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EXTERNALISED CONSTRAINTS ENCOUNTERED BY THE PUBLIC PROTECTOR'S OFFICE IN ENFORCING ETHICAL ACCOUNTABILITY IN SOUTH AFRICA**Lucky Innocent Moamba¹, John Mamokhere^{2*}**¹ *University of Limpopo, Rural Development and Innovation Hub, Community Engagement, South Africa*^{2*} *University of Limpopo, Research Administration and Development, Turfloop Campus, Polokwane, South Africa**E-mail: Johnmamokhere@gmail.com^{2*} (Corresponding author)**Received 10 May 2026; accepted 11 September 2026; published 30 September 2026*

Abstract. This study examines the external challenges hindering ethical accountability within the Public Protector's Office in Polokwane, South Africa. The responsibility of public institutions is to ensure honesty, transparency, and accountability that goes beyond just following the law, which is called ethical accountability. Even though the Public Protector is tasked with investigating maladministration and taking the necessary steps to address these challenges, the Office still faces many external hindrances. The study used qualitative research methodology and conducted semi-structured interviews with 13 officials from the Office of the Public Protector in Polokwane. Purposive sampling was used to select the officials. Thematic analysis was used to interpret the data. The results show that political interference, poor cooperation from government institutions, limited financial resources, legal limitations, and slow administrative processes are making the Office less effective and less efficient. Respondents also alluded that bypassing internal complaint steps and resistance to implementing remedial actions were major reasons for delays and slow resolution in cases. The study pronounces that ethical accountability is undermined by linked challenges in political, financial, legal, and systemic environments that the Public Protector does not control. These challenges reduce the ability to investigate, slow the process of securing justice, and erode confidence in institutions that are supposed to be watchdogs. The study recommends strengthening institutional independence, improving enforcement of remedial actions, fostering collaboration among governmental institutions, and raising public awareness of the Public Protector's mandate. The findings reveal a need for structural reforms to strengthen ethical accountability and make public sector management better in South Africa.

Keywords: Ethical Accountability; Institutional Theory; Public Protector; Political Interference; Resource Constraints

Reference to this paper should be made as follows: Moamba, L.I., Mamokhere, J. 2026. Externalised constraints encountered by the Public Protector's Office in enforcing ethical accountability in South Africa. *Insights into Regional Development*, 8(3), 301-317.

<http://doi.org/10.70132/s7247555486>

JEL Classifications: H83

1. Introduction

Ethical accountability is the obligation of individuals, leaders, and organisations to uphold high ethical standards in their decisions, actions, and practices, particularly those that influence others. This concept involves being answerable not only for the results but also for the moral and just processes that led to them. It extends beyond mere legal compliance by mandating that entities accept full responsibility for their effects on stakeholders and acknowledge the implications of their choices. This accountability is vital for ensuring integrity, fairness, and transparency in interactions, thus fostering trust among groups that have historically faced discrimination or marginalisation. In the context of the Office of the Public Protector, ethical accountability requires a genuine commitment to doing what is right, even in uncomfortable or complex situations, rather than superficial compliance. True accountability integrates inclusive values into the organisational culture, beyond mere policy documentation, promoting a holistic approach to ethical conduct that positively impacts the community. Such an

approach is essential in the pursuit of equitable and just practice, reinforcing the moral fabric of organisations and society at large (Onyango, 2021; Goldstein, 2025; Moamba & Mamokhere, 2026). Ethical accountability is one of the basic values and principles governing public administration (RSA, 1996). Mabusela-Munyai (2025) posit that South Africa's constitutional framework includes formal accountability systems, yet public officials and institutions continue to face difficulties being held accountable for their actions or inaction. Such accountability systems include institutions such as the Public Protector (PP), which is charged with investigating any conduct in state affairs, or in the public administration in any sphere of government, reporting on that conduct and, where appropriate, taking the necessary remedial action (Pieters, 2026). The PP is an independent Chapter 9 institution in South Africa, mandated to strengthen constitutional democracy by acting as an intermediary between the state and citizens. However, the current Public Protector Act also regulates the appointment of the PP. It protects the PP against arbitrary removal from Office by requiring the support of a 'super-majority' in Parliament before the incumbent can be removed". The Public Protector Act, 1994, states that the PP shall be competent to investigate, on their own initiative or on receipt of a complaint, any alleged attempt to do anything which they may investigate under section 112 of the Constitution (Public Protector, 1994). This means that the PP must be accessible to all persons and communities. Bazana and Reddy (2021) allude that institutions such as the PP enhance ethical accountability and responsibility, thus safeguarding the public's interest. According to Gcaleka (2025), in her lecture titled "*Transparency, Fairness and Accountability: The Mandate of the Ombudsman - A South African Perspective*", the PP plays a crucial role in checks and balances against corruption and maladministration. The potential failure of the PP in executing its mandate would risk unchecked abuse of power, impunity for officials, and the marginalisation of vulnerable citizens who rely on this free, impartial recourse to hold state organs accountable. Gcaleka (2025) further argues that "effective accountability requires a systemic analysis of administrative failures and advocacy for structural reforms that prevent recurring problems. Thus, the PP's annual reporting requirements provide crucial opportunities to highlight systemic accountability failures and advocate for legislative and policy reforms, despite the constitutional mandate of the PP to be independent, impartial, and to exercise its powers and perform its functions without fear, favour or prejudice as prescribed in the Constitution of the Republic of South Africa, 1996. Moamba and Mamokhere (2026) add that the PP continues to face operational and contextual challenges that hinder its effectiveness in achieving ethical accountability. Although the challenges (used interchangeably with roadblocks) facing the PP have been widely discussed in governance and public administration discourse, limited research has focused specifically on the external roadblocks experienced by the Polokwane Office and the root causes underlying these roadblocks. Equally, there is insufficient empirical understanding of how these factors affect the institution's ability to achieve ethical accountability at a regional level, especially in remote areas. Thus, this article is underpinned by the objectives below:

- To examine the root causes and external barriers confronting the Public Protector in achieving ethical accountability in the Polokwane Office.
- To propose viable solutions to mitigate the challenges and improve ethical accountability.

