



**Address by Public Protector Adv Thuli Madonsela during the
Stakeholder Consultative Dialogue meeting in Pietermaritzburg on
Wednesday, July 25, 2012**

**Programme Director, Adv Mlandeli Nkosi;
MEC for Human Settlement, Hon. Ravi Pillay;
Mayors and councillors;
General Manager of the National Regulator for Compulsory Specifications, Mr Bongani Khanyile;
The Human Settlement team from Pretoria;
Other government representatives;
The Public Protector Team;
Civil Society leaders;
Community leaders;
Members of the media;
Ladies and gentlemen;**

The Public Protector South Africa Team is honoured to spend a few hours with you this morning.

Today is our second day in this province as part of our 2012 Stakeholder Consultative Dialogue under the theme; ***"Joining hands to end maladministration and ensure responsive service delivery: Focus on RDP houses and regulatory gaps in the illegal conversion of panel vans into taxis."***

By now you must be aware that this year's Stakeholder Consultative Dialogue incorporates public hearings on two of our systemic investigations. The first and main systemic investigation focuses on service delivery challenges in the provision of RDP housing. The other focuses on alleged regulatory gaps in the conversion of certain panel vans into minibus taxis.

The preamble to our Constitution boldly states that we seek to become a society where every person's human dignity and other human rights are upheld and where the quality of life of all citizens is improved and the potential of each person freed.

However, reality on the ground remains, in many respects, at odds with this constitutional promise or ideal. There is no denying that poverty and inequality rob many of our people the experience of human dignity and other basic human rights. Of course the bulk of the gap between the constitutional promise can be legitimately attributed to the legacy of apartheid.

Even the World Bank believes that “inequality [is] a ‘corrosive’ reality threatening growth in South Africa, and [that] without social grants, 40% of the population would have seen incomes decline in the first decade after apartheid.” This is at least according to yesterday’s media reports.

But when we take an honest look at things, can we not agree that maladministration or bad governance is equally to blame. Let us take RDP houses for example. While over 2 million have been built since the dawn of democracy, is it possible that more could have been built had it not been for undue delay of projects and getting wrong people to do the job. Is it possible the cost of establishing many settlements was inflated or that money that could have been spent on more houses ended up going into repair work after charlatans disappeared with money, leaving behind incomplete or poorly constructed houses. Is it also possible that a significant number of those that got houses shouldn’t have and that some of those that should have didn’t get them?

If it is indeed true that certain acts and omissions in the management of state affairs partly explain inadequate delivery on RDP houses and other state services, then it is true that maladministration is partly responsible for poor service delivery regarding RDP houses and other services. It is on this basis that my team and I call upon you to join hands to end maladministration and ensure responsive service delivery.

Yesterday we were in Hambanathi, Tongaat, where several community members fitting the profile of our ideal complainant whom my team I commonly refer to as *Gogo Dlamini* poured their hearts out in the hope that this process will yield redress.

I will not forget one Gogo, who alleged that she had applied for a house since the dawn of democracy and never got one. She was recently given a stand without any structure, where she built a shack. In no time she received a bill from the municipality claiming that she owed about R4000 for rates. She protested claiming the amount was unjust given the fact that all she had was a stand and that she was a pensioner surviving on a government old age grant, with lots of grand children to support. The city of Ethekwini officials would have none of her protestations, she said and insisted that she pays. She advised that she had since paid over R3000.

The comment from one of the councillors was that had she approached a councillor and not gone directly to the Ethekwini officials, her problem would have been solved as there is a dispensation for older persons.

The question my team and I pondered was why should the grandma go to a councillor when there is an administration whose job is to deal with her issue? Why would the officials not apply rules indiscriminately? But more importantly, why is the grandma still without a house, when according to her many younger people that applied long after her have homes?

The RDP housing stories we heard from Tongaat had their own local twist with many dynamics novel to us despite having been seized with this matter for a while now. We were told that some residents had only received a stand with no structure of any kind while their subsidy for construction had disappeared without trace. We were told that some were given stands with only a toilet and a slab with the promise that construction would follow but all that followed was a geyser that was placed on top of the outside toilet. There were those that informed us that they were given one roomed houses with families as large as eight with children of various ages having to be brought up in an environment devoid of any privacy or human dignity.

Some complained of having received houses that were missing key requirements such as

ceilings and electrical wiring. Many of those with completed homes complained of leaks, cracks and unstable walls. Speaker after speaker spoke of families huddling together in whatever dry spot they would find when homes were flooded on rainy days. Some attributed their water problems to poor storm water drainage while one attributed the problems of her community to the fact that the homes were built on a mountain.

