BETRAYAL OF A POST-COLONIAL IDEAL: THE EFFECT OF CORRUPTION ON PROVISION OF LOW-INCOME HOUSES IN SOUTH AFRICA

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-Abstract-

Lack of proper allocation of houses by the National Department of Human Settlements (NDHS) in all spheres of government has created a huge backlog on the provision of houses, despite the proclamation of Section 26 of the Constitution of Republic of South Africa (1996), Housing Act (No. 107 of 1997) and National Norms and Standards (1997). The living standard of the people who should be receiving these houses is detrimentally affected by this situation. The inception of the Special Investigations Directorate (SID) in the NDHS saw the necessity to investigate cases of this nature. The objectives of this study were to access appropriate management, capacity, challenges and technical support for the allocation of low-income houses, focusing on 20 years of democracy timeline (1994-2014), as well as, evaluating the implementation of support programmes that prevent corruption in the human settlements sector as agreed with sector partners (provinces and municipalities) in line with the national sector-wide Anti-Corruption Strategy by paying attention to State

response to apartheid regime to democratic programmes. A qualitative research approach was adopted, coupled with the attendance of five (05) – to ten (10) NDHS SID meetings and workshops, ten (10) months participant observation schedule and three (03) interviews (i.e. Two -02- Key Informant Interviews – KIIs and one -01- telephonic interview) with the Assistant Directors of SID in the NDHS in Pretoria.

The findings of this study reveal that 1) corruption with the allocation of low-income houses is still rife across South Africa, 2) fixing the current application and allocation processes can play a pivotal role in this regard and 3) the elite individuals in government should consolidate ideas in response to this scourge. It can be concluded that perceptions on the effects of corruption involving constructing of low-income houses in South African housing are widespread, coupled by complexity, exploitation, fraud and unpredictability. Owing to this, public trust to the current government remains dented. For recommendations; the NDHS should create improvement interventions through a process involving the implementation of the recommendations meted out by the NDHS SID investigators, evaluate the application and allocation processes by all relevant stakeholders within the public sector to enhance social and economic development; and address poverty by refusing to participate in illegal activities.

Key Words: Corruption, Finance Linked Individual Subsidy Projects (FLISP), Investigations, Low-income housing, NDHS, Provision, Reconstruction and Development Programme (RDP) housing, South Africa, SID

JEL Classification: R21

INTRODUCTION

Housing ministers from 1994 to 2014 had this to say concerning housing allocation in South Africa: "Ultimately, it will be up to the major banks and lending institutions to come into the new South Africa and to play their full and responsible part in helping to solve what is one of the most fundamental problems facing this country – housing," Slovo [1994] (i.e. Minister of Housing – 1994-1995). South Africa's cities and towns are dysfunctional, and this is a result of political engineering that has led to social disorder and disruption. Apartheid legislation regulating Group Areas, Community Redevelopment, and Rent Control have had a devastating effect on the viability of our inner cities, Mthembi-Mahanyele [2000] (i.e. Minister of Housing – 1995-2003). Over the past nine years we have seen the construction of almost 1,5 million housing units. We also saw the transfer of 400 000 old municipal houses to the ownership of their longstanding tenants.

We have therefore seen many homeless people and tenants become owners, Mabandla [2003] (i.e. Minister of Housing – 2003-2004). As government, we have articulated our concerns over informal settlements. These are growing at an alarming rate and this government has indicated its intention to moving towards a shack-free society. The difference now is that we are not dealing with intent; we will now be operational, Sisulu [2004] (i.e. Minister of Housing – 2004-2009). The government has passed the 3-million mark in providing free housing and housing opportunities in South Africa since 1994, most beneficiaries being from the poorest parts of society, stated Sexwale [2013] (i.e. Minister of Human Settlements – 2009-2012). The vision of the Department of Human Settlements is to ensure and carry out the constitutional mandate which guarantees houses for all. Everyone has a right to have access to adequate housing and the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right, Septembers [2014] (i.e. Minister of Human Settlements – 2013-2014).

Considering the discussion *Supra*, the Housing policy and Strategy (1994) has, since the advent of the new democratic regime, attempted to transform the extremely fragmented, complex and racially based South African human settlements environment. Further to this, it also had to transform and regulate financial housing and institutional framework inherited from the previous government. Simultaneously, new initiatives, structures and systems were developed and put in place to ensure the establishment of new communities and to address the critical nationwide housing backlog. The significance achievements of this programme have been recognised both nationally and internationally. Significant socio-economic, demographic and policy shifts have also occurred over the past 10 years. Therefore, within this broader vision, the NDHS is committed to meeting the following objectives: "combating crime, promoting social cohesion and improving quality of life for the poor," NDHS (2012-2013).

