

separation of power in government ensures that each sphere functions and operates within its mandate. However, with the political dominance of the ANC, when the abuse of power becomes more desirable, the blurring of lines is more noticeable (Premhid, 2015, n.p.). And according to Mail & Guardian (2014, n.p.), politics within independent institutions like the NPA poses a serious threat to our constitutional order.

In this research, democracy refers to ‘rule by the people’ (Heywood, 2017, p.36), where “common values [are] shared by peoples through the world community irrespective of culture, political, social, and economic differences. It is the basic right of citizenship to be exercised under conditions freedom, equality, transparency, and responsibility, with due respect for the plurality of views, and in the interest of the polity” (Bassiouni et al, 1998, p.VI). To establish a democracy there needs to be a social contract whereby citizens consent to electing a representative to represent them to make decisions on their behalf. According to the NPA Annual Report (2015/2016, p.30), In South Africa, political and or domestic instability is a serious challenge to the country, therefore if left unchecked it can determine the functionality of our democracy and rule of law, and development trajectory. To ensure our democracy and rule of law remains in-check and unscathed by instances of political and or domestic instability it is integral to uphold and strengthen our democracy through horizontal accountability by upholding our democratic independent institutions, like the NPA. By protecting our independent institutions we ultimately honour and safeguard our basic human rights to freedom, equality, transparency, and responsibility. There are a few suggestions that may assist in the improvement the NPA.

6.3 How to strengthen the independence of the NPA in relation to democratic norms

In order to hold the NPA to account we need to enhance our horizontal accountability. According to O’Donnell (1999, p. 43), there are a few ways in which we can improve our horizontal accountability. Firstly, opposition parties should have an important role in directing institutions in investigating alleged cases of corruption, especially where high-profile cases pertain. Institutions, like the NPA and Chapter 9’s that perform preventative roles should be highly professional, endowed with resources that are both sufficient and independent of the executive. Secondly, the NPA needs to be separated as much as possible from the executive in order to be fully independent. Thirdly, it should have a judiciary that is professional, have a capable budget, and is independent of the executive and independent in their decision-making.

A plan should be developed to reform institutions that have been rendered ineffective by the executive and willing legislatures. The weak, poor, and unequal societies should be safeguarded and supported by independent institutions. For horizontal accountability to be improved, there should be reliable, timely, and independent media. And lastly, it is also important to have active and persistent participation from civil society, and input of public opinion and support.

Another recommendation is the reform in appointment processes of the 14 senior NPA officials, specifically the NDPP to make the processes more democratic. For example, the private member's bill by Dene Smuts which recommends that the NPA appointment process should follow a process similar to the Chapter 9 institutions or the judges. This will safeguard the independence in the security of tenure of the NDPP by ensuring that the NDPP is not beholden to the executive who constitutionally holds the right to appoint and fire the NDPP on the account of misconduct, ill-health, incapacity to carry out their duties, and if they are no longer a fit or proper person – a definition not defined in the Constitution or NPA Act. Hoffman (interview, 2017), expresses that a reform in the appointment process by replacing executive oversight by oversight from parliament would allow the NPA to cut loose from the executive. Others like Advocate Breytenbach and Advocate Pikoli argue, that there is no need for constitutional reform, instead what is needed is a president that does not abuse their constraint of power because of a conflict of interest.

The NPA could also benefit by having an accountability unit, much like the role of the Inspector General in the South African State Security (SSA). According to Advocate Silas Ramaite (DNDPP, NPA, interview, 2017), in terms of accountability there is a position within the National Prosecuting Authority Act for an accountability structure, unfortunately, over the years that structure has never been established, but it currently in the process of getting it off the ground. Advocate Ramaite (interview, 2017), further states there are differences of opinion on who should establish the accountability structure. There are some that feel that the structure should consist of members of the National Prosecuting Authority, while there are others who say it should consist of members of the judiciary or appointed or nominated by the minister. In the United Kingdom, for example, the accountability structure is headed by the Chief Justice. Now in our case, the accountability is only confined to the prosecution part of the criminal justice system and not the criminal justice system in its entirety. Advocate Ramaite (interview, 2017), continues to say there is currently a committee making proposals to the NDPP on this

matter. These enhancements could see the NPA maintain its independence without political influence and provide it to add to the quality of South Africa's democracy as intended when established.

This thesis assessed whether the NPA act as an independent institution by using the principal concepts of democracy as well as the concepts that aid in its erosion. The principal concepts used were democracy, accountability, the constraint of executive power, the separation of powers, the rule of law, state capture, and dominant party systems. These concepts helped assess instances of state capture of the NPA by the executive, nevertheless, the political interferences determined that the institution's leadership did not act independent. Despite the aforementioned, NPA by right (de jure) remains independent. Since it has been established that the NPA is an independent state institution according to law, the question now is to what extent is it able to exercise its independence? According to law, the NPA should exercise its independence by prosecuting without fear, favour, or prejudice. But the NPAs senior leadership has not always acted independently throughout its 18 years of prosecution, specifically where high-profile cases like President Zuma comes into question.

