

Daily Dispatch

Idle must be accountable

SERVICE delivery has not been high on the list of priorities of some ward councillors in Buffalo City Metro (BCM).

Council speaker Luleka Simon-Ndzele has revealed that more than half the metro's 50 ward councillors have been sitting idle in office. For three years, 27 ward councillors have reportedly failed to convene public meetings to tackle service delivery issues. Some wards did not have functional ward committees while some residents did not even know who their councillors were.

These councillors are elected to public office to be a voice for communities in desperate need of houses, proper roads, electricity, water and sanitation and basic services. If citizens cannot rely on ward councillors to fight their fight, then who? Who will hold the administrators accountable on behalf of residents of this and any other municipality?

On the other side of the Kei River, the mayor of Mbizana municipality has had his hands full. Since January, there have been no fewer than 10 service delivery protests. Residents are making their voices heard – they need services: no, they demand them. They have gone to the polls but not everyone has reaped the benefits of a democratic society. Many still live under a blanket of darkness and draw water from rivers.

In the Nyandeni municipality last week, residents took protest action one step further: they hijacked a municipal construction loader and blocked access to seven schools.

Yes, our democracy is only 20 years old and it will take time before services are delivered to all. It is no easy feat. However, some of these residents have complained of absent councillors. Violence, destruction of property and disturbing public order should never be condoned, however many disillusioned communities believe it is the only way to have their voices heard.

The situation has been stable in BCM, with only a few minor protests. Council should not take this as a sign that all is well though – especially not when there are 27 councillors ignoring their responsibility towards constituencies. These are the same councillors who in May 2012 illegally paid themselves after escalating the municipality's grading from 5 to 6 – against the advice of municipal manager Andile Fani and without approval of local government MEC Mlibo Qoboshiyane. Councillors were instructed to pay the money back.

Last month, it was revealed the metro could lose development funds from National Treasury because of the salary issue.

The ANC recently made bold moves by firing two ward councillors for not doing their jobs. It is a step in the right direction. Councillors who ignore their responsibility should be shown the door.



Why SA faces such a dilemma over IEC boss

WE FIND ourselves between a rock and a hard place. Last year, public protector Thuli Madonsela found that Independent Electoral Commission (IEC) chairperson, Pansy Tlakula, had presided over an "unmanaged conflict of interest" when the IEC entered into a R320-million lease agreement for office space.

The allegation was that Tlakula – who was then the CEO – had at the very least a business relationship with ANC member of parliament Thaba Mufamadi, chairperson of parliament's finance committee, and that Mufamadi had benefited from the deal.

Tlakula pronounced that she had recused herself from the decision-making meeting and that she did not personally benefit from the lease deal (although when precisely, and with what effect, she actually recused herself is somewhat unclear).

Again we find ourselves in the tricky area that has so besmirched political ethics in post-apartheid South Africa: conflict of interest, and its interpretation.

Where to start with this inevitably elastic concept? A useful business ethics definition is "a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties as say, a public official, an employee or a professional".

So often in these cases, perception is everything. But there is another issue that raises its head: whether it is at all desirable for someone in Tlakula's position to be doing business with a senior member of the ANC – or indeed any political party that is contesting the election.

The answer must surely be "no", given that the IEC is tasked with administering free and fair elections, in which the ANC

JUDITH FEBRUARY

is a dominant player.

Considering that we are about to enter the most contested election since 1994, the argument in favour of ensuring that there is no possible perception of partiality in the running of the election is surely overwhelming.

Tlakula contested the public protector's report, and Madonsela submitted it to audit firm PwC for independent scrutiny. That report has not been released, but it appears as if the findings are even more damning and that criminal charges have been recommended – against as-yet-unknown members or officials of the IEC.

First of all, the report ought to be made public as soon as possible. Shrouding the matter in secrecy will not help and will cast more aspersions on the IEC at a crucial time.

Calls have been made for Tlakula to step down if indeed PwC confirms the public protector's findings, but it is hard to pre-empt the matter.

What we do know at this stage is that the perceived "unmanaged conflict of interest" casts doubts over Tlakula's own reputation. And given that she is the head of the IEC, this controversy threatens more generally the good reputation of the IEC.

Surprisingly, given that South Africa is on the cusp of an election, the Tlakula story has hardly made front-page news, apart from the Council for the Advancement of the Constitution (CASAC) sensibly calling for the matter to be brought into the public arena and resolved.

The IEC has been the jewel in the crown of our constellation of constitu-

tional bodies, under the helm of the graceful and firm Brigalia Bam, with Pansy Tlakula at her side.

Over the years Tlakula garnered a fine reputation as fair-minded, principled and committed to openness, not least in her role as African Union special rapporteur on freedom of expression.

Yet, recent allegations against IEC officials have also caused concern.

Not too long ago in the contested Tlokweng by-election, an IEC official was accused of bias and there have been allegations of vote-rigging. This chips away at the reputation of the IEC, even if a national election is quite different from a local by-election.