The accounts we were given also mentioned inordinate waiting periods for RDP houses with some having been waiting since 1994. Many alleged that their names had disappeared from waiting lists while others alleged that waiting lists themselves had disappeared. Then there were those that alleged that they were told that applications were no longer being accepted. Many asked for transparency on many aspects of RDP houses, including who is responsible for what, who qualifies and what criteria is used to give certain applicants priority. The role of councillors in the administration of the RDP housing programme particularly allocations thereunder came under severe questioning. There were also allegations of unlawful sales of homes and of councillors and council officials allocating several RDP houses to themselves. Also questioned was the role of the engineers and/or inspectors that approve incomplete and/or poorly built houses.

We were also given a litany of community complaints. Chief among these was a school with a sewer pipe that cuts through it and bursts every other month forcing learners and teachers to walk through excrement throughout the day. The school principal said they used to close the school during each of these occasions until the frequency consumed far too much of school time. Another school teacher emotionally spoke about children drowning as they try to swim across a river without a bridge to get to school on rainy days.

Some members complained about vacant state buildings that were not only being vandalised but had also become havens for drug pushers and thugs, with two girls raped and killed since the beginning of this year. They indicated that they had approached the state, requesting to be allowed to use these facilities for Community Based Organisations and church activities without success.

A few residents also mentioned challenges in services such as social grants, health care, police services and accessible schools were also the subject of a few complaints. Electricity supply, especially for informal settlements, also emerged as an issue. One resident, another grandma complained about pre- democracy homes that had not been serviced with hers allegedly dating back to 1933. Some of the complaints dealt with old government provided homes.

One of the residents posed a question regarding whether or not we have concretely achieved a paradigm shift from providing houses to developing human settlements that take into account total quality of life needs. Human settlement centred planning would include facilities such as schools, health facilities, security, economic opportunities and recreational needs as well as long range projections regarding the future needs of each dynamic community. Incidentally a young person raised the same question during the public hearing in Cala, Eastern Cape.

As we meet today, we once more want to hear from you as leaders in various areas of society on the RDP issue, the panel van matter and other service delivery concerns affecting groups or communities. Incidentally, in Tongaat no one had an issue with the panel van matter. We eagerly look forward to your views in this regard.

The information you will provide us with will contribute to my findings on the two systemic investigations my team and I are conducting. The redress will also deal with individual concerns.

This brings me to the question as to what really is a systemic investigation and how does it fit into the mandate of the Public Protector.

A systemic investigation is a complex investigation that goes beyond addressing individual complaints by identifying the underlying systemic deficiencies that lead to many individual complaints.

The idea is to address the causal factors to stop the flow of complaints. It's like stopping a waterfall instead of removing water one bucket at a time.

We pursue systemic investigations as part of fulfilling my office's mandate of strengthening and supporting constitutional democracy. As you may be aware, as a Public Protector, I am required by the Constitution to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; report on that conduct and take appropriate remedial action.

In simple terms, my office investigates grievances or complaints regarding actions and decisions in government in all levels, including parastatals. The powers derive from the Constitution and laws. Key among the laws, is the Public Protector Act, which adds power to resolve public grievances or allegations of maladministration through conciliation, mediation, negotiation and any other means I deem appropriate.

Five other laws that grant support powers or recognition of the role of the Public Protector are the Executive Members Ethics Act, Protected Disclosures Act, Prevention and Combating of Corrupt Activities Act, Housing Protection Measures Act and Promotion of Access to Information Act (PAIA). More laws give powers or recognise existing powers of my office.

Tell us about your experiences in the delivery of RDP housing. We would also like to hear about your experiences on the panel van matter. It's all part of joining hands to end maladministration in pursuit of good governance.

My team and I believe that if we join hands we can contribute to a state that is accountable, operates with integrity and is responsive to all its people at all levels of society. The state I am referring to here, is one that was envisaged by a visionary and liberation struggle stalwart, Chief Albert Luthuli, who hailed from this province. Chief Luthuli, Africa's first recipient of the Nobel Peace Prize, dedicated his life to the delivery of a better life for all the people of this country. Let us guard against allowing a situation where his struggle would have been in vain.

You may further contact us on the toll free number **0800 11 20 40** and for those with access to internet and email, we are reachable on www.publicprotector.org and complaints can also be lodged on registration2@pprotect.org.

Thank you

Adv TN Madonsela

Public Protector of the Republic of South Africa