Political influence often caused by factions within party politics has played a significant role in the independent state institutions of South Africa, as we have seen with the NPA. However, the reach of power by the executives over the years has tainted the perception of the institution, causing it to lose its credibility by the public. To be clear, the state capture of the NPA should not by any means be normalised since it is still legally independent. For stability and credibility to be restored within the institution, the state capture of independent institutions – including that of the NPA, should be dealt with urgency and seriousness. An independent and accountable NPA is important, as it will allow the institution to prosecute without fear, favour, or prejudice, and ensure that justice will prevail so that people can live in freedom and security. It will further enforce equality by ensuring that no one is above the law. The independence of the NPA is integral to the safeguard of South Africa's Constitution and ultimately allows for a quality and robust democracy.

Appendix 1

High profile matters – NPA (National Prosecuting Authority’s Annual Report, 2014/15, p31-33):

“In *Freedom Under Law versus National Director of Public Prosecutions and Others* 2014 (1) SACR 111 (GNP) April 2014), the North Gauteng High Court (per Murphy J) made certain unfavourable credibility findings against three senior members of the NPA, namely, Advocates Nomgcobo Jiba, Sthembiso Lawrence Mrwebi, and Sibongile Mzinyathi. The judgment of Murphy J was confirmed by the Supreme Court of Appeal (SCA) in *National Director of Public Prosecutions versus Freedom Under Law* 2014 (4) SA 298 (SCA).

Following the above-mentioned decisions of the High Court and Supreme Court of Appeal, the NPA, via the office of the State Attorney, briefed senior counsel to furnish a legal opinion as to whether, among others, disciplinary steps ought to be taken against the above-mentioned senior members of the NPA. The legal opinion was furnished to the State Attorney on 7 July 2014.

In his legal opinion, senior counsel, in summary, concludes that the findings of Murphy J in the High Court, as confirmed by Brand JA in the Supreme Court of Appeal, constitute compelling justification for disciplinary proceedings against Advocates Jiba, Mrwebi and Mzinyathi. The fact that they misled the Court and were prepared to lie under oath not only indicates a strong prima facie case of serious misconduct but also casts grave doubt on their fitness to hold office. He consequently recommends that the President should, in terms of section 12(6)(a) of the NPA Act, consider provisionally suspending the mentioned senior NPA managers pending an inquiry into their fitness to hold the office of Deputy National Director of Public Prosecutions and Directors of Prosecutions, respectively, to be presided over by a retired judge of the High Court. He further recommends that a criminal investigation for perjury be opened against all three members of the NPA and that the findings against the mentioned NPA members made in the judgments be submitted to the General Council of the Bar as a matter of urgency to consider whether an application should be brought against them in terms of section 7 of the Admission of Advocates Act.

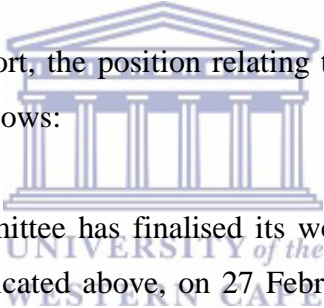
In a memorandum dated 18 July 2014 addressed to the Minister of Justice and Correctional Services, the NPA explained in detail to the Minister the NPA's motivation and arguments pertaining to a request that the President should provisionally suspend Advocates Jiba, Mrwebi and Mzinyathi from their respective offices. The Minister was requested to forward the contents of the memorandum to the President and request the President to provisionally suspend the three senior NPA members from their respective offices pending an enquiry into their fitness to hold such offices and the finalisation of the envisaged criminal investigations and outstanding inquiries and investigations and action of the General Council of the Bar.

In a memorandum dated 31 July 2014, the CEO of the NPA informed the Minister that the NPA had appointed a fact-finding committee to investigate allegations that certain employees of the NPA, including senior members, had committed unethical and unprofessional conduct and to advise on appropriate remedies if contraventions had occurred. The Minister was informed that the nature of the allegations and the seniority of the officials allegedly involved necessitated the involvement of an outside committee of suitable credibility. Therefore, the CEO appointed retired Judge Zak Yacoob as the chairperson of the committee. He was assisted by Advocate TK Manyage, a member of the Johannesburg Bar. The committee has finalised its report. The committee, among others, also made certain unfavourable credibility findings against Advocates Nomgcobo Jiba, Sthembiso Lawrence Mrwebi, and Sibongile Mzinyathi. On 27 February 2015 the CEO informed the Minister about the findings and recommendations of the committee.

