

HIGH LEVEL PANEL ON THE ASSESSMENT OF KEY LEGISLATION: WORKING GROUP 3: SOCIAL COHESION AND NATION-BUILDING

Report on the Public Hearings: Eastern Cape Province

22 August 2016

Introduction / Methodology

Statistical information on the ratings profile of social cohesion and nation building challenges are drawn from the public engagement submissions from the floor. Based on approximately forty-five (45) submissions from the public hearings, a pattern draws itself out from the measure of the repetition of challenges, thus generating a working ratings profile. In a configuration starting from the most repeated of challenges to the least, the profile is translatable from the most serious down to the least problematic of community challenges. In that order, they are rated as: (1) *Housing*; (2) *Councillor Corruption*; (3) *ANC Challenges*; (4) *Corrupt Councillor – Elections*; (5) *Services Delivery*; (6) *Disability Challenges*; (7) *General Corruption*; (8) *Unemployment*; (9) *Education*; (10) *Youth Unemployment / Youth Challenges*; (11) *Police & Corruption*; (12) *Entrepreneurial Challenges*; (13) *Roads & Infrastructure*; (14) *Toilets / Ablutions*; (15) *Drug Abuse*; (16) *Health Challenges*; (17) *Councillors – lack of consultation*; (18) *Foreigners*; (19) *Tenders & Corruption*; and (20) *Crime*.

In interpretation, this ratings profile easily lends itself to a causal/results link relationship. For instance, close to a half of challenges experienced by the sample/targeted population of the Eastern Cape (see the graph and the pie chart below) relate to corruption and lack of transparency. An overwhelming proportion of these corrupt practices relate to the delivery of housing, which constitutes the biggest challenge of services delivery. Therefore, challenges concerning the delivery of housing are both a result and an indication of corruption practices.

The report then will analyse each of the challenges enumerated above, and link them to the central question of the report: an assessment of the impact of key legislation on social cohesion and nation-building in the Eastern Cape. Despite the lack of mention or analyses of legislation and public policies from the public engagement submissions, the report will generate a link

analysis of how the ratings profile of these challenges provides an overview of the impact or lack thereof of key legislation and public policy on social cohesion and nation-building.

Submissions from the public hearings made to working groups 1 and 2 provided some intersecting variables with some challenges mentioned in the public hearings of Working Group 3. These are *disability challenges; education challenges; entrepreneurial challenges; foreigners; corruption; lack of transparency of municipal institutions and the ruling party; drug abuse; corruption in tender procurement; and leadership challenges and lack of transparency*. Some of these intersecting variables appeared more prominently in the other two Working Groups than in Working Group 3, such as the challenge of foreign nationals; entrepreneurial challenges; tenders and corruption; education and disability challenges and institutional . Also notable is the amount of submissions that referenced institutional and governance challenges.

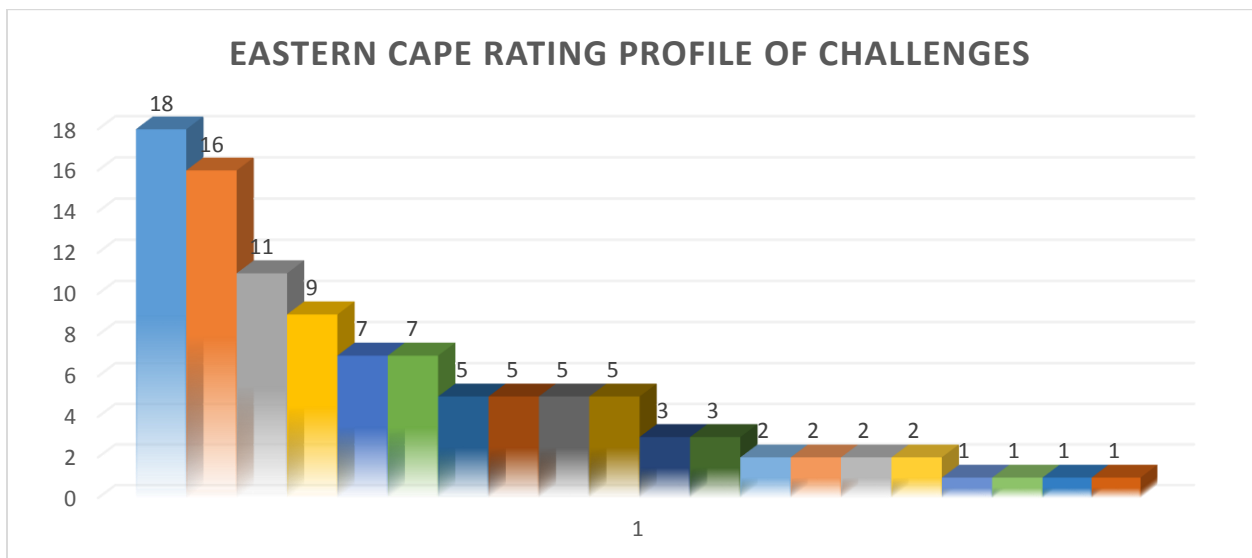


Illustration 1: Graph: Eastern Cape Profile Rating Profile

Source: Author, Dr. Buntu Siwisa, Sample from Public Engagement Submissions of Public Hearings