In this regard, when South Africa became a non-racial democracy, there was a housing backlog of 1.9 million. Since then, some three million subsidised housing units have been built, but the housing shortages have since increased to 2.3 million because of urbanisation and population growth, World meters (2018) states that the current population of South Africa is 57,488,998 by the time of conducting this study, based on the latest United Nations (UNs) estimates, South Africa population is equivalent to 0.75% of the total world population. This country ranks number 25 in the list of countries (and dependencies) by population. The population density in South Africa is 47 per Km2 (123 people per mi2). The total land area is 1,213,090 square kilometres [km2] (468,376 square miles). 62.9 % of the population is urban (36,109,167 people in 2018) and the median age in South Africa is 26.3 years. According to the Mid-year population by Statistics estimates report for 2018 released by Statistics South Africa (2018b), the population of South Africa is estimated at 57,7 million as at 1 July 2018. While births and deaths are considered the

main drivers of population change, migration continues to be significant, not only demographically but politically, economically and socially. For urbanisation, this report shows that South Africa is estimated to receive a net immigration of 1,02 million people between 2016 and 2021. Most international migrants settle in Gauteng (47,5%) while the least are found in the Northern Cape province (0,7%). Gauteng is considered the economic hub of the country, attracting international migrants as well as domestic migrants from rural provinces such as Limpopo, KwaZulu-Natal and Eastern Cape. People migrate for several reasons; these can be categorised under economic, social-political, cultural or environmental. These categories also relate to what is known as "push" or "pull" factors. The economic strength of Gauteng relates to "pull" factors that influence its attractiveness to migrants. Gauteng receives the highest number of in-migrants for the period 2016 to 2021. Better economic opportunities, jobs, and the promise of a better life are some of the factors that make Gauteng an attractive destination. Movements within and across South Africa's borders impact not only the population structure of the country and provinces within South Africa, but potentially the economic, political and social composition of a community, province and the country. Hence, understanding and planning for current and projected migration patterns in South Africa is imperative for continued growth and development.

Yet, despite all the stated challenges, the NDHS has provided 3.6 million housing opportunities across South Africa since 1994. It should be noted that the NDHS at national level is a national government department which is responsible for facilitating adequate access to sustainable human settlements and improved quality of life in South Africa. The department, in terms of Section 26 of the Constitution of the Republic of South Africa (1996), is required to take reasonable legislative and other measures to achieve the progressive realisation of the right to housing. The responsibility to provide adequate access to houses is a concurrent jurisdiction, which is shared with the provincial and local spheres of government,

explained South African business (2012/13) and the National Urban Reconstruction and Housing Agency [NURHA] (2014).

Particularly, the highlighted challenges are being tackled in several ways in different levels of government. Consistently, South Africa (2014) states that the department and government are experiencing high levels of corruption in supply chain management and beneficiary management. The high levels of corruption in the department and human settlements sector are evident in the number of incomplete housing projects, poor workmanship/defective houses, payments where there was failure to build houses, inflated costs, fronting and fraudulent claims/invoices and misallocation of low-income houses. These illegal practices impact negatively on service delivery and government's commitment to provide adequate access to sustainable human settlements and improved quality of life. The NDHS adopted a "Comprehensive Plan for the Creation of Integrated Sustainable Human Settlements [CPCISHS]" (the Plan) in August 2004.

Admittedly, the purpose of this plan is, among others, to identify and build the capacity of the Department to adequately deal with challenges created by fraud and corruption in the human settlements service delivery value chain. As a result, paragraph 6.4 of the Plan or Breaking New Grounds (BNG), makes provision for the Department to "Establish a Special Investigating Unit to deal with fraud and corruption and commission forensic investigations where necessary". This culminated in the establishment of the SID of NDHS. The role and function of the SID is to:

- Manage and develop anti-corruption measures, analysis and monitor processes and trends of corruption in the housing sector; and
- Manage, coordinate and conduct housing fraud and corruption investigations.

The Department receives allegations of fraud and corruption in the human settlements sector, from a variety of sources including members of the public. Some of the complaints are referred to the

Department through the Presidential Hotline, National Anti-Corruption Hotline, Minister of Human Settlements, Director-General: Human Settlements, Public Services Commission, Public Protector, NDHS Call Centre and staff members of the Department. These complaints are lodged or referred to SID for resolution and report back, concluded South Africa (2014). Thus, the purpose of this study is to set out investigators' experience on corruption relating to housing allocation in South African communities.

