anti-corruption drive is that people are usually too intimidated to blow the whistle when they observe corrupt and unlawful activities. Those who are courageous enough to blow the whistle are often victimised with little or no recourse (Pillay and Jones 2022).

In South Africa, whistleblowers are often mistaken for “*izimpimpi*” – a name that was given to informants during the apartheid era who sold out their comrades. Regrettably, this historical background has led to the stigmatisation of whistleblowing (Msuya 2021).

In addition, the legal system in South Africa has certain limits and gaps regarding whistleblowers’ protection. For instance, the law makes no mention of any sanctions or penalties for individuals who disobey their duty to safeguard whistleblowers. Furthermore, people who take retaliatory action against whistleblowers are not subject to fines.

Importance of Whistleblowing

Whistleblowers are necessary to hold individuals in positions of power accountable in a functioning democracy. One of the finest ways to identify and stop wrongdoings like corruption and fraud is through whistleblowing. Whistleblowers have revealed dishonest and fraudulent practices across the world, helping to protect millions of dollars in taxpayer money. Whistleblowing should be promoted because it offers several advantages (see Pillay and Jones 2022).

Firstly, reporting fraud can aid in its prevention and reduction. Whistleblower information may result in the arrest and punishment of fraud and misconduct transgressors. Whistleblowers are responsible for uncovering more than 40% of all occurrences of occupational fraud,

⁵ <https://www.justice.gov.za/legislation/acts/2000-026.pdf>

according to the Association of Certified Fraud Examiners (2014).⁶ Therefore, it is crucial to encourage whistleblowers in order to reduce the effects of fraud and corruption.

Additionally, those found guilty of unethical and illegal behaviour may be detained and punished. This can mean demoting them from their position or dismissing them from their job. Whistleblowing can have a cascading effect. Co-workers may be deterred from committing acts of fraud and corruption if they learn about penalties that have been meted out to fellow employees. Therefore, a culture of whistleblowing discourages fraud since people are aware that any unethical behaviour could have dire repercussions.

Whistleblowing also warns an organisation in advance to shield it from potential threats. It lessens the costs of fraud and corruption in terms of money and reputation. There are several risks involved when fraud and corruption are not uncovered because there is no method to confront them. For instance, corruption harms a government's or organisation's reputation. Any risk management system must include a supportive culture of reporting wrongdoing.

Additionally, when compared to conventional governance measures like external audits, whistleblowing is more effective in spotting fraud, according to a 2014 study by the Association of Certified Fraud Examiners. Only 5% of fraud instances are caught by external audit, but 45% of fraud cases worldwide have been found thanks to whistleblowers.

"More so, whistleblowers can prevent harm", save lives, "and protect the rule of law by disclosing wrongdoing within an organisation" (Pillay and Jones 2022). Due to the secretive nature of corruption, it may never be discovered unless cases are reported by whistleblowers who discover them. Credible evidence is required for the effective litigation and prosecution of corruption cases, and it cannot just arise from thin air; it must be produced by people. By disclosing information that would have probably remained hidden, whistleblowers help to promote transparency and accountability. The information provided by whistleblowers bolsters oversight mechanisms.

Finally, exposing wrongdoing is thought to be one of the most efficient and cost-effective ways to safeguard an organisation's or a nation's resources. Comparing the costs of launching a whistleblower programme to more conventional accountability measures like external audit, they are typically quite inexpensive.

⁶ <https://www.acfe.com/-/media/files/acfe/pdfs/rtnn/2014/2014-report-to-nations.pdf>

Why Do People Not Blow the Whistle?

People's fear of being called a "sneak" or "breaking ranks" with their co-workers, as well as the possibility of being asked for incontrovertible proof when they blow the whistle, are both significant deterrents to whistleblowing.

"In addition, whistleblowing often comes at a cost as whistleblowers risk their careers and their personal safety to expose" (ibid.) acts that threaten the public interest. "In extreme cases, they may be sued, arrested, or even murdered" (ibid.). In some societies, whistleblowing is associated with betrayal rather than being viewed as a public good.

The Way Forward

Governments should support public education campaigns and activities to encourage whistleblowing, as should other stakeholders including the media, trade unions, and civil society organisations. Whistleblowers ought to be honoured and actively encouraged in addition to being protected.