During the beginning of September 2014, it came to the National Director's attention that the Minister had publicly indicated that he has not yet approached the President regarding the above-mentioned recommendations of the National Director. The opinion was held that failure to bring these serious matters to the attention of the President is causing a credibility crisis within the NPA as a whole and that it was appropriate to urgently bring stability within the NPA and it is of utmost importance that the matter should be communicated to the President as a matter of urgency. Therefore, a decision has been taken to approach the President directly so as to bring the matter officially to the President's attention. Accordingly, in a letter dated 12 September 2014, the National Director wrote directly to the President and brought the matter to his personal attention. The National Director personally handed this letter to the President.

Furthermore, in a letter dated 17 September 2014 the National Director responded to certain questions raised by the Minister; he informed the Minister about further instances of misconduct committed by and adverse findings made against Advocates Jiba and Mrwebi; informed the Minister about steps already taken by the NPA and steps to be taken against the three senior members of the NPA concerned; informed the Minister about the NPA's submission made directly to the President; and again requested the Minister to also engage with the President regarding the proposed suspension of the three senior members of the NPA as a matter of urgency. It was also pointed out to the Minister that after the High Court judgment in April 2014, the National Director requested reports from Advocate Jiba regarding the Mdluli corruption matter, which request was ignored. Further, the National Director has repeatedly requested an official handover report on matters being dealt with by Advocate Jiba, without any response. The National Director held the view that such insubordination is intolerable and makes it very difficult to perform his duties.

At the time of finalising this report, the position relating to the conduct of Advocates Jiba, Mrwebi and Mzinyathi was as follows:

- 
- (a) The fact-finding committee has finalised its work and submitted a report to the National Director. As indicated above, on 27 February 2015 the CEO informed the Minister about the findings and recommendations of the committee
 - (b) The General Council of the Bar has already brought an application in the High Court, Gauteng Division, for an order striking the names of each of the respondents (Advocates Jiba, Mrwebi and Mzinyathi), from the roll of advocates, alternatively, to suspend them from practising as advocates for such period as the court may deem appropriate. Advocates Mrwebi and Mzinyathi have already indicated that they will oppose the application.
 - (c) Criminal proceedings have been instituted against Advocate Jiba in the Regional Court, Pretoria. The charges are fraud and perjury and the case has been postponed to 10 June 2015
 - (d) Perjury charges have been laid against Advocates Jiba, Mrwebi and Mzinyathi. This case is still under investigation by the South African Police Service
 - (e) Criminal proceedings are also outstanding against Advocate Mrwebi for contravening section 32(1)(b), read with sections 1, 20, 24, 25, 32(1)(a) and 41(1) of the NPA Act.

In spite of the above-mentioned urgent requests directed to the Minister and the President, and the outstanding criminal proceedings against Advocates Jiba, Mrwebi and Mzinyathi, no feedback has been received from the Minister or the President. As emphasised by the High Court, “the respondents are unbecoming of persons of such high rank in the public service, and especially worrying in the case of the (acting) NDPP, a senior officer of this court with weighty responsibilities in the proper administration of justice. The attitude of the respondents signals a troubling lack of appreciation of the constitutional ethos and principles underpinning the offices they hold.” Therefore, it is important for the Minister and the President to fulfill their constitutional mandate and to act as a matter of urgency.” (National Prosecuting Authority’s Annual Report, 2014/15, p31-33).



Appendix 2

Victims of Crime Survey 2016/17 (Statistics South Africa, 2017, n.p.):

MEDIA RELEASE

28 September 2017

“Statistics South Africa, released the 2016/17 Victims of Crime Survey results on Thursday September 28th. According to this survey, crime experienced by households and individuals aged 16 years and older, has been decreasing between 2013/14 and 2016/17. Approximately 7% households in South Africa were victims of crime in 2016/17, compared to about 9% households in 2015/16. The estimated number of incidents of crime also decreased for many types of crime. For example housebreaking incidents decreased by 8%; home robbery decreased by 25% and theft of personal property decreased by 12%. However, hijacking of motor vehicles increase and sexual offence increased sharply by 93% and 110% respectively. Estimates for hijacking and sexual offence, however, should be used cautiously as they fall under the second level of quality (acceptable statistics) due to the small number of respondents that experienced these types of crime.

An estimated total of 1,5 million crime incidents were experienced by approximately 1,2 million households in 2016/17. Male-headed households had a higher percentage (7,5%) of victimisation compared to female-headed households (6,6%). Whilst households headed by coloured (8,9%) household heads were the most likely to be victimised, households headed by black Africans (6,9%) were the least likely to be victimised by crime.

A comparison of crime types shows that housebreaking/burglary (53%) was the most common crime experienced by households in 2016/17, followed by theft of livestock (11%) and home robbery (10%). Theft of personal property tops the individual crime list at 42 percent, followed by assault (18 %) and robbery (16%).