THE NEED FOR SUSTAINABLE SETTLEMENTS: ELUSIVE PROVISION

In an increasingly urbanised world, the need for sustainable city and settlement development is becoming acute. According to the UN Habitat (2006) (in Smeddle-Thompson, 2012), it is projected that by the early 21st century, the world's urban population will equal its rural population. Between 2005 and 2030, the world's urban population is projected to grow at almost twice the rate of the world's total population, with international trends revealing that Asia and Africa will host the largest proportion of urban growth. By 2030, it is estimated that 80% of the world's urban population will live in developing cities, with small cities (less than 500,000 people) and medium-sized cities (i.e. one to five million people) absorbing most of this urban growth.

Furthermore, Smeddle-Thompson (2012) citing UN Habitat (2006) expresses that 32% of the world's urban population lives in slums, and 90% of slums are in developing cities. In Sub-Saharan Africa, 71.8% of the urban population lives in slums. Within the South African contexts, the dawn of democracy in 1994 created a new dispensation in which access to basic services such as *housing*, water and sanitation was recognised as a fundamental human right. South Africa inherited high levels of poverty and it continues to be confronted with unequal and often inadequate access to resources, infrastructure and social services. The Bill of Rights enshrined the right to basic services and commanded that the state must take reasonable measures to achieve the progressive realisation of these

rights (Statistics South Africa, 2018a). It is further confirmed that since the collapse of Apartheid in the 1990s, South Africa has struggled to deal with the social and economic problems stemming from the era. One of the biggest is housing. Over the past few decades, migration into urban areas has rapidly increased, and housing has failed to keep pace. In the informal settlements on the edges of cities, residents continue to build their own accommodation from cheap materials. Water and other essentials are hard to come by; violence and crime prevalent; homes vulnerable to flooding; and sanitation poor (Darabi, 2018). Therefore, housing demands far exceeds supply in South Africa, the moving target, simply refers to a target that is never achieved. For the housing problem; this wicked problem-addressing the problem creates more problems (Le Roux, 2011) (in Psam, 2016), the South Africa's living conditions has generally improved since 1994, approximately 77.7% population live in formal dwellings, 85.4% have access to electricity, 89.9 % have access to piped water and 66.4 % partially own/own dwellings, however, about 14% still live in informal dwellings, i.e. slums and backyard dwellings. It further reported that by 2014 about 4.3 million RDP houses were constructed since 1994 and the housing backlog in 2014 was 2.3 million, with the current backlog of about 2.3 million and backlog growing at 178 000 units per year, (Africacheck.org, S.a) (in Psam, 2016), monetary, about R800 billion required to eradicate the backlog by 2020.

Moreover, the Statistics South Africa (2018c) indicates that service delivery protests in South Africa have become a widespread occurrence in recent years. Residents take to the streets in protest against poor services received in their communities, hoping that their voices will be heard, and their problems fixed. Communities are raising their voices about issues such as access to electricity, housing, water and sanitation, health, and social security. Statistics South Africa release on the General Household Survey report for 2017, covers all these and other issues that communities face. The following issues were revealed by this report. Slightly over four-fifths (80,1%) of South African households lived in formal dwellings in 2017,

followed by 13,6% in informal dwellings, and 5,5% in traditional dwellings. The highest percentage of households that lived in formal dwellings was observed in Limpopo at 91,7%, while the lowest was the Eastern Cape at 70,4%. Approximately one-fifth of households lived in informal dwellings in North West (19,9%) and Gauteng (19,8%). At the time of the survey, 13,6% of South African households were living in RDP (through the RDP, first announced in 1994, the South African government has subsidised home-building for citizens. Although it has built over four million units to date - 2018, there are still huge shortages, Darabi, 2018) or state-subsidised dwellings. Some residents raised concerns about the quality of subsidised houses, and 10,2% said that the walls were weak or very weak while 9,9% regarded the roofs of their dwellings as weak or very weak.

Similarly, these statistics illustrate the urgent need for sustainable development practices, particularly in urban Asia and Africa. The Department of Housing (2008) highlighted that government's commitment to fight corruption related to the Housing Subsidy System was bearing fruit, with thousands of public servants facing prosecution for corruptly or fraudulently acquiring subsidised houses meant for the poor. As a result, the former president Thabo Mbeki issued a proclamation authorising the Special Investigations Unit (SIU) of South Africa to look into this issue on 25 April 2007. This was prompted by the findings of the Auditor-General's report in 2006 that there was possible fraud, corruption and maladministration in the Housing Subsidy System. On the advice of past Housing Minister Lindiwe Sisulu and former president Mbeki issued Proclamation R7 of 2007 authorising the SIU to start with the investigations.