LEGEND:

1: Housing; 2: Councillor Corruption; 3: ANC Challenges; 4: Councillor Corruption – Elections; 5: Services Delivery; 6: Disability Challenges; 7: General Corruption; 8: Unemployment; 9: Education; 10: Youth Unemployment / Youth Challenges; 11: Police & Corruption; 12: Entrepreneurial Challenges; 13: Roads & Infrastructure; 14: Toilets / Ablutions; 15: Drug Abuse; 16: Health Challenges; 17: Councillors – lack of consultation; 18: Foreigners; 19: Tenders & Corruption; 20: Crime

EASTERN CAPE: RATINGS PROFILE OF CHALLENGES

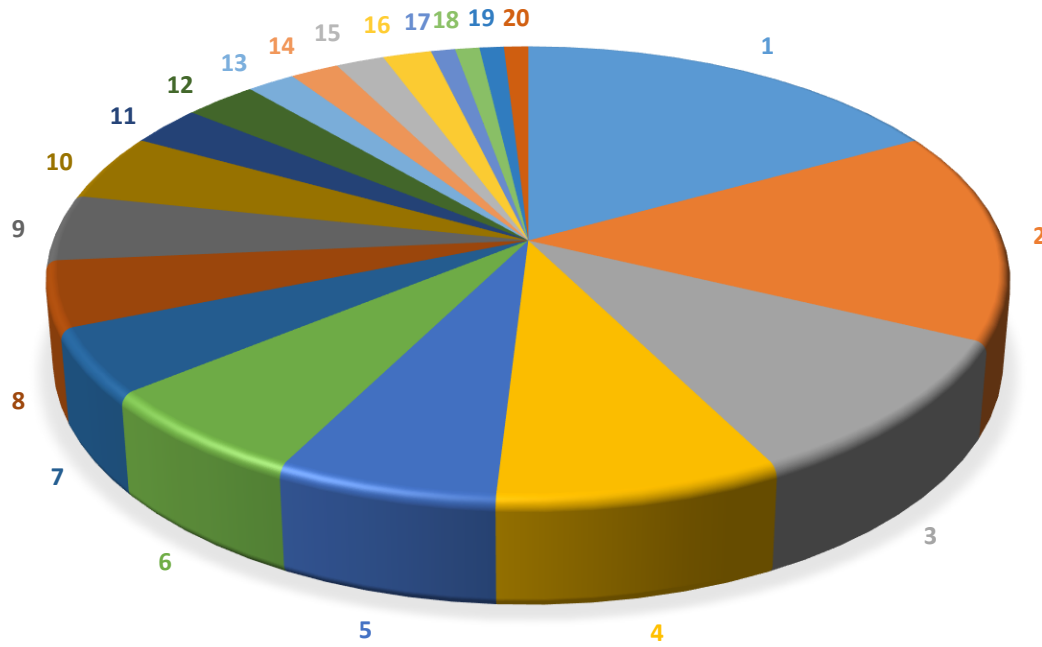


Illustration 2: Eastern Cape Ratings Profile of Challenges

Source: Author, Dr. Buntu Siwisa, Sample from Public Engagement Submissions of Public Hearings

LEGEND:

1: Housing; 2: Councillor Corruption; 3: ANC Challenges; 4: Councillor Corruption – Elections; 5: Services Delivery; 6: Disability Challenges; 7: General Corruption; 8: Unemployment; 9: Education; 10: Youth Unemployment / Youth Challenges; 11: Police & Corruption; 12: Entrepreneurial Challenges; 13: Roads & Infrastructure; 14: Toilets / Ablutions; 15: Drug Abuse; 16: Health Challenges; 17: Councillors – lack of consultation; 18: Foreigners; 19: Tenders & Corruption; 20: Crime

(1) Housing

Challenges concerning housing relate to the delayed or non-delivery of the Reconstruction and Development Project (RDP) houses. However, there were a few complaints indicating the non-

delivery houses compared to the delayed delivery of houses. Some of the members of the community have been on the registration list of RDP houses since the late 1990s, with no delivery effected yet. Causes of these challenges range from lack of transparency in the bureaucratic administration of municipal offices/provincial Department of Human Settlements; confusion in the listing processes of beneficiaries/applicants; the patronage system extended to the delivery of houses for those preferred; to the selling of houses by allegedly corrupt councillors. In one instance, a councillor in Ward 10 is alleged to have contracted a housing property agent to sell approximately 156 000 RDP houses for R15 000 each. This is currently underway.