Further analysis showed that household’s feelings of safety when it is dark continued to deteriorate over the years. It is not surprising that a large number of households have actively taken measures to make their homes (51%) and vehicles (41%) more secure. Although households took measures to protect their property, the fear of crime persists and prevent them from engaging in daily activities such as going to open spaces (32%), allowing children to play

outside (20%) and walking to town (15%). The study highlighted that households' confidence in police services and courts has been gradually eroding over the years. Households that held negative attitudes about the police felt that the police could not recover stolen goods (59%), whereas those that were disgruntled with court services said that courts were too lenient towards criminals" (Statistics South Africa, 2017, n.p.).



Bibliography

Bassiouni, C., et al. (1998). *Democracy: Its Principles and Achievements*. Switzerland: Inter-Parliamentary Union.

Berg, B. (2001). *Qualitative Research Methods for the Social Sciences*. California State University: Long Beach.

Brink, H. (2002). *Fundamentals of Research Methodology for Healthcare Professionals*. Juta & Co, Ltd: Cape Town.

Brooks, H. (2004). *The Dominant Party System: Challenges for South Africa's Second Decade of Democracy*. EISA Occasional Paper no.25.

Butler, A. (2009). *Contemporary South Africa: contemporary states and societies*. Palgrave Macmillan United Kingdom.

Butler, A. (2009). *Contemporary South Africa: contemporary states and societies*. Palgrave Macmillan United Kingdom.

Buyts, F. (2016). *How Zuma Happened*. Retrieved on May 11, 2017, from: http://www.politicsweb.co.za/opinion/how-zumafication-happened?utm_source=Politicsweb+Daily+Headlines&utm_campaign=a8267ea1c4-EMAIL_CAMPAIGN_2016_11_20&utm_medium=email&utm_term=0_a86f25db99-a8267ea1c4-140198721

Chipkin, I. (2016). *The State, Capture, and Revolution in Contemporary South Africa*. University of Witwatersrand: PARI.

Dahl, R. (2000). *On Democracy*. New Haven: Yale University Press.

Davis, R. (2015). *HAWKS, spooks, rendition, and racism: A guide to the messy Anwar Dramat saga*. Daily Maverick. Retrieved on June 13, 2017, from: <https://www.dailymaverick.co.za/article/2015-01-30-hawks-spooks-rendition-and-racism-a-guide-to-the-messy-anwa-dramat-saga/#.WUBKaTexU10>

Dawson, C. (2007). *A Practical Guide To Research Methods: a user-friendly manual for mastering research techniques and projects*. Begbroke: Oxford.

De Jager, N. and Du Toit, P. (2013). *Friend or Foe? Dominant party systems in southern Africa: insights from the developing world*. Cape Town: UCT Press.

Department of Justice. (1998). *National Prosecuting Authority Act 32 of 1998*. Retrieved on June 14, 2017, from: <http://www.justice.gov.za/legislation/acts/1998-032.pdf>.

Doorenspleet, R., and Nijzink, L. (2013). *One Party Dominance in African Democracies*. Boulder: Lynne Rienner Publishers.

Du Plessis, A., Redpath, J., and Schönteich, M. (2008). *Report on the South African National Prosecuting Authority: Promoting prosecutorial independence, accountability and effectiveness: comparative research*. Sofia: Open Society Institute.

Eye Witness News. (2016). *NPA Head Shaun Abrahams Withdraws Charges Against Pravin Gordhan*. Retrieved on November 30, 2017, from: <http://www.google.co.za/amp/amp.ewn.co.za.2016/10/31/npa-head-shaun-abrahams-withdraws-charges-against-pravin-gordhan>

Flatman, G. (1996). *Independence of the Prosecutor*. Retrieved on January 19, 2018, from: http://www.aic.gov.au/media_library/conferences/prosecuting/flatman.pdf.

Fombad, C. (2005). *The Separation of Powers and Constitutionalism in Africa: The case of Botswana*. Boston College Third World Law Journal, Vol 25(2), pp.301-342.

Galbraith, J. (1998). *The Anatomy of Power*. Boston: Houghton Mifflin.

General Law Amendment Act. (1935). *General Law Amendment Act 46 of 1935*, Section. 7(4).