2. Problem Statement

Widespread corruption and a lack of ethical accountability are the main causes of the significant problems facing South Africa's public service sector (Nyane, 2021). These problems significantly hinder the effective functioning of services and undermine people's confidence in government institutions. Even though legislative frameworks such as the Public Finance Management Act (PFMA) and the Prevention and Combating of Corrupt Activities Act (PRECCA) have been enacted to promote transparency and ethical behaviour, corruption remains widespread in many public institutions. Recent studies have shown that corruption causes serious problems, leading to lower-quality and slower service delivery in the public sector (Anders, Kanyongolo & Seim, 2020; Modise, 2025). Promoting ethical accountability in the South African public sector is crucial, especially in light of persistent claims of maladministration, corruption, abuse of power, and poor leadership within government institutions. The PP was established as an independent constitutional institution mandated to investigate

improper conduct in state affairs and to strengthen accountability, transparency and good governance (Public Protector, 1994). Despite this constitutional mandate, the PP continues to face significant challenges that undermine its effectiveness in ensuring ethical accountability in the public sector (Moamba et al., 2026).

The Polokwane Office of the PP is facing several external challenges that make it harder to execute its duties effectively. These challenges involve government officials and state institutions' lack of cooperation during investigations, resistance in sharing crucial information, and unwillingness to implement the remedial actions given by the PP. In many cases, state institutions use judicial review processes to delay compliance with corrective measures, adding more stress to the PP's already limited financial and human resources. Furthermore, many members of the public and some state employees sometimes bypass internal grievance procedures and go straight to the PP, even though the PP is meant to be the final option for resolving issues. This practice leads to administrative overload and reduces the operational efficiency of the PP (Moamba et al., 2026). Modise (2025) agrees that there are external hurdles to public accountability, including political and institutional factors that make it hard for public officials and institutions to be held accountable for their actions and performance. These hurdles include political interference and a lack of strong political will, which make it hard to carry out accountability and anti-corruption efforts; weak oversight systems with limited enforcement powers; bureaucratic inefficiencies such as red tape and complicated government processes; and inadequate financial and human resources that constrain institutional effectiveness. In the different context of South Africa, especially local government, these challenges are further exacerbated by political instability, inadequate stakeholder consultation, and the frequent turnover of accounting officers and oversight committee members, all of which weaken accountability processes and governance outcomes. In addition, Xali (2024) indicate that "poor visibility, accessibility and funding continue to limit the capacity of the Polokwane Office to reach communities and fulfil its constitutional obligations effectively. These challenges are further compounded by political interference, poor management practices within state institutions, and a lack of political will to promote ethical governance and accountability. Such conditions not only weaken the effectiveness of the PP but also erode public trust and confidence in constitutional oversight institutions". Thus, this study aims to investigate the root causes and external roadblocks faced by the Polokwane Office of the Public Protector in upholding ethical accountability. It further intends to propose feasible recommendations to overcome these roadblocks and strengthen ethical accountability.

Institutional Theory

Institutional Theory provides a suitable framework for examining the external roadblocks faced by the Polokwane Office of the Public Protector in promoting ethical accountability. The Theory explains that organisations do not operate in isolation; rather, they are influenced by the broader political, social, legal, and cultural environments in which they function (Alziady & Enayah, 2019; Xali, 2024). These external environments influence how organisations act, make decisions, and perform by setting rules, standards, and expectations (DiMaggio & Powell, 1983). Because of this, how an organisation performs is often influenced by factors that leaders and workers cannot directly control. Institutional Theory also holds that organisations face pressure from external groups, including government departments, regulators, politicians, the media, professional organisations, and the public (Munir, 2019; Moamba & Mamokhere, 2026). These pressures can affect how institutions carry out their duties and may cause problems that make it harder for them to function effectively. In the case of the Polokwane Office of the Public Protector, external barriers such as political interference, inadequate institutional support, limited resources, red tape, and public scrutiny could make it harder for the Office to uphold ethical accountability and carry out its oversight function. The Theory also suggests that organisations usually adjust their strategies and actions to fit what others expect and stay seen as acceptable in their surroundings. Not following these expectations could lead to reputational harm, loss of public trust, reduced institutional credibility, or other negative consequences (Aharonson & Bort, 2015; Mlambo, Zubane & Mlambo, 2020). Therefore, Institutional Theory is relevant to this study because it enables an examination of how external political, institutional, and societal pressures influence the operations of the Office of the Public Protector and contribute to the challenges it faces in achieving ethical accountability in South

Africa.

3. Literature Review

The Institution of the Public Protector in South Africa

The institution of the Public Protector in South Africa may be new. However, it has long existed under different names in different parts of the world, such as Ombudsman. The Ombudsman system is used throughout the world in countries like Britain, Canada, the USA, Western Europe, India, Malaysia, Mauritius, Singapore, Guyana, and South Africa. Cheng (1968) argued that the introduction of the Ombudsman system in New Zealand and Norway in 1962 significantly advanced the concept of the Ombudsman. The successful application of this institution in New Zealand generated extreme interest in both developed and developing countries. Before Denmark adopted the system, there were concerns that it would affect the accountability of ministries, and administrative secrecy was often cited in many countries as a reason not to adopt the system. The flexibility of the ombudsman system made it easy to adapt to different countries with varying political and administrative environments. Cheng (1968) posits that countries such as Sweden and Finland have Ombudsmen with jurisdiction over the judiciary. In addition, the latter not only has jurisdiction over Cabinet ministers but also has the authority to prosecute them. This shows the system's versatility, as other countries' ombudspersons lack authority and jurisdiction over the judiciary or the power to prosecute ministers. This is also applicable to the South African PP; it does not have authority or jurisdiction over the judiciary or the power to prosecute ministers. Hatchard (1986) posits that over the years, Africa has seen a significant increase in the number of countries establishing ombudsperson offices.