The reassessment of a nation's legal system is also necessary to promote a culture of whistleblowing. Whistleblowers must be shielded by the law from reprisals for reporting wrongdoing.

More so, mechanisms should be put in place to protect genuine whistleblowers against victimisation.

In conclusion, before the research methodology, content, and structure of this chapter are discussed, it should be pointed out that corruption is secretive, and usually only the perpetrators of corrupt transactions or their close allies are aware of it. However, there may be some insiders who have the information, and they should be encouraged to report such acts. "Whistleblowers play a crucial role in the fight against corruption by aiding in the detection of corruption cases" (ibid.). Corruption must be detected before investigations and prosecutions can commence.

Whistleblowing is therefore crucial in fostering responsibility and accountability in public and private organisations. Furthermore, investors can consider the efficacy of whistleblowing systems as a leading indicator of organisational culture. Heeding such gives a clear indication of an organisation's commitment to good governance and social responsibility.

When properly implemented, whistleblowing standards and policies can serve as an alert system conduit for institutions, allowing for the prevention of further malpractice. An effective whistleblowing policy enables government and private sector employers to take corrective action before something wrong happens.

However, whistleblowing is a risky action, as it can lead to unintended consequences for whistleblowers. People may observe an unethical or illegal act and consider reporting it, but they may not know the procedures to follow when reporting corruption. Therefore, it is essential to have established trustworthy systems that people can use to safely blow the whistle.

Among other things, this book seeks to assist precisely with the abovementioned matters, as will be evident from the following brief research methodology and summaries of the various chapters. The latter focus *inter alia* on interviews, whistleblowing practices, observations and consultations, technology, and whistleblowing systems. It must be stated that the limitations of a chapter such as this (briefly referring to the content of 17 chapters) make it impossible to do justice to the full richness of the content of each of these chapters.

Research Methodology and Objectives

This book is mainly written from a qualitative and conceptual methodological research perspective including methodologies that are based on desktop research, in which the authors present a review of academic sources, such as case studies, articles (academic and popular), and policy documents, that primarily focus on different countries on the continent regarding whistleblowing and whistleblowers (although chapter 3 refers to India). However, the authors have been allowed to follow their own research methodology. Each chapter serves as a unique contribution that stands alone, but is also closely related to the main goals and objectives of the book: it is a scholarly book aimed at scholars, peers, and researchers providing arguments and perspectives for open and responsible discussion regarding whistleblowing in the fight against corruption. It combines the insights and expertise of established African scholars and practitioners. This is where the uniqueness and strength of the book lies and sets it apart from other contributions on this topic in this specific field of study. The entire book, divided into 18 chapters, further aims to convey a multidisciplinary and intersectional research approach, to highlight current trends, the need for promotion of an accountable and ethical society, and advancements, but also to reflect on shortcomings regarding whistleblowing in Africa. It starts with a chapter on promoting an accountable and ethical society, and then focuses geographically on a global perspective on corruption and whistleblowing, subsequently adopting an African and South African focus, and concluding with a future perspective, proposing ways forward.

The methodology sections in each chapter are not consistent because we did not plan and/or request this. Many of the chapters contain a specific

section on research methodology, often midway through the chapter. Although placed in the middle of a chapter, the methodology applies to the chapter as a whole. Although some chapters do not have a specific section on methodology, the research methodology of each chapter is explained. We deliberately wanted to give the authors freedom in this respect and did not want to cast it in a fixed, prescribed pattern.

Summary of Section B: Global Perspective

In **Chapter 2** of this book, Pregala Pillay and Sakhile Zondi focus on whistleblowing and legislative and diverse frameworks in developed and developing countries. They reason that public sector corruption has become a significant global concern that hinders progress in poverty alleviation efforts. Fraud and corruption, in general, have a detrimental and severe impact on the lives of vulnerable, impoverished groups. As such, the need to enhance efforts for reporting corruption is widely recognised and endorsed by various organisations committed to uprooting corruption and promoting ethical governance. The severity of corruption in modern organisations, especially during the COVID-19 era, has led to a growing recognition of whistleblowers as crucial agents in combating corruption. Public sector corruption challenges good governance by undermining the pillars of a democratic society. In this chapter, the authors explore the best international practices that should be implemented by governments in developing nations in their continued efforts to operationalise integrity management in the public sector. The authors also analyse the feasibility of the legislative and policy environment to protect whistleblowers against retaliation, submitting that the fight against corruption requires an effective policy environment, the political will, and the adequate support of all stakeholders concerned. They, among others, provide a South African perspective on whistleblowing and a discussion of the feasibility of the Protected Disclosures Act – issues which are addressed again in later chapters (under section D).