This also relates to the misappropriation of funds dedicated to housing delivery and related processes. Housing delivery processes are regarded as slow and lacking transparency. At times, although lists of beneficiaries are prepared, individuals who are not on the list receive houses as a result of the patronage and influence of councillors biased towards them. Acceptance of bribery in the application and delivery of RDP houses is considered rife, adding to the gravity of the corruption of councillors. Other complaints on the delivery of RDP houses relate to complainants' alleged lack of loyalty to the ruling party, perceived or real. This is also tied up to other services delivery concerns, where community members suspected of having voted for opposition parties are threatened of the non-extension of services delivery. Another challenge relates to delays in the issuing of title deeds to RDP houses, and the sub-standard habitability of some of these houses, with no connection to the electrification grid, leaking roofs and inadequate plumbing and ablution connections.

(2) Councillor Corruption

This is a major challenge highlighted by the public, and in many cases they seem to be real rather than perceived. Many public engagement submissions from the floor gave out names of corrupt councillors, with strong suggestions that they should be removed from office. Many of these challenges relate to the patronage system affecting the delivery of houses; patronage on regulating and appointing employment opportunities in the communities (although it is not explained in what areas of employment the councillors have influence on). Community members generally indicate lack of trust; lack of openness of councillors and lack of transparency, as negatively affecting nation-building. Other councillors occupy positions of labour brokers, and in

that role take advantage of youth seeking employment by, *inter alia*, extracting sexual favours from them.

There is also confusion and conflation of party positions with councilor/municipal positions. Many ANC ward members have positions in municipalities, and many ruling party branch secretaries are councillors or occupy important municipal positions.

(3) ANC Challenges

Leadership; party governance; the governance of the party's electoral system and machinery; membership issues populate the main arena of challenges in the ANC as the ruling party. Party challenges are conflated with municipal governance problems. ANC officials in local communities, in the Regional Executive Committee (REC) and in the Provincial Executive Committee (PEC) are considered unresponsive to people's problems, unreachable, arrogant and corrupt, exploiting the material benefits of incumbency as councillors or situated close to power in their local communities. Some community members point out that although they are loyal to the ANC, they want independent local councillors who are regarded as people's choices. ANC challenges are mainly leadership-oriented perceived as corrupt and not adhering to party policies, nor implementing them.

(4) Councillor Corruption – Elections

Electoral issues concerning corruption, lack of transparency in the electoral system in local government and party elections, is tied with other corruption indicators in the delivery of houses, the conduct of councillors, and general services delivery issues. There are a number of councillors who have been allegedly elected without the mandate of the people, or are not popular in their areas. In one instance, a councillor was aware from 2013 that he was going to be elected as a local councilor in the local government elections of 2016. In another instance, a local councilor was elected in a ward that he had not been allocated to, and therefore the community had not voted for. Another local councilor has been in office for the past seventeen (17) years. A reason resulting in these electoral deficiencies is that some terms of electoral presiding offices seem permanent, with no personnel changes apparent. To that effect, in many instances, local government elections are not regarded free, fair and credible.

(5) Service Delivery

These relate to inadequate sewerage services leading to health hazards; inadequate electrification; and the patronage of the councilors biased towards the preferred.

(6) Disability Challenges

Disability challenges in these communities were partly made audible as a result of a sizable representation of the disabled and deaf/mute community in the public hearings, coming in as stakeholders and as members on the floor making public engagement submissions. People with disabilities in the communities are mainly relatively uneducated, unskilled and unemployed. They experience challenges concerning gaining employment, because of discrimination meted out against them by prospective employers as a result of their physical disabilities. They also complain about accessibility to certain public places that do not have infrastructure accommodating their disabilities. Many members of the deaf community complain about the inadequate services they receive from municipal offices as a result of lack of sign language interpreters in those offices. To that effect, many of them receive inadequate services in health clinics, and are also discriminated against in accessing higher education.

(7) General Corruption

This relates to the corruption of local councillors mainly, and other local government officials.

(8) Unemployment

Unemployment is a consequence of the closing down of many factories; corruption of local councillors who are biased towards their preferred members of the community seeking employment. Foreign nationals competing with South African nationals on employment opportunities (and in tender procurement) featured more in the other two working groups, and seem to imply that they do not pose a credible challenge to social cohesion and nation building.