Tanzania became the first African country to establish the Permanent Commission of Enquiry (PCE). This followed the report of the 1965 Presidential Commission on the Establishment of a One-Party State (the Presidential Commission), which recommended establishing a Permanent Commission of Enquiry as a safeguard against the abuse of power. The next African country to establish the Office was Zambia. Zambia's 1973 Constitution made provision for a Commission for Investigations (CFI), which began operating in 1974. During the early stages of the Office, it faced budgetary and staffing problems that led to challenges in providing adequate service to the public outside the main urban areas (Hatchard, 1986). In the following years, other African countries such as Zimbabwe, Swaziland, Uganda and Namibia followed in the footsteps of Tanzania and Zambia by establishing their own ombudsperson offices. Unlike Scandinavian countries, ombudspersons in Africa have no enforcement powers; they can only make recommendations to rectify injustices. Hatchard (1986) describes that in the early years, both the Tanzanian and Zambian ombudspersons sent their reports directly to the President, who may personally determine the action to be taken. In practice, the President was only involved in difficult or important cases. This was evident in 1975, when a gross abuse of authority by a junior minister led the Commission for Investigations in Zambia to recommend his dismissal. The President, without giving reasons, refused to endorse the recommendation and instead decided on a reprimand. However, this has changed over the years and is provided for under section 34(1) of the Public Protector Act No. 15 of 2016 of Zambia, where the public protector reports directly to Parliament, similar to the South African reporting structure.

The South African Public Protector has its origins in the pre-democratic Advocate-General established under the Advocate-General Act of 1979, which was later renamed the Ombudsman in 1983 to promote efficient public administration by investigating maladministration and recommending corrective action (Mbiada, 2017). With the advent of democracy, the institution was transformed into the Public Protector, a Chapter Nine (9) institution under Section 181 of the Constitution, mandated to operate independently, impartially, and free from interference, while remaining accountable to the National Assembly through annual reporting. The Public Protector is endowed with extensive constitutional and statutory powers, including the authority to investigate alleged improper conduct in state affairs or public administration, report findings, and take appropriate remedial action, with broader investigative powers outlined in the Public Protector Act 23 of 1994" (Constitution of the

Republic of South Africa, 1996). These include investigating maladministration, abuse of power, corruption, improper enrichment, and any conduct causing unjust prejudice, as well as resolving disputes through mediation, conciliation, or negotiation. The Office also has discretion over its investigative methods and may enter premises when necessary to fulfil its mandates (Public Protector Act, 1994).

Root Causes of Roadblocks Faced by the Regional Office of the Public Protector in Enforcing Ethical Accountability in South Africa

The Public Protector of South Africa faces intricate, interconnected challenges that significantly weaken its ability to ensure ethical accountability. These challenges stem from legal constraints, political influence, institutional shortcomings, and wider issues within the governance system (Moamba et al., 2026). "One of the most noticeable and ongoing difficulties is political interference, as the Office, although constitutionally independent, functions in a deeply politicised setting. Powerful political figures frequently employ litigation as a tactic to slow down investigations, extend legal procedures, and consume institutional resources, which in turn reduces the effectiveness of oversight mechanisms" (Gcaleka, 2025). In addition, the PPSA relies on Parliament to implement its remedial measures; however, when Parliament is split along political lines or fails to take decisive action, the enforcement of decisions is slowed or weakened, thereby reducing the institution's effectiveness. This is further illustrated by the Nkandla investigation, in which the mixing of political and administrative responsibilities reduced accountability because those holding political positions were directly involved in administrative decision-making. Institutionally, the PPSA faces major financial and human resource constraints that limit its ability to operate efficiently and conduct thorough investigations. Budget reductions limit the Office's capacity to hire experienced investigators to conduct intricate, large-scale investigations that demand specialised technical expertise and ongoing support. As a result, the institution is frequently compelled to focus on individual complaints rather than conduct broader systemic investigations, even though significant governance issues affect more than 1,000 state institutions. These capacity limitations were evident in major cases such as State Capture and Phala Phala, where a lack of resources led to delays, backlogs, and difficulties in gathering and examining critical evidence (Xali, 2024). In some situations, investigations face additional challenges when evidence is destroyed or withheld, which reduces the chances of holding people accountable and delays case resolution.

Legally and in terms of structure, "the Public Protector has broad investigative and remedial powers as outlined in the Constitution and the Public Protector Act 23 of 1994. However, the Public Protector does not have prosecutorial authority. This indicates that even when there is evidence of criminal behaviour, cases should be forwarded to the National Prosecuting Authority (NPA) for legal action. Delays or inefficiencies in the NPA system can therefore reduce the effectiveness of the PPSA's findings and lower public trust in accountability mechanisms" (Munzhedzi, 2016). Furthermore, even though the Constitutional Court has confirmed that the Public Protector's remedial actions are enforceable unless a court decides otherwise, public officials often contest these decisions through judicial review. These are often used to delay implementation and frustrate enforcement. Beyond the limitations imposed by institutions and laws, the PPSA is also affected by broader governance issues in the South African public sector. These issues include a lack of strong ethical leadership, failure to comply with regulations such as the Public Finance Management Act (PFMA), weak procurement processes, and deep-rooted bureaucratic problems that enable poor governance and corruption to persist (Brierley & Hendrickse, 2025). A lack of willingness to be held accountable and to reform within government departments also reduces the effectiveness of investigations, as officials often ignore findings from oversight bodies and fail to take action to fix the problems. Additionally, recurring issues such as outdated administrative systems, poor human resource management, and limited consequence management contribute to an environment where unethical conduct is not effectively deterred (Moamba et al., 2026). Equally, these issues, such as political, institutional, legal, and systemic factors, interact in ways that significantly weaken the PPSA's ability to enforce accountability, protect public resources, and ensure ethical governance. As a result, the effectiveness of the Office is frequently compromised, leading to delayed investigations, weakened enforcement of remedial

actions, and reduced public trust in state accountability institutions.