Grootes, S. (2014). *The NPA – going down (in)fighting*. Daily Maverick. Retrieved on May 11, 2017, from: <https://www.dailymaverick.co.za/article/2014-06-26-the-mpa-going-down-infighting/#.WT75OzexUI0>

Grootes, S. (2014). *NPA leadership fiasco: President Jacob Zuma's not so hidden hand*. Daily Maverick. Retrieved on July 24, 2015, from: <http://www.dailymaverick.co.za/article/2014-06-09-mpa-leadership-fiasco-president-jacob-zumas-not-so-hidden-hand/#.VbIuKLWrFhU>

Grootes, S. (2015). *Asserting his authority and his independence, advocate Abrahams meets the press*. Daily Maverick. Retrieved, August 14, from: <http://www.dailymaverick.co.za/article/2015-07-08-asserting-his-authority-and-his-independence-advocate-abrahams-meets-the-press/#.VjuilywYLFZ>

Grootes, S. (2015). *Cyril Ramaphosa – Nkosazana Dlamini-Zuma a ticket to save the ANC*. Daily Maverick. Retrieved on August 24, 2012, from: <http://www.dailymaverick.co.za/article/2015-08-24-cyril-ramaphosa-nkosazana-dlamini-zuma-a-ticket-to-save-the-anc/#.VdrFiPmFFDI>

Grootes, S. (2015). *NPA realignment step 2: Willie Hofmeyr out of asset forfeiture unit*. Daily Maverick. Retrieved on August 24, 2015, from: <http://www.dailymaverick.co.za/article/2015-08-20-mpa-realignment-step-2-willie-hofmeyr-out-of-asset-forfeiture-unit/#.VdrATfmFFDI>

Grootes, S. (2016). *Analysis: NPA's Kafkaesque charges against Glynnis Breytenbach*. Retrieved on January 06, 2018, from: <https://www.dailymaverick.co.za/article/2016-02-14-analysis-mpas-kafkaesque-charges-against-glynnis-breytenbach/#.WIBlhzSxU10>

Habib, A. (2004). *The politics of economic policy-making: substantive uncertainty, political leverage, and human development*. Retrieved on January 18, 2018, from: http://transformationjournal.org.za/wp-content/uploads/2017/04/T56_Part8.pdf

Habib, A. and Schulz-Herzenberg, C. (2011). *Democratization and the Parliamentary Opposition in Contemporary South Africa: The 2009 National and Provincial Elections in Perspective*. *Politikon*, (38) 2, 191-210.

Hague, R. and, Harrop, M. (2004). *Comparative Government and Politics: An Introduction 6th Edition*. Hemisphere: Palgrave Macmillan. pp. 268 – 288.

Hague, R. and Harrop, M. (2013). *Comparative Government and Politics: An Introduction*. Ninth Edition. London: Palgrave.

Heywood, A. (2013). *Politics*. Fourth Edition. Basingstoke: Palgrave Macmillan.

Heywood, A. (2017). *Political Ideologies: An Introduction*. United States: Palgrave.

Hislop, R. and Mughan, A. (2012). *Introduction to comparative politics: the state and its challenges*. New York: Cambridge University Press.

Holmes, S. cited in Starr, P. (2007). *Freedom's Power: The True Force of Liberalism, Chapter 1: Liberalism and the Discipline of Power*. Basic Books: The University of Princeton.

Howard, R. (2002). *Political Freedom in the Developing and Developed World: What Difference Do Courts Make?* Georgia State University: Atlanta.

Huntington, S. (1991). *The Third Wave of Democratization: in the Late Twentieth Century*. The University of Oklahoma Press: Norman.

Innes, A. (2013). *The political economy of state capture in central Europe*. *Journal of Common Market Studies*, 52 (1). pp. 88-104.

IOL News. (2004). *Ngcuka: Did he jump... or was he pushed?* IOL News. Retrieved, September 26, 2016, from: <http://www.iol.co.za/news/politics/ngcuka-did-he-jump-or-was-he-pushed-218031#.VDDLHVeIqRQ>

Klug, H. (2015). *Accountability and the Role of Independent Constitutional Institutions in South Africa's Post-Apartheid Constitutions*. Retrieved, November 5, 2015, from <http://ssrn.com/abstract=2586167>

Leedy, P. (2010). *Practical Research: Planning and Design (9th ed)*. Merrill: Pearson

Licht, A., Goldschmidt, C., and Schwartz, S. (2003). *Culture Rules: The Foundations of the*

Rule of Law and Other Norms of Governance. William Davidson Institute: University of Michigan Business School, Working Paper No. 605.

Mail & Guardian. (2009). *NPA drops corruption charges against Zuma*. Mail and Guardian. Retrieved, February 10, 2016, from <http://mg.co.za/article/2009-04-06-npa-drops-corruption-charges-against-zuma>

Mail & Guardian. (2014). *End this dirty war, the NPA is broken*. Mail and Guardian. Retrieved, November 6, 2016, from: <http://mg.co.za/article/2014-06-05-editorial-end-this-dirty-war-the-npa-is-broken>

Marais, H. (1998). *South Africa: Limits to Change*. London: Zed Books.

Matei, A. (n.d.). *State Capture versus Administrative Corruption: A Comparative Study for the Public Health Service in Romania*. Bucharest: Faculty of Public Administration National School of Political Studies and Public Administration.