Many who have called for Tlakula to step down do so with more than a tremor of trepidation. One need only look to recent history within the Constitutional Court where constitutional principles were upheld and resulted in the appointment of Mogoeng Mogoeng as chief justice, once it was ruled that the president had unlawfully renewed former chief justice Sandile Ngcobo's term.

So, if Tlakula resigned or was forced to do so, unlikely as that might be, the risk is that someone far weaker and far more compromised could take the helm at the IEC.

Can South Africa afford to take that risk?

Perhaps it is better to stick with Tlakula on the basis that even though her breach of ethics is serious, no one is actually suggesting that she would be overtly biased in her oversight of the electoral process.

Yet, an alternative scenario is perhaps too uncongenial to contemplate: that Tlakula is provided *de facto* political protection, that the ANC in government turns a blind eye, stymies any action to deal with this matter before the elec-



IEC CHAIRPERSON PANSY TLAKULA

tions, and so Tlakula herself understands that she is beholden to the dominant political master.

Fast forward then to the elections and possible close calls between the ANC, DA and the Economic Freedom Fighters (EFF) in, say, Gauteng, where the IEC's credibility will be immediately under scrutiny – and suddenly independence and the perception of it becomes crucial to the political moment.

Can Tlakula then be trusted to make a fair call should she be under the veil of political protection?

Neither scenario is ideal, and really one wants to rage against Tlakula's folly in not staying well away from a conflict of interest. However, by failing to deal with this openly and decisively, and thereby allowing the perception of it to sully her good name, puts us all in a very delicate and awkward situation.

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LETTERS TO THE EDITOR

Game suffers as sportsmen follow politicians' example

THE performance of our [sports] players has a bearing on our performance as a nation. We have failed to inculcate a culture of patriotism and education as we have mandated those in a position of responsibility and accountability to do that.

I raise this because Thabo Mbeki tried to convince his party at national level about selflessness, patriotism and [not] putting material resources above national interests. He was unpopular and demonised.

Our players are not patriotic; they only eye big teams like Kaizer Chiefs, Pirates, Sundowns. Clive Barker's team were very committed and dedicated. They were true patriots and fought for the country and Madiba; prestige, glamour, offers from abroad followed. The current team members are preoccupied with glory, glamour and money because they copy our leaders.

I remember my wife admiring Jacob Zuma's silk suits, shoes, dance and broad smile during his campaigns in 2009, though she was sceptical about his credentials as a leader. She will vote for the ruling party because of the Luthuli brand of the ANC.

If the current drivers of the ANC are reckless will you continue voting for them? South Africa is confronted with two choices: success or mediocrity. At national level, Thabo was completely defeated. He tried to convince people about morals and ethics

because corruption was deeply entrenched. We taught people how to eat money, not how to make money. What worries me now that government is a major employer is who will generate the economy.

The Springboks are a very good example for us as a nation. Look at one of the first gallant black Springbok players, Thobile Mtya: when sanctions were relaxed in sport in the early 90s, his white teammates welcomed him very warmly and performed very well. This is not about the previously advantaged, it's about discipline, commitment, responsibility and dedication as human beings. — **Thozamile Lunguza, Amalinda**

Corruption is evident

PHUMLANI Mkoło has been making the headlines lately for all the wrong reasons. First, the ANC Buffalo City regional secretary was implicated as a major player in the Nelson Mandela transport scandal and now it has emerged that, under his presidency, Border Rugby Union has suffered major financial mismanagement and is unable to produce acceptable accounting records. As with many other corrupt individuals in Jacob Zuma's ANC, Mkoło is using his position to loot the public purse.



PHUMLANI MKOLO

The fact that he was allowed to order the ANC's Buffalo City councillors to stop an independent forensic investigation into the taxi scandal is evidence of the plague of corruption that has systematically infected ANC structures and government, and is now spilling over into our public institutions, such as sports bodies.

Sadly the governing party seems to be doing very little to ensure that those who act on its behalf are held accountable for their dirty dealings, even when clear evidence is exposed in the public light.

I am looking forward to a government free of corruption and cronyism, where individuals are held fully accountable for their actions. This is why I will be voting DA on May 7. — **Councillor Lance Weyer, DA BCMM Caucus**

Answer BCM phones

DEAR Municipal Manager, I hope your neighbourhood is cleaner and more groomed than mine. I write to you via the Daily Dispatch because I have been calling the municipal office every day for almost a week but my calls do not get answered. I am a law-abiding citizen who pays rates and taxes; however, my neighbourhood does not reflect this. Twice last week I almost had accidents because of the over-grown grass at intersections.

When grass is cut, it is NOT raked and put into bags, as I have seen done in other neighbourhoods; instead, it is left strewn all over our streets.

There are corners where there are piles of trash no-one bothers to clean up. How-

ever, the accounts section is quite quick to call threatening to turn off our electricity when we pay one day later than our usual date. Only then do municipal workers seem to know what to do with a telephone.