Externalised Constraints Hindering PP in Effectively Facilitating Ethical Accountability

The Public Protector faces numerous external roadblocks that hinder its ability to fulfil its constitutional mandate to promote ethical accountability effectively and hold public officials accountable for maladministration, corruption, and abuse of power. One of the most prominent challenges is political interference and politicisation of investigations, particularly in high-profile cases involving senior government officials and political leaders. Research suggests that cases like the State Capture investigation faced significant political debate, opposition from political groups, and public backlash against the institution. This created significant pressure on the institution's operations and cast doubt on the validity of its results (Munir, 2019; Aharonson & Bort, 2015). Externally, the Public Protector also faces pressure from the public and media. There is a lot of media attention and high public expectations, which often put the institution's decisions under close examination. This can influence how the public views the institution's fairness and trustworthiness, as noted by Hosoi (2023).

Furthermore, limited enforcement powers remain a significant challenge, as the Public Protector depends on other state institutions to implement remedial actions and recommendations, which may be overlooked, postponed, or disputed. Another major issue is the lack of resources, such as insufficient funding, not enough personnel, and increasing case volumes, which hinder the institution's ability to effectively and efficiently handle complex investigations. Bureaucratic inefficiencies and poor coordination between government departments lead to delays in investigations by limiting access to information and creating excessive administrative hurdles. Concerns have also been expressed regarding the processes by which the Public Protector is appointed and removed, as these involve political figures and may lead to perceptions of institutional weakness and potential external interference (Soobaran & Van Niekerk, 2017; Moamba et al., 2026). Collectively, these external roadblocks undermine the independence, effectiveness, and credibility of the OPP, making it more difficult for the institution to achieve ethical accountability and strengthen democratic governance in South Africa (DiMaggio & Powell, 1983; Alziady & Enayah, 2019; Xali, 2024).

4. Research Methodology

This study adopted the qualitative case study design. According to Rashid et al. (2019), a qualitative case study is a research method that explores a phenomenon in a specific context using a variety of data sources and examines it through multiple lenses to reveal its multiple dimensions. The core purpose of this study was to investigate the external challenges faced by the Polokwane Office of the PP in achieving ethical accountability. Using a qualitative design for this study encouraged open discussions between the researcher and participants, rather than strictly following a fixed set of closed-ended questions. Such openness provided the researcher with the opportunity to get the most relevant data on the challenges faced by the employees in their quest to achieve ethical accountability and enabled further probing as required. This methodological design was appropriate for this study because it allowed the researcher to gain an in-depth understanding of the subject through the natural, unrestrictive, and open-ended scope of the investigation.

Study Area

Limpopo is the fifth-largest province in South Africa. It is divided into five (5) district municipalities and further subdivided into twenty-two (22) local municipalities. The Polokwane Municipality covers an area of 3775 km², accounting for 3% of the province's total area of +125 754 km². The municipality has a predominantly rural character, including substantial areas of land under traditional authority. The city of Polokwane is 23% urbanised and 71% rural (Limpopo Development Plan 2025-2030, 2025). Figure 1 below illustrates the Polokwane area, the study context of this research.

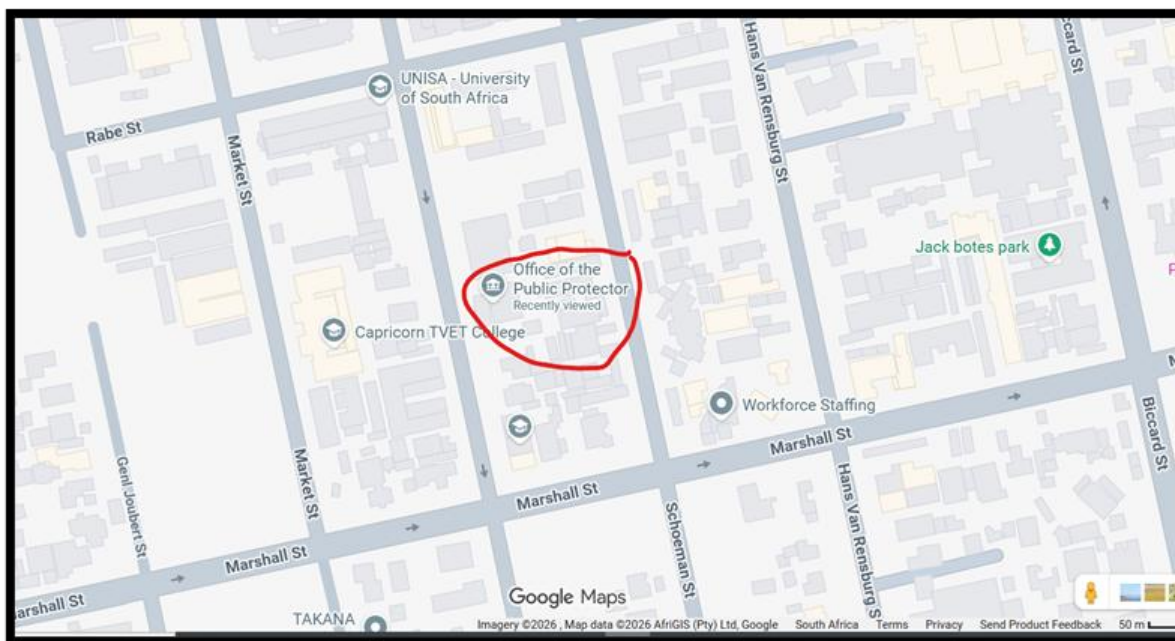


Figure 1. Map of the study area

Source: Google Maps (2026)

Target Population

A Population is defined as the total number of people living in a country, city, district, or region. It can also be defined as the number or proportion of residents in a place who belong to a particular social, cultural, socioeconomic, ethnic, or racial group. The target group or population for this study were employees of the Office of the Public Protector in Polokwane.