Mitchley, A. (2017). *Ramaphosa must appoint new NPA head as court rules Abrahams must vacate office*. Retrieved, December 8, 2017, from: <https://www.news24.com/SouthAfrica/News/ramaphosa-must-appoint-new-npa-head-as-court-rules-abrahams-must-vacate-office-20171208>

Morlino, L. (2006). *'Good' and 'Bad' Democracies: how to conduct research into the quality of democracy*. Italy: University of Florence.

Morlino, L. (2007). *Democratisation: What is a good democracy?* Italy: University of Florence.

Muntingh, L., Redpath, J., Petersen, K. (2017). *An Assessment of the National Prosecuting Authority: A Controversial Past and Recommendations for the Future*. Dullah Omar Institute: The University of the Western Cape.

Murray, C. (2006). *What Is The Role Of South Africa's Chapter 9 Institutions?* P.E.R, Vol. 9 (2), pp.123-147.

Naicker, K. (2013). *Little Progress Made In Creating Political Accountability*. Retrieved, February 6, 2016, from <http://www.unisa.ac.za/news/index.php/2013/04/little-progress-made-in-creating-political-accountability/>

National Prosecuting Authority. (2014). *NPA*. Retrieved, October 15, 2015, from: <https://www.npa.gov.za/>

National Prosecuting Authority. (2016). *Annual Report: National Director of Public Prosecutions 2015/2016*. National Prosecuting Authority: South Africa.

News24. (2015). *Guptagate: what you need to know*. News24. Retrieved, February 9, 2016, from <http://www.news24.com/SouthAfrica/News/Guptagate-What-you-need-to-know-20150121>

Nicholson, G. (2014). *Eskom: from crack to collapse, SA's power in peril*. Daily Maverick. Retrieved: February 9, 2016, from <http://www.dailymaverick.co.za/article/2014-11-03-eskom-from-crack-to-collapse-sas-power-in-peril/>

Nicholson, G. (2016). *High Court on Zuma's Corruption Charges: not the end, but damning*. Retrieved on November 30, 2017, from: <https://www.dailymaverick.co.za/article/2016-04-29-high-court-on-zumas-corruption-charges-not-the-end-but-damning/#.Wh8VODSxUI0>

Ndlangisa, S. (2014). *Hands off my work: Madonsela*. Drum Magazine Digital. Retrieved on June 13, 2017, from: <http://www.drum.co.za/news/hands-off-my-work-madonsela/>

O'Donnell, G. (1998). *Horizontal Accountability and New Polyarchies*. The Helen Kellogg Institute for International Studies, Working Paper 253.

O'Donnell, G. cited in Schedler, A., Diamond, L., Plattner, M. et al. (1999). *The Self-Restraining State Power and Accountability in New Democracies. Chapter 3: Horizontal Accountability in New Democracies*. London: Lynne Rienner Publishers

O'Donnell, G. cited in Mainwaring, S., and Welna, C. et al (2003). *Democratic Accountability in Latin America. Part I: Conceptual and Theoretical Issues, Chapter 2: Horizontal Accountability: The Legal Institutionalization of Mistrust*. Oxford University Press: Oxford.

O'Donnell, G. (2004). *The Quality of Democracy: Why the Rule of Law Matters*. Journal of Democracy Volume 15, Number 4, pp. 32-46.

O'Neil, P. (2010). *Essentials of Comparative Politics*. Third Edition. London: Norton and Company.

Open Society Foundation. (2012). *Countering State Capture*. Budapest: Think Tank Fund.

Pather, R. (2016). *Shaun Abrahams drops charges against Gordhan, Pillay, and Magashula*. Mail and Guardian. Retrieved on June 6, 2017, from: <https://mg.co.za/article/2016-10-31-breaking-news-shaun-abrahams-drops-charges-against-gordhan-pillay-and-magashula>

Paton, C. (2015). *Jacob Zuma: Be afraid, be VERY afraid*. Rand Daily Mail. Retrieved on June 13, 2017, from: <https://www.businesslive.co.za/rdm/politics/2015-02-12-jacob-zuma-be-afraid-be-very-afraid/>

Peer Monitoring Group. (2016). *State Institutions Supporting Democracy*. Retrieved, February 5, 2016, from: <https://pmg.org.za/page/state-institutions-supporting-democracy>

Persson, T. et al. (1997). *Separation of Powers and Political Accountability*. The Quarterly Journal of Economics, Vol. 112, No.4, 1163-1202.

Pikoli, V. and Wiener, M. (2013). *My Second Initiation: the memoir of Vusi Pikoli*. Publisher: Picador Africa.