The research methodology is rooted within a conceptual framework based on analysing selected global case studies of whistleblowers' experiences. The chapter concludes with recommendations that can significantly enhance whistleblowing practices and bolster protection mechanisms against retaliation. Overall, this chapter makes a constructive contribution to the field of research, providing a deeper understanding of whistleblowing dynamics and presenting actionable insights for improving the effectiveness and efficiency of whistleblowing activities. The findings presented herein are anticipated to help streamline whistleblowing processes in developed

and developing countries, fostering global transparency, accountability, and ethical practices.

In **Chapter 3** Shweta Mehrotra and Ram Kumar Mishra discuss whistleblowing as a corporate governance mechanism, focusing on its significance in detecting fraud and deliberating on illustrious cases of whistleblowing in India and abroad. The chapter intends to offer a deeper understanding of how people perceive whistleblowing as an instrument or mechanism at their workplace and identifies various elements acting as stimuli and dissuasions and impacting their whistleblowing behaviour. It also diagnoses key parameters as measures of an effective whistleblowing mechanism, such as board effectiveness, audit integrity, whistleblowing reporting systems, and whistleblower protection mechanisms, which are unswervingly associated with the quality of whistleblowing mechanisms. Finally, it provides different ways and means of rebooting whistleblowing systems in order to strengthen the whistleblowing policies framework in India. This work may contribute further knowledge about this subject matter in the existing literature and also buoy up boards of directors and policymakers to initiate further reforms, as the adoption of effective and foolproof whistleblowing policies and practices can lead to improved governance with other spin-offs such as a lessening in corporate scams and an overall improvement in the business environment, benefiting the economy and society at large.

Summary of Section C: Africa in Focus

Oluwaseun Temitope Ojogiwa and Vain Jarbandhan in **Chapter 4** write about whistleblowing as an anti-corruption strategy in Nigeria. As in many other nations, mechanisms for combatting corruption have been launched to boost the socio-economic development of Nigeria. Whistleblowing is one of the mechanisms launched as an initiative to reduce the threat of corruption to national development and progress. Whistleblowing actions have drawn the attention of interested parties, including financial, government, and corporate institutions, due to the potentially negative impact of corruption on the sustainability of socio-economic growth. However, there are debates regarding the intention of whistleblowing and its implementation as either a myth or a reality. This chapter aims to contribute to the ongoing debate on the utility of whistleblowing as an anti-corruption strategy by assessing the perception of the residents of Kogi State. As one of the poorer states in Nigeria, Kogi is often subjected to corrupt practices. It seeks to investigate the residents' opinions regarding being whistleblowers. A qualitative research technique has been adopted to elicit comprehensive information on the value application of whistleblowing. Primary data has been retrieved from key informant

interviews and secondary data has been gathered from journal articles, textbooks, government publications, and online sources. Participants were selected through random sampling and data has been analysed thematically. Although whistleblowing is considered a civic obligation, many participants indicated that they are not inclined to blow the whistle on corrupt practices due to perceived threats to their jobs, reputations, and livelihoods, and expressed a general fear and a threat to their lives. The findings also conclude that whistleblowing lacks the necessary elements to build trust in citizens and guarantee the protection of whistleblowers' identities and livelihoods. It is recommended that, for whistleblowing to be effective in Nigeria, it should be strongly supported by government legislation to ensure the protection and safety of whistleblowers from potential reprisals and persecution in society.