Sampling Technique and Size

The study adopted a purposive sampling technique. According to Campbell, Greenwood, Prior, Shearer, Walkem, Young, Bywaters, and Walker (2020), purposive sampling is used to select respondents most likely to provide relevant and useful information. The technique also enables researchers to identify and strategically select cases, thereby ensuring the effective use of limited research resources (Campbell et al., 2020). The study purposively sampled thirteen (13) officials from the Polokwane Office of the PP, which was made up of investigators, management, and analysts. These individuals were purposively selected because they are the primary stakeholders responsible for ensuring that investigations and critical information are collected ethically and accurately, thereby promoting and guaranteeing accountability. Moreover, these officials were purposively selected for their experience and expertise in investigating and promoting ethical accountability within the Polokwane Office, in accordance with the mandates set out in the Constitution of the Republic of South Africa of 1996 and the Public Protector Act of 1994.

Data Collection Methods

Data collection instruments are essential tools for gathering data to address research questions. In this study, interviews and document reviews were utilised as data collection methods. An interview is a two-way conversation in which the interviewer asks participants questions to collect data and learn about their ideas, beliefs, views, opinions, and behaviours. There are generally three main forms of interviews: structured, semi-structured, and unstructured. This study used semi-structured interview questions to collect detailed information and build rapport with the participants. The data were gathered between December 2022 and May 2023. According to George (2023), semi-structured interviews include features of both structured and unstructured types

of interview questions. They typically include open-ended questions that allow flexibility while maintaining a structured order, making it easier to compare responses across participants. This format permits detailed conversations on important subjects, giving the interviewer the flexibility to move away from the planned script when needed (George, 2023). In addition, the study used a document analysis method, which means carefully examining both printed and digital documents to understand the information and build practical knowledge based on real evidence (Corbin & Strauss, 2008). It used journal articles, conference papers, books, legislation, official reports from the public protector's website, court documents, newspaper articles, and internet sources.

Data Analysis and Ethical Implications

The study used thematic data analysis to examine the narratives provided by the respondents. Caulfield (2019) indicates that a thematic content analysis is a method of analysing qualitative data. This usually applies to various texts, such as interviews and transcripts, where researchers scrutinise the data to identify common themes. The study adhered to ethical considerations. The goal of research ethics is to prevent harm to participants. This is a low-risk study. Before the study, the researcher obtained ethics clearance from the Turfloop Research and Ethics Committee (TREC) at the University of Limpopo and approval from the Polokwane Public Protector's Office. The ethical clearance project number is TREC/609/2022: PG. Written informed consent forms were secured and signed by participants, who were assured of no harm, anonymity, confidentiality and the purpose of the study. To ensure participants' privacy, no official names are mentioned in the study; instead, pseudonyms are utilised. The findings from this analysis are presented below.

5. Results and Discussion

This section focuses on analysing, interpreting, and presenting research findings from a study conducted at the Polokwane Office of the Public Protector in Limpopo Province. The study aimed to identify external challenges (used interchangeably with roadblocks) faced by the PP in achieving ethical accountability and explore the root cause of these challenges. The next section presents the study's findings.

Biographical information of participants

The biographical information of the respondents plays an important role in the study. It gives a clear picture of the type of people participating in the study. This helps determine the reasons for the diversity of responses, which are influenced by biographical factors. The study considers the following biographical information: gender, age group, marital status, education level, employment type and occupation. The biographical information is presented below.

Table 1. Demographic Information of the Participants

Category	Subgroup	Percentage
Gender	Male	85%
	Female	15%
Age Group	26–30	0%
	31–35	0%
	36–50	85%
	51–65	15%
Race Group	African	100%
	Coloured	0%
	White	0%
Education Level	Degree	85%
	Postgraduate Qualification	15%
	Diploma	0%
	Certificate	0%
	No Education	0%
Employment Type	Part-time	0%
	Contract	0%

		Permanent	100%
Occupational Status		Investigator	61%
		Management	23%
		Human Resources	8%
		Information Officer	8%

Source: Compiled by the Authors (2025)

Table 1 presents the demographic characteristics of the study participants, which are important for contextualising and interpreting the qualitative findings of this study conducted at the Polokwane Office of the Public Protector of South Africa. The sample is predominantly male (85%) and female (15%), while all participants are African Black (100%), reflecting the regional and institutional demographic profile of the Office in Limpopo Province. The age distribution shows that most respondents are in the 36–50 years category (85%), with a smaller proportion aged 51–65 years (15%), indicating that the study largely captures the perspectives of experienced and mid-to-senior-level employees. In terms of education, all participants have completed tertiary-level studies, with (85%) holding degrees and (15%) holding postgraduate qualifications, indicating a group of participants who are well-informed and able to engage with institutional procedures and accountability systems. All the respondents are in permanent positions, which is significant because it suggests they have stable employment conditions. This stability may affect their understanding of institutional knowledge, the organisation's ongoing operations, and their views on how the organisation functions. Occupationally, the sample consists of (61%) investigators, (23%) management, and (8%) each from human resources and information-related roles, making sure that input comes from important areas such as investigation, administration, and support services. The significance of this demographic information lies in enhancing the study's credibility and providing a deeper understanding of the findings, rather than in making broad generalisations or drawing normative conclusions. It offers important background on how participants' positions within their institutions, their level of experience, and their specific roles may influence their views on external challenges related to ethical accountability. For example, the significant role of investigators is especially important because they are directly responsible for handling cases, aligning with the study's emphasis on operational challenges such as workload, available resources, and investigative capabilities. The presence of management and support staff enables a more balanced view of how different parts of an organisation function and interact. It is important to note that this demographic information is used to situate the findings within the specific setting of the Polokwane Office, rather than to assess whether staffing levels are sufficient or to judge the institution's overall performance.

Theme 1: The Root Causes of the Challenges

The external challenges that restrict the Polokwane Office of the PP from achieving ethical accountability have been deliberated in detail. Therefore, it is equally important to identify and understand the root cause of these challenges. The following are some of the causes identified by the interviewed participants.