Piper, L. (2012). *Chapter 3: Further from the people – bipartisan 'nationalisation' thwarting the electoral system*. African Sun Media. Retrieved on June 14, 2017, from: <https://repository-uwc-ac->

za.ezproxy.uwc.ac.za/bitstream/handle/10566/549/PiperElectoralSystem2012.pdf?sequence=3&isAllowed=y

Posner, D. and Young, D. (2007). *The Institutionalization of Political Power in Africa*. Journal of Democracy, Vol.18, 3, 126-140.

Public Prosecution Service Canada. (2016). *About the Prosecution Service of Canada*. Retrieved, March 5, 2018, from: <http://www.ppsc-sppc.gc.ca/eng/bas/index.html#intro>

Premhid, K. (2015). *Centralisation and Corruption in SA*. Retrieved, February 9, 2016, from <http://www.politicsweb.co.za/news-and-analysis/centralisation-and-corruption-in-sa>

Rahman, K. and Yeasmin, S. (2012). *'Triangulation' Research Method As The Tool Of Social Science Research*. BUP Journal, Volume 1, Issue 1, Pp. 154-163.

Redpath, J. (2012). *Failing to Prosecute? Assessing the state of the National Prosecuting Authority in South Africa*. Institute for Security Studies Monograph No. 186.

Reynolds, B. (2015). *Grounding the Law*. Researchgate: Brigham Young University.

Roelf, W. (2008). *Parliament: Scorpions will be dissolved*. Retrieved, November 5, 2015, from <http://mg.co.za/article/2008-07-30-parliament-scorpions-will-be-dissolved>

Rule, P. and John, V. (2011). *Your Guide To Case Study Research*. Van Schaik Publications: Hatfield.

Schedler, A., Diamond, L., Plattner, M. et al. (1999). *The Self-Restraining State Power and Accountability in New Democracies. Chapter 2: Conceptualizing Accountability*. Lynne Rienner Publishers: London.

Schillemans, T. (2008). *Accountability in the Shadow of Hierarchy: The Horizontal Accountability of Agencies*. Open Access 8, 175–194.

Schönteich, M. (2014). *A Story of Trials and Tribulations: The National Prosecuting Authority 1998-2014*. Crime Quarterly, No.50.

Schulz-Herzenberg, C. (2016). *Unpacking political parties support in the metros*. Retrieved, September 26, 2016, from: <http://www.sabc.co.za/news/a/aa1520804dc6f192b52fb7359257e443/Unpackingundefinedpoliticalundefinedpartiesundefinedsupportundefinedinundefinedtheundefinedmetros-20160708>

Schulz-Herzenberg, C. (2014). *Voter Participation in the South African Elections of 2014*. Institute for Security Studies, Policy Brief 61.

Smulovits, C. and Peruzzotti, E. cited in O'Donnell, G. in Mainwaring, S. and Welna, C. (2003). *Democratic Accountability in Latin America. Part I: Conceptual and Theoretical Issues, Chapter 2: The Legal Institutionalization of Mistrust*. Oxford University Press: Oxford.

Sole, S. (2015). *She's The Boss: Jiba's stunning comeback*. Mail and Guardian. Retrieved on May 11, 2017, from: <https://mg.co.za/article/2015-08-20-shes-the-boss-jibas-stunning-comeback>



Southall, R. (1998). *The Centralisation and Fragmentation of South Africa's Dominant Party System*. Oxford University Press, African Affairs, Vol. 97(389), pp. 443-469.

Starr, P. (2007). *Freedom's Power: The True Force of Liberalism. Chapter 1: Liberalism and the Discipline of Power*. Basic Books: The University of Princeton.

Statistics South Africa. (2016/17). *Victims of Crime Survey: Media Release*. Retrieved on November 29, 2017, from: <http://www.statssa.gov.za/?p=10521>

Sunday Times. (2016). *Read the original charges brought against President Zuma*. Sunday Times. Retrieved on May 11, 2017, from: <http://www.timeslive.co.za/sundaytimes/stnews/2016/04/29/Read-the-original-corruption-charges-brought-against-President-Zuma1>

Suttner, R. cited in Brooks, H. et al. (2004). *The Dominant Party System: Challenges for South Africa's Second Decade of Democracy*. EISA: Auckland Park

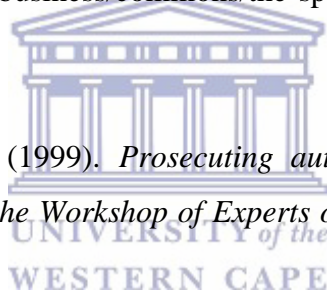
Terre Blanche, M. and Durrheim, K. (2006). *Research in Practice: Applied methods for the social sciences*. Cape Town: University of Cape Town.

Thelwell, E. (2014). *South Africa's looming water disaster*. Retrieved: February 9, 2016, from <http://www.news24.com/SouthAfrica/News/South-Africas-looming-water-disaster-20141103>

Tracey, S. (2013). *Qualitative Research Methods: collecting evidence, crafting analysis, and communicating impact*. Blackwell Publishing: Oxford.