In **Chapter 5** Benson Igboin reflects on a corruption-defiled lockdown order in his study of whistleblowing and moral hypocrisy in Nigeria. The lockdown that resulted from the COVID-19 pandemic in 2020 had ambivalent implications for Nigeria. Some anticipated that corrupt activities would be halted, at least, momentarily, and that the reality of the pandemic would affect human consciences, particularly those of corrupt political leaders, against corruption. For others, only the poor would observe the lockdown and suffer its consequences in all areas of life. In Nigeria, corruption did not observe the lockdown order, and various acts of corruption by government officials were unveiled because of the watchfulness of whistleblowers. A whistleblowing policy is put in place to serve as a watchdog for corruption in any society. It is meant to support anti-corruption institutions with the goal of undermining corruption and corrupt people. A whistleblowing policy was widely accepted by Nigerians with the belief that it would help mitigate corruption in critical sectors of the economy and politics. In this chapter, a historical trajectory of whistleblowing in Nigeria is explored, describing whistleblowing activities and evaluating the policy during and after the COVID-19 lockdown. The chapter utilises moral hypocrisy theory to interrogate how the Nigerian government fares in its whistleblowing policy. Moral hypocrisy argues that people, Nigerian political leaders in this instance, pose as moral worthy agents to be entrusted with power, but in actuality, act with brazen immorality to the dissatisfaction of the citizens. It is argued that the morally hypocritical stand of the Nigerian government has adversely affected the anti-corruption agenda of the government, particularly the whistleblowing aspect. It is thus suggested that there is the urgent need for strong institutional backing for the whistleblowing policy to continue to effectively contribute to the fight against corruption since those who are thus far affected are politically exposed persons. The morally

hypocritical attitude of government must be done away with and replaced with a transparent commitment to the anti-corruption crusade.

In **Chapter 6** John-Mary Kauzya considers Uganda's dilemmas in the search for effective whistleblowing to curb corruption and the abuse of authority in public sector governance. Corruption is rampant in Uganda's governance despite the Whistleblowers Protection Act 2010, established to fight the vice. In 2022 Transparency International⁷ gave Uganda a score of 26% and ranked it 142 out of 180 countries, thus putting Uganda among the most corrupt countries in the world (Transparency International 2023⁸). Uganda signed the UN Convention against Corruption⁹ on 9 December 2003 and ratified it on 9 September 2004. This chapter interrogates the extent to which whistleblowing has succeeded in Uganda and the factors associated with whistleblowing and whistleblower protection. It is noted that it is not sufficient to establish institutions and legal provisions. These can achieve their objectives only when they are supported by positive anti-corruption values in society and governance. Such values include the rule of law, transparency, accountability, belief in controlled power and authority, ethical behaviour, integrity, and discouraging impunity in public leadership. The public servants and leadership must have the requisite DNA to behave and practice in service of the general public interest. The chapter concludes that failure in instilling these values and in discouraging impunity in public governance could lead the country's governance into kleptocracy. Two methods have been used to get information in writing this chapter: (1) reading government documents and reports from development partners; and (2) making observations and consultations as an adviser and trainer to the government, especially to the Ministry of Public Service, the Department of Ethics, and local governments.

In **Chapter 7** Robert Mukobi and Pregala Pillay focus on whistleblowing and whistleblowers' protection, as well as the fight against corruption in Uganda. Corruption is a menace that is devastating in many countries the world over. Efforts to tackle corruption have yielded modest results at best, with evidence of escalating levels of corruption in many countries. Whistleblowing is increasingly recognised as an effective tool in combating corruption. In Uganda, the enactment of the Whistleblowers Protection Act¹⁰ in 2010 was a welcome attempt in strengthening the national anti-corruption

⁷ <https://www.transparency.org/en/cpi/2022>.

⁸ <https://www.transparency.org/en/news/transparency-international-30-anniversary-global-fight-against-corruption>

⁹ https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf

¹⁰ https://www.igg.go.ug/media/files/publications/Whistle_blowers_Act.pdf

strategies. However, the implementation of the Whistleblowers Protection legislation has been inconsistent. This chapter contributes to this research area by examining whistleblowing practices and the implementation of whistleblower protection in Uganda. Their main argument in this paper is that whistleblowing should be understood in the context of a Ugandan setting where corrupt activities are extensive. It emerges that whistleblowing is not a panacea to corruption in such an environment, unconvincing as it is for individuals to blow the whistle against wrongdoing and illicit activities. Where corruption is used ostensibly to “get things done”, the benefits of engaging in corrupt activities outweigh the costs. Thus, it is not only worthless but also costly to report and punish corruption. Furthermore, with a pervasiveness of corruption where most government functions have been permeated with abuse of power for personal gain, whistleblowing serves no purpose because there is no one to genuinely act and sanction corrupt individuals. Other obstacles to effective whistleblowing include weaknesses in the Whistleblowers Protection Act, 2010, and more so the absence of witness protection legislation and a lack of awareness of legal provisions amongst the citizens hindering them from playing an effective role. The authors recommend that the implementation of the whistleblower protection legislation should not be done in isolation from other anti-corruption interventions.