We pay our rates and taxes – we expect a clean and groomed neighbourhood, thank you very much. — **S Mhlabase Msibi, Saxilby resident**

Stick to your values

THE incident at Mpekeni is indeed strange ("Drunk" BCM manager causes stir at seaside resort junket", DD, March 5). But it is also a commentary on our values. If the people there thought this was a medical emergency they would have called emergency services immediately. This is how people worldwide would react. But they did not, and the reason is clear: they had probably witnessed the councillor drinking, if I am reading this correctly.

But what if his doctor says he registered high levels of sugar, suggesting a diabetic episode? Well, first of all the two are not mutually exclusive. You can be drunk and have high sugar levels. In fact, you can probably have high sugar levels because you have been drinking too much. I am not a doctor but it makes perfect sense to me.

THE CHIEL

They 'stuffed up' big time

A FEW weeks ago I wrote about the clinical manner in which Mitchell Johnson, the Aussie fast bowler, had "stuffed up" South Africa in the first cricket test. Soon after followed an account of the Port Elizabeth test in which our Proteas returned the compliment – one-all and one-to-play.

Well, we know how the third test turned out – a humiliating defeat and the series was lost. But it's not cricket I'm returning to. Rather it's that "stuffed up" expression as used in the way of "made a mess of", and the book *50 People Who Stuffed Up South Africa* by Alexander Parker, which I have enjoyed.

There's still so much stuffing up going on that one tends to forget much of what happened before. And Parker goes back a long time in our history. Former British administrators are prominent, Lord Carnarvon who successfully presided over the confederation of Canada, believed the same formula would work in South Africa but overlooked the independent mindedness of Boers and Zulus.

Carnarvon sent Sir Bartle Frere to be administrator of the Cape. Mount Frere, Frere Hospital and Frere Road were named after him. After "dealing with the Xhosas" in the ninth Xhosa war, Frere turned his attention to the Zulus and stuffed things up in a big way by ordering Lord Chelmsford to invade Zululand resulting in huge loss. Frere's governing policies were also resented by the Boers and resulted in more defeats for the British.

No list of South African "stuffer-uppers" would be complete without the architects of apartheid, although Parker starts that with Jan van Riebeeck, describing him as a grand colonialist who introduced slavery, theft of land, rape of resources and violent repression of the indigenous people to the country.

Hendrik Verwoerd, "social engineer, architect of grand apartheid, destroyer of Bantu education, embracer of pariah-dom, Mandela's jailer, and figure of international and local scorn and loathing" who "casts the longest shadows over South Africa". He gets five pages.

The book is set out like that. Every "stuffer-upper" has his chapter. Shortest is four lines.

Naturally, modern-day villains, the ones most of us have to live with and know well, make up the majority of the book. It would not be complete without Jacob Zuma, "a deeply charming man, personable, amusing and having the common touch who is able to reach across yawning chasms of class, race, education and upbringing".

Don't be fooled by that. Further on the dagger goes in deep. He is described by various political commentators as "a spendthrift and scrounger who writes rubber cheques and forges sleazy relationships with crooked businessmen". Another: "At best an incompetent, at worst believes it acceptable to take bribes". Patricia de Lille: "If a man cannot think sensibly about basic urges, how can he be trusted guiding the economy?"

And what list would be complete without Julius Malema! The transcript of his contretemps with journalist Jonah Fisher ("small boy, bastard, bloody agent") brought a smile to my face.

It's very well researched, educational, funny and entertaining, and illustrated by Zapiro. Chiel today is Robin Ross-Thompson; robinross@gmail.com

FROM OUR FILES

MARCH 10 1964: The nose wheel tyre of a South African Airways DC 7B, the largest aircraft used on internal routes, burst when the aircraft landed at the East London Airport at 1.30pm yesterday.

The pilot, Captain P Prophet, averted a disaster, landed the machine safely and brought it to a stop just over the intersection of the cross runway.

MARCH 10 1984: Police last night arrested a member of the backstage crew of the Agatha Christie murder mystery *The Hollow*, being staged in a Johannesburg theatre.

He is being held on an attempted murder charge.

It is alleged the man tried to poison top South African actress Shelagh Holliday, who has the lead role in the production. In the Christie thriller, the killer is poisoned.

The doctor's evaluation is done *post facto* and is meaningless in explaining the behaviour of the councillor that day.

But the overriding question really is why we are financing all-night parties at up-scale hotels when our province is crying out for help at all levels of delivery. I also think we should resist the temptation to protect those of our own who stray from our values. Anybody who betrays your values is not your friend. Cast them aside. — **Wongalethu Vanda, via e-mail**

Half a page will do

I READ in the Dispatch that Harry's Printers are going to launch a newspaper which highlights "the good work the ANC has done". Surely it's not necessary to launch a whole newspaper for this when a half-page flyer handed out at robots should be adequate. — **John Batting, East London**

NOTE TO WRITERS

Write to the Editor at 35 Caxton Street, East London 5201. Fax: (043) 743 5155. Email: letters@dispatch.co.za

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