United Kingdom Parliament. (1989). *Office and Role of Speaker*. Retrieved on June 14, 2017, from: <http://www.parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/role-of-the-speaker/>

Van Zyl Smit, D & Steyn, E. (1999). *Prosecuting authority in the new South Africa, unpublished paper prepared for the Workshop of Experts on the Review of Criminal Justice*. Northern Ireland: Belfast.



Wieczorek, R. (2012). *ANC Dominance and Democratic Consolidation in South Africa*. Retrieved, November 6, from https://psujia.files.wordpress.com/2012/04/anc_dominance_final.pdf

Yin, R. (1994). *Case Study Research: Methods and Design*. Sage Publication: London.

Zimring, F. and Johnson, D. (2005). *On the comparative study of corruption*. The British Journal of Criminology, Volume 45(6), pp. 793-809.

Interviewees:

Advocate Mike Pothier, 2017, Catholic Parliamentary Liaison Office (CPLO), Research Coordinator.

Advocate Shaun Abrahams, 2017, National Prosecuting Authority (NPA), National Director of Public Prosecutions (NDPP).

Advocate Silas Ramaite, 2017, National Prosecuting Authority (NPA), Deputy Director of Public Prosecutions (DNDPP).

Advocate Vusi Pikoli, 2017, City of Cape Town, Western Cape Police Ombudsman.

Dr Jeff Rudin, 2017, Alternative Information and Development Centre (AIDC), Researcher.

Dr Lukas Muntingh, 2017, Dullah Omar Institute, Associate Professor.

Mr Gareth Newham, 2017, Institute for Security Studies, Senior Researcher.

Mr Lawson Naidoo, 2017, Council for the Advancement of the South African Constitution (CASAC), Executive Secretary.

Mr Paul Hoffman, 2017, Accountability Now, SC Director and Head of Projects.

Mr Steven Swart, 2017, African Christian Democratic Party (ACDP), Member of Parliament.

Mrs Glynnis Breytenbach, 2017, Democratic Alliance (DA), Shadow Minister for Justice and Correctional Services.

Professor Fernandez Lovell, 2017, University of the Western Cape, Law Lecturer.

Figures and Tables:

Figure 1: National Prosecuting Authority. (2016). *Annual Report: National Director of Public Prosecutions 2015/2016*. National Prosecuting Authority: South Africa.

Figure 2: source: author

Figure 3: Hague, R. and Harrop, M. (2013). *Comparative Government and Politics: An Introduction*. Sixth Edition. Hampshire: Palgrave.

Figure 4: De Jager, N. and Du Toit, P. (2013). *Friend or Foe? Dominant party systems in southern Africa: insights from the developing world*. South Africa: UCT Press.

Figure 5: Dr Jack and Curtis cited in EWN. (2016). *A hyena in sheep's clothing*. Retrieved on November, 11, 2017, from: <http://ewn.co.za/2016/10/13/CARTOON-A-Hyena-in-Sheeps-Clothing>

Figure 6: *Comments by citizens on President Zuma's Supreme Court of Appeal loss:*

- Bateman, B. (2017). *SCA upholding High Court decision on Zuma Charges*. Retrieved on November 30, 2017, from: <http://ewn.co.za/2017/10/13/sca-upholds-high-court-decision-on-zuma-charges>,
- EWN. (2017). *Zuma 'disappointed' by SCA decision on charges*. Retrieved on November 30, 2017, from: <http://ewn.co.za/2017/10/13/presidency-disappointed-by-sca-decision-on-zuma-charges>, and
- Times Live. (2017). *SCA dismisses Zuma appeal on corruption charges*. Retrieved November 30, 2017, from: <https://www.timeslive.co.za/politics/2017-10-13-sca-dismisses-zuma-appeal-on-corruption-charges/>

Figure 7: Zapiro cited in Politicsweb. (2016). *State organs misused for political agendas*. Retrieved on November 11, 2017, from: <http://www.politicsweb.co.za/opinion/whites-still-abusing-our-democracy>

Figure 8: Paulie. (2016). *The Non Prosecuting Authority*. Retrieved on November 11, 2017, from: <https://cartoonsbypaulie.wordpress.com/tag/spy-tapes/>

Figure 9: Siwela Cartoons. (2016). *Advocate Shaun Abrahams and President Jacob Zuma*. Retrieved on November 11, 2017, from: <https://twitter.com/SiwelaCartoons/media>

Table 1: Muntingh, L., Redpath, J., Petersen, K. (2017). *An Assessment of the National Prosecuting Authority: A Controversial Past and Recommendations for the Future*. Dullah Omar Institute: The University of the Western Cape.