Kudzai Chitunhu, Luckmore Chivandire, and Pregala Pillay, in **Chapter 8**, write about the harsh reality of whistleblowing in Zimbabwe’s closed society. Whistleblowing plays a great role in the fight against corruption and enhances accountability and transparency in both the private and public sectors. Various mechanisms put in place to combat corruption may not be effective without whistleblowers to expose corrupt acts. Therefore, the success of any whistleblowing policy is closely linked to the right to freedom of expression. This is noted in instances where whistleblowers can freely express themselves and can report corrupt acts and other malpractices without any fear of retribution. Against this backdrop, this chapter critically discusses the role of freedom of expression in the context of whistleblowing in Zimbabwe. It explores the link between the absence of freedom of expression and the failure of whistleblowing as an anti-corruption mechanism. The authors analyse several cases where journalists have been harassed, demoted, and arrested after blowing the whistle. The chapter deploys a documentary study and utilises secondary sources for data. Data has been collected from existing sources such as journal articles, newspapers, and online articles. The study recommends the need for the enactment of whistleblower protection laws whilst also appreciating the rights, protections, and values of freedom of expression. Furthermore, whistleblowers should be

guaranteed confidentiality and the possibility of anonymity in their reporting. In addition, the government should establish a whistleblowing institution that promotes and protects the confidential submission of information. There is also a great need for political will by the government to encourage whistleblowing without victimisation, especially in high-profile corruption instances.

In **Chapter 9** Munyaradzi Saruchera and Luckmore Chivandire focus on whistleblowing legislation, the institutional framework, and the fight against corruption in Zimbabwe. Corruption is undoubtedly one of Zimbabwe's major challenges and is impeding the country's socio-economic development, public management, and investment. Despite several attempts and strategies having been put in place to prevent and combat this scourge, cases of corruption continue to rise and seem to be getting worse. When implemented correctly and with unquestionable commitment, whistleblowing has proved to be an effective anti-corruption strategy in many countries. In recent years, there has been increased attention on whistleblowing in the context of various scandals involving corruption and other unethical practices. As a result, many governments around the world have put in place systems, structures, and processes, and enacted laws and regulations designed to protect whistleblowers from various risks. Without comprehensive and relevant laws, whistleblowers risk being subjected to criminal and civil court proceedings as well as the elimination of themselves and their families. This chapter identifies and critically discusses the challenges and weaknesses that exist in Zimbabwe's whistleblowing framework. It explores the various factors that hinder the effective administration and implementation of the country's whistleblowing laws, as well as public perceptions on the effectiveness of whistleblowing and the safety of whistleblowers. The study applies a qualitative research approach, and desktop research of existing literature in journal articles, legal statutes, books, online articles, and newspaper articles has been conducted. In addition, interviews have been held with anti-corruption crusaders. Findings show that currently there are several pieces of legislation that attempt to protect whistleblowers in Zimbabwe. However, such laws are fragmented and ineffective, and hence offer inadequate protection to any would-be whistleblowers. In addition, there are weak institutional frameworks to promote the protection of whistleblowers in Zimbabwe. The chapter recommends the Zimbabwean government to enact specific and stand-alone legislation that offers effective/adequate protection to whistleblowers. In addition, whistleblowing legislation should not be enacted for the purposes of complying with the provisions of international anti-corruption conventions and treaties without the political will and commitment to fight corruption.