Equally, a total of 31 000 civil servants were under investigation by the SIU for possible fraud and corruption relating to how they acquired low-income houses in 2008. Of these, 3 800 were already facing prosecution in the country's courts as investigations into their

cases were finalised. Related to this statement, the then Housing Director General, Itumeleng Kotsoane [S.a] (in the Department of Housing, 2008) highlights that "the Department emphasise that a lot of this fraudulent activity took place in the late 1990s and early 2000 due to the failure of our systems to detect and verify some of the applicant's details. However, working with other agencies of Government, the Department has improved its monitoring and verification systems and is able to detect and prevent fraudulent application by verifying the applicant details with the South African Revenue Services (SARS), the Department of Home Affairs (DoH), Deeds Office and other institutions of government." "We continue to work with law enforcement agencies and other institutions of Government and the private sector to prevent fraud, and where fraud is detected it would be dealt with harshly."

The SID of NDHS investigations focused on:

- Irregular awarding of subsidies to non-qualifying beneficiaries, especially government employees;
- Underperformance by contractors in the delivery of houses; or
- The irregular awarding of such contracts and on a conduct by officials in the administration of the low-income housing scheme; and
- Awarding of subsidies or development contracts.

Investigations prioritised the issue of public servants and this was extended to incorporate the other two areas. The objectives of the investigation included:

- Recovering losses suffered by the department because of maladministration and corruption;
- Institute or recommend corrective action which includes civil, criminal and disciplinary action;
- Cleansing of the national housing database of disentitled housing subsidy beneficiaries;
- Identifying weaknesses in the Housing Subsidy System (HSS) including the absence of internal controls and policies; and

- Making recommendations on improving systemic deficiencies through tighter policies and better control.

The Department of Housing (2008) illustrates that A total of 443 public servants signed the Proclamation as an acknowledgement of debt. The SIU totalled R9, 3 million. Nearly R1 million of this amount has been paid back and people can repay the money over a maximum period of 60 months. If people fail to honour their commitment, their cases are handed to the Department or the State Attorney for further action. Gauteng had the highest number of public servants under investigation at 9 235; followed by KwaZulu-Natal at 6 755; Eastern Cape at 3 840; North-West at 3 027; Limpopo at 2 461; Western Cape at 2 279; Mpumalanga at 1 780; Free State at 1 407; and Northern Cape at 475. Most of these suspects are people who can be classified as those who are in the high-income group ranging from R3 501 a month. The SIU will on Wednesday and Thursday (22 and 23 April 2008) prosecute a total of 34 public servants in Pietermaritzburg, KwaZulu-Natal for fraudulently obtaining government subsidised houses. While another 10 public servants appeared before the magistrate on Friday, 25 April 2008 in Venterstad in the Eastern Cape.

CURRENT NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS DHS SPECIAL INVESTIGATIONS DIRECTORATE REACTIVE POSITION

Composition of Special Investigations Directorate team

The purpose of this 'Directorate' is *"to review and facilitate the implementation of Anti-Corruption Strategy and Whistle Blowing Policy"* and its functions are to:

- Manage the analysis and monitor processes and trends in housing corruption;
- Manage, coordinate and conduct housing investigations;

- Manage the conducting and reporting on investigations of allegations of fraud, corruption and mal-administration in the implementation against the Comprehensive Plan;
- Manage the investigation and prosecution of corruption related internal disciplinary matters;
- Manage the establishment of a forum of the national and provincial housing department for the coordination of housing investigations;
- Manage the provision of support to provincial departments on corruption related initiatives; and
- Manage partnerships and relations with stakeholders and coordinating investigation into housing related matters.

The purpose is *"to manage, coordinate and conduct housing investigations."*

The NDHS SID is composed as follows:

Table 1: Structure of Sub Special Investigations Directorate: Housing Investigations

Number of employees	Position
1 X	Director
2 X	Deputy Directors
3 X	Assistant Directors
1 X	Senior Admin Clerk
1 X	Senior Secretary

Source: Researchers illustrations [2018] (by the time of conducting this study)

Researchers Note: *It should be noted that the presented officials on the table 1 were catering for nine (09) provinces across South Africa by the time of conducting this study. The three (03) Assistant Directors were responsible for 3 provinces each to make 8 and Gauteng province is shared among them and their main task is to conduct investigations on fraud and corruption within the housing sector across South Africa.*

This study excluded the SID Acting Director and the Deputy Directors (whom are rarely involved in daily investigations, they only intervene in major cases. The SID Senior Administrative Clerk and a Senior Secretary were also omitted for this study as they are inactively involved in investigations duties.