Sub-theme 1.1: Political Interference

Political interference constitutes a significant externalised constraint on the Public Protector's Office in enforcing ethical accountability in South Africa, as it can undermine the institution's constitutional independence and impartiality when investigating alleged misconduct, maladministration, corruption, and violations of the Executive Ethics Code. Although the Public Protector is constitutionally established as an independent institution under Section 181 of the Constitution, political pressure may manifest through public criticism of its leadership, demands for the disclosure of confidential investigative information, attempts to influence high-profile investigations, and indirect control over financial and institutional resources. Such interference can constrain the Office's operational capacity, delay investigations, weaken its ability to exercise oversight over politically influential officials, and divert institutional attention towards defending its independence. More broadly, perceived political interference may erode public confidence in the Public Protector's impartiality and effectiveness, thereby weakening the broader system of ethical accountability and constitutional oversight in South Africa (Modise, 2025). According to Collins (2023), political interference is the

unwanted or unnecessary involvement of politicians in institutional matters. The participants alluded that: *"our reports contain the names of those who carry considerable public power rather than the names of ordinary citizens. Thus, some politicians and associates often use their positions and powers to interfere with our work and investigations. Certain individuals would physically come to the Office and refuse to leave until their demands are met. Moreover, political interference can be seen as a ploy to collapse the institution due to ongoing funding cuts"*.

This interference can range from deliberate refusal to comply with the public protector's guidelines and rules to lack of cooperation, cover-up of wrongdoing, and intimidation of investigators. One of the participants alluded to instances in which some investigators were threatened with investigating certain individuals and departments.

Sub-theme 1.2: External Funding Cut

The participants indicated that: *"From our perspective, one of the most significant challenges we face in holding public officials and politicians accountable is the issue of funding cuts, which directly undermines our Office's independence and operational capacity. Although we are constitutionally mandated to investigate maladministration, corruption, and abuse of power, the reality is that limited, often reduced budgets constrain what we can effectively achieve in practice. These financial constraints make it difficult for my Office to recruit and retain skilled investigators, legal experts, and forensic specialists who are essential to handling complex, high-profile cases involving corruption and senior political figures. In addition, funding cuts affect our ability to conduct timely and thorough investigations. Many cases require extensive fieldwork, expert analysis, and prolonged engagement with evidence, all of which are resource-intensive. When financial resources are insufficient, our Office is often forced to prioritise certain cases over others, which may delay justice for affected citizens and weaken the overall impact of accountability efforts. This is particularly concerning in systemic investigations involving multiple state institutions, where the scale and complexity demand substantial financial and human resources"*.

The results indicate that reduced funding negatively affects institutional independence in a subtle yet significant manner. Although the institution is legally independent, its reliance on financial resources determined through executive and parliamentary procedures introduces vulnerabilities that can indirectly impact the extent and pace of the Office's work. This reliance also limits the capacity to expand investigative efforts when confronting new governance issues. Ultimately, reductions in funding do more than affect administrative efficiency; they also limit the capacity to fulfil the constitutional duty to ensure ethical accountability fully and hold individuals in positions of power responsible for their actions.

Sub-theme 1.3: Legal Limitation

The participants stressed the legal limitation of their role. They indicated that: *"From our position, we recognise that although we have extensive investigative and remedial powers granted by the Constitution and the Public Protector Act 23 of 1994, we do not have prosecutorial authority. This means that even when my investigations uncover evidence of criminal conduct, I am not empowered to prosecute those responsible. Instead, I must refer such matters to the National Prosecuting Authority (NPA) for further legal action"*.

The findings show that the role of the public protector is limited to only making recommendations; therefore, there is a need for reform to strengthen the Public Protector Act.

Sub-theme 1.4: Poor management and lack of political will

The PP must work hand in hand with other organs of the state to effectively achieve its mandate. However, poor management by senior personnel and heads of departments in State organs in implementing consequence management for staff non-performance and non-compliance has made it challenging for the PP to achieve its

mandate. Poor management by those in senior positions indicates a lack of accountability, hence the need for the PP to extend its services to such departments. Furthermore, the lack of political will to partake in good governance training organised by the PP continues to perpetuate the unethical behaviour of those in power.

The participants indicated that: *"We conduct workshops for all state officials to promote stakeholder engagement, capacity-building, and training-related programmes for government stakeholders, municipalities, and the provincial legislature in Lebowakgomo. These structured engagements aim to strengthen accountability, good governance, ethics, cooperation, and understanding of the Public Protector's mandate. However, despite these efforts by our Office, there is still a lack of political will to meet the Office halfway in promoting and achieving ethical accountability."*

To resolve public problems, there should be a collaborative effort between state institutions and other agencies. Political will should be at the centre of the state development agenda, including the promotion of good governance.

Theme 2: External Roadblocks Confronted by the Public Protector in Achieving Ethical Accountability

The PP as an institution is confronted with both internal and external challenges (Soni & Hamid, 2022). Similarly, this applies to the Polokwane Office of the PP, which faces both internal and external challenges. Nevertheless, this study focuses on the external challenges that hinder the Limpopo Office of the PP from achieving ethical accountability. To understand these challenges, the following themes were organised, and the challenges are outlined below by the respondents.

Sub-Theme 2.1: Lack of Cooperation from Officials and State Institutions

To ensure ethical accountability in the public sector, those implicated or suspected of wrongdoing while exercising public power or performing a public function must avail themselves to the relevant bodies, such as the PP, to account for their actions and/or inaction. However, in practice, this is not the case. The respondents alluded to this by emphasising that they still encounter situations in which public officials and parties under investigation refuse or are reluctant to cooperate with the PP during investigations. This reluctance manifests in a refusal to participate in investigations, withholding information, and misdirection. This sentiment is not only applicable to the Polokwane PP Office, but it is a national pandemic, which Modidima (2020) described as *"the institution is confined in a vicious cycle where those who exert considerable public power do not want to be held accountable, or they dictate the terms if they are to be held accountable."* The participants alluded that: *"This resistance has created a troubling precedent that the Office of the PP may be treated with disregard and a lack of respect. The absence of cooperation from state organs under investigation is further compounded by the deliberate failure to respond within the prescribed timelines"*. Furthermore, the participants affirmed that *"this failure and reluctance by organs of state to engage with the PP within the specified timeframes contribute negatively to the Office because the limited resources we have are now spent chasing around institutions and departments that are deliberately failing and refusing to comply with the PP. Other institutions do not reply at all"*.