George Scott in **Chapter 10** reasons that the use of technology in whistleblowing has been gaining prominence with the rise of web-based and mobile platforms such as WikiLeaks.¹¹ In Africa, the use of whistleblowing technologies by citizens to report corruption cases remains understudied. He thus investigates the influence of technology on whistleblowing practices among citizens in Ghana. He bases the study on the theory of planned behaviour and systems theory. He uses mixed methods research where quantitative and qualitative data have been collected from the public in Ghana using Google Forms and a focus group discussion (FGD). In analysing quantitative data, he uses descriptive statistics including frequencies, percentages, and mean and standard deviation. He also uses structural equation modelling (SEM) and finds that Facebook and Twitter are popular technology-based whistleblowing platforms used by Ghanaians. He further finds that technology use has a significant influence on whistleblowing intentions and trust in whistleblowing systems which in turn enhances whistleblowing practices among citizens. He thus recommends education campaigns to promote increased usage of technology-based whistleblowing platforms in the fight against corruption in Ghana.

In **Chapter 11** Hafte Gibrehet and Vain Jarbadhan write about the wicked problem of whistleblowing in Ethiopia. According to them there is widespread consensus that no sustainable development can take place without reducing the prevalence of corruption. Sustainable Development Goal 16,¹² which prioritises peace, justice, and inclusion, is a cornerstone of Agenda 2030. Yet, owing to a lack of data for analysis, it is one of the least researched subjects in contemporary debates on the African political economy. This chapter examines how countries have advanced or regressed in regard to achieving the ambitious anti-corruption targets outlined in Sustainable Development Goal 16, using Ethiopia as a case study. It aims to identify gaps and problems in existing legislation and practices that hinder progress toward achieving the ambitious anti-corruption targets of Sustainable Development Goal 16. An exploratory research design, based on a desktop review and supported by a case study, has been employed to answer the research question. Whistleblower protection laws and policies are analysed using policy-informed critical discourse analysis. Furthermore, whistleblower protection practises are analysed using practice-based critical discourse analysis. This study finds that, despite the policy and regulatory environment, the absence of a robust mechanism to protect whistleblowers from retaliation and conviction discourages whistleblowers from reporting

¹¹ <https://wikileaks.org/>

¹² <https://sdgs.un.org/goals>.

criminal activities and corruption in the country. The legislation does not protect workers against retaliation at work, such as being fired or harassed. Nor does it apply to citizens or employees, as disclosures do not lead to significant investigations or prosecutions. The legislation does not meet international standards for whistleblower laws, such as protection from retaliation, ways to report wrongdoing, remedies, penalties for retribution, and mechanisms to follow up on disclosures. The findings of this study imply that the gap in whistleblower-protection legislation and practice erodes whistleblowers' trust in the government, which, in turn jeopardises justice and accountability.

Chapter 12, written by Ramadhani Marijani and Pregala Pillay, documents efforts to promote whistleblowing in Tanzania by undertaking a content analysis of selected literature and works by civil society organisations (CSOs) in Tanzania. To do this, the chapter revisits the legal and policy frameworks for whistleblowing in the country. It has been guided by two questions: Has all CSOs' advocacy work for whistleblowing been fruitful in Tanzania? And has the transparency and accountability resulting from whistleblowing been realised? Data was collected through document reviews from December 2020 to March 2023 and invoked qualitative content data analysis techniques. The results from the review of legal instruments and CSOs' work indicate that Articles 8(1) and 18(1) (2) of the Constitution of the United Republic of Tanzania provides both for the people to participate in the affairs of the government and a constitutional right to access and give information. It also shows that the government has enacted the Whistleblower and Witness Protection Act, 2015 to promote whistleblowing in the country. The findings further report the whistleblowing success stories from selected CSOs' work in the areas of public service delivery, public procurement, tax exemptions, and land rights. The first case, regarding the organisation Twaweza, indicates the empowerment of citizens to demand explanations and hold the government accountable in public service delivery.

The second case, of Wajibu Institute Advocacy work, led the government to retool the Procurement Regulatory body (PPRA) to control corruption in public procurement processes. In addition, the case of ActionAid's community capacity-building interventions resulted in the cancellation of the Eco Energy project in Bagamoyo. And in the last case, that of the Jamii forum, investigative works resulted in working very closely with the Prevention and Combating of Corruption Bureau (PCCB) on investigative matters as the key strategic partners. Despite the above success stories, the CSOs in Tanzania still face the following challenges: First, the establishment of multiple institutions to regulate research activities in the country

complicates research work done by CSOs. Second, the amendments of the Non-Governmental Organizations Act, 2002, the Tanzania Society Act, and the Companies Act, 2002, and the main laws used to register and regulate Civil Society Organisations (CSOs) in the country lead to the automatic de-registration of some CSOs in Tanzania. Finally, the chapter offers the following recommendations to promote and protect whistleblowing in Tanzania: for the review and repeal of some of the sections in key legal instruments such as sections 4 and 6 of the Whistleblower and Witness Protection Act, 2015, and the Media Act; for the government of Tanzania to rejoin the Open Government Partnership; and, with urgent need, for the government of Tanzania to undertake initiatives to popularise the Whistleblower and Witness Protection Act, 2015 and other laws so that whistleblowing can thrive in the country.