(9) Education

There is a general concern, although not widespread, of lack of school attendance by the youth; the neglect of a few public school facilities, and in one instance, a vacant school building turned into a drug den.

(10) Youth Unemployment / Youth Challenges

Youth are not beneficiaries of learnership programmes rolled out by the local municipality, and are not consulted with on the Integrated Development Plans (IDPs) and the urban renewal programmes. On these matters, they are consulted with hastily, and particularly within the electioneering period.

(11) Police & Corruption

Although not sizable, the positive co-relationship between police officers and criminals is considered serious enough. To that effect, it is recommended that police officers in areas should be deployed rotationally, so as to defuse and eventually end the cultivation of this relationship.

(12) Entrepreneurial Challenges

This relates to lack of opportunities for community members in accessing entrepreneurial opportunities through the provision of funding and mentorship, support for SMMEs (e.g. agricultural production and fisheries), and form MKMVA veterans who lack employment and entrepreneurial skills.

(13) Roads and Infrastructure

This relates to general provision of the maintenance and laying of roads and infrastructure (a school and a clinic in particular areas).

(14) Toilets / Ablutions

This is mainly attendant to the inadequate delivery of RDP houses.

(15) Drug Abuse

Drug abuse is rife in one particular area, and is associated with high unemployment rates, high crime rate and the proliferation of rates in about two areas.

(16) Health Challenges

This relates to the provision of a clinic in one particular area, and to the shortage of nursing staff at the Intensive Care Unit (ICU) of the Makiwane hospital in Buffalo City.

(17) Councillors – lack of consultation

Elected local councillors are generally regarded as absent for consultative / clinical work in their areas, with one local councillor accused of using his children and mistress as contact points with community members.

(18) Tender Procurement and Corruption

This relates to lack of transparency on tender procurement processes, and that the tender processes do not empower prospective entrepreneurs and youth. In working group 1, tender procurement processes are also linked with bias towards foreign nationals over South African nationals.

(18) Foreigners

Some submissions regarded foreign nationals as a threat insofar as they are associated with drug dealing. There is a recommendation that South African immigration officials should screen carefully on entering the country.

(19) Crime

There is a low crime rate, and it seems to be concentrated in one particular area infested with drug dealing and drug use.

Corrupt local councillors named throughout the haring via submissions: Names and Wards

- (i) Phumlani Nkoyi, Ward 45 – patronage, housing delivery.
- (ii) Zamela Gajula, Ward 24, patronage, housing delivery.
- (iii) Popo Gozo, Ward 1 – not people's choice.
- (iv) Clara Yekiso, Ward 7, Duncan Village.
- (v) Phumla Patricia Yenana – housing delivery, selling houses.
- (vi) Phumlani Nkolo, Ward 13 – corrupt, works with a government official in Bhisho.
- (vii) Sakhumzi Caza, Ward 11.
- (viii) Buhle Cibiza, not elected in the ward.
- (ix) Phumlani Mtolo – corrupt.
- (x) Mkholo, Ward 40.

Conclusion: Assessment of the Impact of Key Legislation on Social Cohesion and Nation Building

The majority of the public engagement submissions and stakeholder presentations reflect institutional challenges and gaps in achieving social cohesion and nation-building, rather than the absence of the implementation of key legislation and public policies. These institutional challenges are systemic, spanning over two decades, giving an impression rather of a huge gap on the impact of key legislation and public policies on social cohesion and nation-building. This has significantly eroded levels of trust and accountability of communities on their municipalities and bureaucracies. In this equation, the legislature is seen as so far to people's lives, to the extent that they barely feature in the assessment.

The institutional challenges and gaps affect the following components/themes of social cohesion and nation-building:

- **Building a Nation:** shared common vision and values; constitutional democracy; national consciousness; and unity in diversity. This particularly affects the ruling party, viewed as the custodian of forging these values. Constitutional democracy is eroded through the corrupt practices affecting local institutional mechanisms responsible for delivering second-generation constitutional rights (i.e. houses; electricity; sewerage; health services; roads and infrastructure; etc.)
- **Building an equitable society:** equal rights; human rights and equality; inclusivity, social and economic justice; and redress and transformation; non-racialism, non-tribalism and non-sexism; and anti-xenophobia. This particularly relates to the discriminatory practices experienced by vulnerable community members experiencing disabilities (deaf; physically handicapped; youth).
- **Building a socially cohesive society:** intergroup and community cooperation; social solidarity; active community participation; civic responsibility; and levels of trust amongst and between people and institutions. This relates to the absence of visible councilor consultation services with which people should interact with in devising and achieving their services delivery. These have also been eroded through corrupt practices.

ENDS'

ⁱ Please see Annexure 1 for raw data from which this synthesis is drawn.