While the PP has constitutional and statutory authority to require cooperation from state organs. In practice, it is challenging because the Office cannot itself arrest, prosecute, or directly compel compliance in the same way a court sheriff or law enforcement body can. According to the Public Protector Act (1994), the effectiveness of the PP largely depends on institutional respect for constitutional oversight, political will, and court backing when recommendations or directives are ignored. The PP's lack of teeth to directly compel cooperation has led some stakeholders and departmental heads to undermine the Office. This was evident when the then PP, Thuli Madonsela, endured extreme abuse and public ridicule for seeking accountability from senior politicians. A classic case is the investigation into President Jacob Zuma's security upgrades at his private residence. The

President challenged and refused to cooperate with the PP's findings to the point that he initiated a parallel investigation led by then Minister of Police Nathi Nhleko, who, in his report, exonerated President Jacob Zuma from paying back any public funds used for upgrades at his private Nkandla homestead, after the Parliament's ad hoc committee directed the police to evaluate the upgrades. "This report served as a direct political counterweight to Public Protector Thuli Madonsela's 2014 *'Secure in Comfort'* report, which had concluded that the President unduly benefited from non-security luxuries" (Public Protector, 2015).

Sub-theme 2.2: Bypassing of Internal Protocols

The Public Protector Vision (2022) clearly states that the Office of the PP is a complaints body of last resort. This means that everyone and anyone who wants to complain to the Public Protector must first try to solve the problem themselves by speaking to the official(s) involved; Writing to the person in charge of the official(s), such as the head of the department, the chief executive officer, or the municipal manager; or may also consider approaching a member of Parliament or provincial legislature. However, the Public Protector has no jurisdiction over individuals, private companies and court decisions. The participants alluded to the fact that *"Some of the complaints that the PP faces relate to systemic issues that the office is neither capacitated nor mandated to deal with, according to the Public Protector Act."*

This argument is supported by the then PP, Adv Busisiwe Mkhwebane, who highlighted that the Office started sending public outreach officials (not as investigators) to take part in public participation processes where they listen and interact with government departments and entities in trying to elevate concerns of communities before they become complaints (Public Protector Report, 2024). Bypassing internal protocols has practical consequences for the PP, such as investigators spending time screening and redirecting complaints; complex corruption investigations receiving less attention; case backlogs increasing; and turnaround times slowing. The Polokwane Office of the PP is often confronted with heavy foot traffic as individuals bypass internal institutional protocols by going straight to the PP to lay complaints without first trying to resolve the problem themselves by following the institution's internal guidelines and procedures that aggrieved them. The public and other state employees bypassing protocols hinders the Office from functioning at full capacity, as they have to attend to people who use the PP as the first recourse rather than the last. Additionally, the Office has to spend time educating these people that certain matters should be referred to other institutions, such as the Public Service Commission, the Labour Bargaining Council and the human resources department instead of the PP.

Sub-theme 2.3: Challenging and a Lack of Compliance with the Public Protector's Remedial Actions

One of the most evident external challenges facing the Office of the PP in achieving ethical accountability is the challenge to its reports, recommendations, and remedial actions. According to Corruption Watch (2014), once a public protector report is published, it can be challenged through judicial review in the High Court. Investigated or affected parties have the right to challenge the PP's report by way of review or appeal. "In review proceedings, the court's function is limited to considering only the method or procedure adopted to reach the decision. If, for example, the decision was taken procedurally unfairly or there was bias, the court may set aside the decision and refer the matter back to the original decision maker. It will substitute its own decisions only in exceptional circumstances" (Corruption Watch, 2014:3). Conversely, on appeal, the court will consider the material findings to determine whether there was an error of law or fact. The court can replace these conclusions with its own. The court will quell a report, if necessary, but does not wish to interfere with the discretion of the public protector (Corruption Watch, 2014). The participants stated that: *"State institutions and departments are often reluctant to apply the recommendations of the PP; they abuse the right to review the findings of the PP as a delay mechanism in complying with the recommendations of the PP. This places a huge burden on the Polokwane Office, as they must spend their limited financial and human resources on court cases due to such behaviour. Consequently, the lack of cooperation from state institutions in implementing the remedial actions and the constant challenge of the PP's reports affect the reputation of the institution, as it does not know what it is doing due to the high number of reports or cases challenged and put on review."*

According to Gcaleka (2025), the South African PP is often viewed as a classic ombudsman institution that has the power to investigate complaints, make recommendations, and report findings, but does not necessarily possess binding enforcement powers. Their recommendations are not legally binding and rely on persuasion and public pressure to secure compliance rather than on formal authority to enforce decisions. However, South Africa's Supreme Court of Appeal and the Constitutional Court did not only confirmed the binding effect of the remedial actions of the PP, but more importantly, made it clear that if its findings are not challenged in a court of law, any disregard thereof by any party obliged to take action in pursuance of such remedial action, is unlawful and has legal consequences for the party concerned. This declaration answers the long-debated discourse about the binding effect of the PP's remedial action. Of late, compliance with the PP's recommendations has improved from a level as low as 2% to 39%. Before this, the PP went through a taxing cycle of costly litigation against institutions to comply with its remedial actions (Gcaleka, 2025:17).

Sub-theme 2.4: Inadequate Visibility, Accessibility and Funding

For the PP to achieve its mandate as an institution established to support constitutional democracy, it needs to be visible and accessible to anyone who would like to utilise its services. The Polokwane Office of the PP views this inadequacy in visibility and accessibility as an external challenge stemming from the institution's dented reputation, caused by certain people who paint the Office as sub-optimal, leading to a lack of public trust in the institution. The participants alluded to: *“The Polokwane Office of the Public Protector would like to be visible and accessible to many, just as municipalities are found in every town. This visibility will allow us to educate people more about the services of the Office; however, the lack of sufficient funding has made it difficult for us to achieve this because budget cuts are becoming a norm”*.