Summary of Section D: South Africa in Focus

In **Chapter 13** Vasanthi Naidoo and Purshottama Reddy focus on whistleblowing in South Africa by re-examining the policy and legislative framework. Whistleblowing has resulted in the successful completion of the Zondo Commission of Enquiry¹³ and the resultant recommendations that must be followed up by further investigations, prosecution, and consequence management for those implicated. The South African policy and legislative framework provides for the protection of whistleblowers through the Protected Disclosures Act 26 of 2000 and the Witness Protection Act 112 of 1998¹⁴ in cases of statutory corruption. Whistleblowers expose corruption at their own peril, some facing victimisation, loss of employment, and even death. The Protected Disclosures Act 26 of 2000 serves to safeguard the integrity of the information disclosed. However, cases of whistleblowers being murdered, such as those of Moses Phakoe of the Bojanala Municipality and Babita Deokaran of the Gauteng Department of Health, that of the intimidation of the SABC 8 that resulted in the death of Suna Venter expose the deficiencies and lack of ethics which undermine the integrity of the legislation. Whistleblowers have little or no confidence in the law enforcement agencies that are mandated to protect them from alleged corruptors. Through desktop research of existing research articles, news reports, and personal accounts of whistleblowers, this chapter examines the effectiveness of the legislation and the implementation thereof to protect

¹³ <https://www.thepresidency.gov.za/report-type/judicial-commission-inquiry-state-capture-report>

¹⁴ <https://www.justice.gov.za/legislation/acts/1998-112.pdf>

whistleblowers. The impediments to the effective implementation of the legislation are identified to expose the failings of government as the custodian in effectively implementing the legislation. The findings and recommendations serve to add to the existing body of knowledge with a view to enhancing and improving the legislative framework and implementation thereof to afford the protection of whistleblowers and their families. It demonstrates that whistleblowing could serve as a major deterrent to corruption.

Rajesh Choudree SC, Jazmina Singh, Sanjuri Naidoo, and Vinodh Jaichand, in **Chapter 14**, focus on whistleblowing as a key mechanism to deter corruption. The advent of a new democratic society and a world class constitution in South Africa in 1994 brought the promise of a fairer and just government for the welfare of all citizens irrespective of race. However, it soon became clear that rent-seekers found a fertile ground for corruption, both from within government and the private sector. Democratic gains have been eroded at pace and scale, aided and abetted by a corrupt government and pliant institutions. The main pockets of resistance have been civil society organisations and the progressive media, as well as whistleblowers. It is the latter that have arguably been most effective in shining a light on unethical practices in both the state and private sector; however, this has come at enormous personal cost. Significant challenges facing whistleblowers are those of victimisation, career destruction, and even death. The absence of a unified set of frameworks that adequately protect whistleblowers is the greatest barrier to transparency and the uncovering of unethical practices in society in general, and hence whistleblowers should be protected by the state. Since 2018, there have been encouraging signs of the government addressing rampant corruption through the re-capacitation of hollowed-out institutions such as the National Prosecuting Authority. However, neither the state nor legislation support whistleblowers who have had to rely primarily on their own limited resources or civil society organisations to survive or receive assistance. There is clearly a need for the state (along with civil society) to craft a framework to enable whistleblowers to be recognised and be afforded the protection implied by the Constitution and international conventions. Inputs towards appropriate interventions have been canvassed from several whistleblowers. These have been collated into a Memorandum that has been submitted to the State Capture Commission on the strengthening of whistleblowers legislation.

“Whistleblowing ... encourages accountability, transparency, and high standards of governance in private and public institutions” (Botha 2021). Whistleblowers should accordingly be protected and supported to a far greater extent to build an ethical society.