Insufficient funding, visibility, and accessibility for the Office adversely affect not only the Office but also the community. According to Gcaleka (2025), vulnerable members of the community face greater barriers to accessing justice than others. The capacity of an individual to seek justice through any number of forums will vary, for example, according to their literacy, age, education, awareness, and financial means. Therefore, the Office must be visible and accessible to all South Africans; this can only be done if the Office is adequately funded.

3. Discussion

Based on the findings, the study demonstrates that the effectiveness of the Polokwane Office of the Public Protector in promoting ethical accountability is constrained by structural, political, legal, and institutional challenges that undermine its constitutional mandate. Political interference became a major obstacle, as participants noted that individuals in prominent political positions often seek to influence ongoing investigations, pressure investigators, and weaken institutional independence. These results support the idea that political involvement undermines oversight bodies by restricting fair judgment and reducing trust in systems that ensure accountability (Collins, 2023). Equally important were financial limitations, which the participants identified as hindering the Office's capacity to hire specialised investigators, conduct in-depth investigations, and expand its reach into different communities. This finding is consistent with global evidence indicating that oversight bodies require sufficient financial independence to effectively address maladministration and corruption (Moamba et al., 2026). The findings also showed that the Public Protector's lack of prosecutorial authority and reliance on other external organisations, especially the National Prosecuting Authority, led to gaps in how matters are handled and caused delays in achieving justice, thereby making investigations less effective. Although the Constitutional Court has confirmed that the Public Protector's remedial actions are enforceable unless overturned by a court, participants noted ongoing failure to comply, frequent use of judicial reviews as delays, and a lack of willingness from state bodies to follow through on recommendations, which aligns with findings by Kholeka Gcaleka (2025) on the ongoing difficulties in enforcing the institution's decisions. In addition, the lack of cooperation from state departments, complainants' direct approach to bypassing internal

complaint processes, and the limited political support for training in governance and ethics collectively led to increased case backlogs, the misallocation of limited resources, and a decline in overall institutional efficiency. These findings support institutional Theory, which suggests that the success of accountability institutions depends not only on official legal requirements but also on a supportive institutional context that includes political commitment, organisational credibility, and collaboration across different levels of government (North, 1990; Scott, 2014). The paper advocates that improving ethical accountability requires changes to laws to strengthen enforcement capabilities, ensure long-term funding, promote better cooperation among government institutions, improve adherence to remedial actions, and provide greater political support for monitoring the constitution and maintaining good governance.

4. Conclusion and Recommendation

This study explores the external challenges and root causes hindering the Polokwane Office of the Public Protector from promoting ethical accountability in public administration. It reveals that, despite ethical accountability being a constitutional mandate in South Africa, its implementation is obstructed by various political, institutional, legal, and systemic issues. Key findings indicate that political interference, lack of cooperation from state entities, and resistance to remedial actions undermine the Office's effectiveness and credibility. Furthermore, financial resources that the PP receives from the government, known as transfer payments or direct budget vote appropriations, and human resource constraints impede the Office's capacity to conduct thorough investigations, particularly in cases of corruption involving high-level officials. The Public Protector's lack of prosecutorial powers exacerbates these issues, as referrals to the NPA often lead to delays and diminished deterrence. Systemic problems like weak ethical leadership, poor governance compliance, bureaucratic inefficiencies, and insufficient political will perpetuate maladministration and weaken accountability mechanisms. Ultimately, the study affirms that while the Public Protector is mandated as an oversight body, its ability to ensure ethical accountability is significantly obstructed by external factors beyond its control. To enhance its effectiveness, the study puts forth specific recommendations aimed at addressing these challenges and strengthening the role of the Public Protector:

Strengthening Institutional Independence and Funding: The government should ensure stable and sufficient funding for the Office of the Public Protector to enhance operational independence. A more autonomous budgeting mechanism should be considered to reduce executive influence and enable the institution to recruit skilled investigators, legal experts, and forensic specialists. This will improve the capacity to handle complex and high-profile investigations effectively. **Enhancing Enforcement of Remedial Actions:** Parliament and relevant oversight structures should strengthen mechanisms for enforcing compliance with the Public Protector's remedial actions. Clear consequences should be established for non-compliance or unjustified implementation delays by state institutions to enhance accountability and reduce the tendency to ignore or delay remedial directives. **Improving Cooperation between State Institutions:** All government departments and public entities should be legally and administratively compelled to cooperate fully with the Public Protector during investigations. This includes timely submission of information, avoidance of obstruction, and adherence to prescribed response timelines. Intergovernmental coordination frameworks should be strengthened to support accountability processes.

Expanding Public Awareness and Accessibility: The Office should intensify public education and outreach programmes to improve awareness of its mandate and encourage proper utilisation as a “last resort” institution. Increased visibility through regional offices, community engagement, and digital platforms will improve accessibility and reduce unnecessary case backlogs caused by misplaced complaints. **Resolving Legal and Structural Limitations:** Consideration should be given to policy or legislative reforms that strengthen the

enforcement power of the Public Protector, including improved collaboration with the National Prosecuting Authority to reduce delays in prosecuting criminal matters identified during investigations. Promoting Ethical Leadership: Government departments should institutionalise ethics training, strengthen consequence management systems, and enforce compliance with frameworks such as PFMA. Leadership accountability should be prioritised to reduce maladministration and corruption. Regulate Political Interference: Clear safeguards should be reinforced to protect the Public Protector from political pressure, including stricter regulations on interference and litigation abuse intended to delay investigations. This will help preserve institutional credibility and independence.

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Author Contributions: Conceptualization: *Lucky MOAMBA, John MAMOKHERE*; methodology: *Lucky MOAMBA*; data analysis: *John MAMOKHERE*, writing—original draft preparation: *Lucky MOAMBA, John MAMOKHERE*, writing; review and editing: *Lucky MOAMBA, John MAMOKHERE*; visualization: The authors have read and agreed to the published version of the manuscript.

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