The key highlights for 2014: facts and figures

Psam (2016) highlights that the housing backlogs by provinces (i.e. refer to table 2) and observations reflects that Gauteng province has the highest housing needs far above all the other provinces, yet the highest number of RDP houses were constructed in the province. This is due to population migration pattern. The Gauteng province is the economic hub of the country and people migrate from around the country in search of work. The Eastern Cape and KwaZulu-Natal Provinces, KwaZulu-Natal and the Western Cape Provinces have a high number of RDP dwellings, but the provinces still have above 500 000 housing backlogs and the Northern Cape has the list RDP dwellings and the list backlog. The province has the list population, is the most sparsely populated with relatively small economy.

Table 2: Housing backlog provincial

Province	RDP dwellings 2016 community survey	RDP houses backlog 2016/17 Estimates
North West	261 693	237 000
Western Cape	571 997	526 000
Gauteng	1 227 729	600 000
Mpumalanga	241 801	170 000
Northern Cape	105 541	52 000
Free State	289 414	Figure not available
KwaZulu-Natal	559 302	716 079
Limpopo	260 976	157 420+
Eastern Cape	386 802	600 000+
National		**2,3 million**

Source: Psam (2016)

In contrary, the statistical data presented by Mr. J Mudau [2014], of the Public Service Commission (PSC) during the workshop

conducted at the Council for Scientific and Industrial Research (CSIR), situated in Pretoria, demonstrates that for the period 2004 to 2014 the NDHS SID managed to refer, investigate (case in progress) and close the reflected cases on the Bar graph below for the period ended 2004 to 2014. It is of the utmost importance to note that these statistics relate to alleged corruption incidents across the country and allegations of delayed allocation of low-income houses across South Africa.

Against this background, it was further mentioned that the cases of alleged corruption reported to the National Anti-Corruption Hotline (NACH) as at 24 February 2014 were as follows:

- There were 209 021 calls registered on the NACH as at February 2014;
- Of these calls, the PSC generated 20 008 reports for possible investigations;
- Out of the 20 008 cases, the PSC referred 14 054 to the National and Provincial Departments and public entities for further investigations;
- From 01 September 2004 to 24 February 2014, feedback was received on 7400 (53%) cases;
- Only 5 096 (36%) cases were finalised and closed on the case management system of the NACH; and
- Currently, there are 8958 outstanding cases with respect to National and Provincial Departments and public entities.

In support of the provided statistics above, it should be highlighted that the response to corruption is still inactive across the country. These submissions are corroborated by Table 3, focusing on the year 2014:

**Table 3: Cases of alleged corruption as 24 February 2014**

National / Provincial	Cases referred	Feedback received	% Feedback received	Cases closed	% Cases closed	Outstanding cases
National	5842	3289	56%	2600	45%	3242
Eastern Cape	637	514	81%	161	22%	476
Free State	300	120	40%	71	24%	229
Gauteng	1681	838	50%	601	36%	1080
KwaZulu-Natal	641	260	41%	124	19%	517
Limpopo	449	426	95%	196	44%	253
Mpumalanga	1072	801	75%	603	56%	469
North West	431	192	45%	107	25%	324
Northern Cape	110	45	41%	36	33%	74
Western Cape	452	392	87%	129	29%	323
Public Entities	2439	522	21%	468	19%	1971

Source: Mudau (2014)

Particularly, table 3 indicates the following:

- A total of five thousand eight hundred and forty-two (5842) cases were referred to National Departments for investigation;
- The largest number of allegations was in respect of the DHA, with one thousand two hundred fifty-eight (1258) cases followed by the Department of Correctional Services (DCS) with one thousand and forty-four (1044);
- A total of five thousand seven hundred and seventy-three (5 773) cases related to provinces; and
- The largest number of allegations was in respect of Gauteng Province with one thousand six hundred and eight one (1681) cases and is followed by Mpumalanga Province with one thousand and seventy-two (1072).

Figure 1: National Department of Human Settlements statistics on investigations process

NACH complaints lodged with Human Settlements from 2004-2014
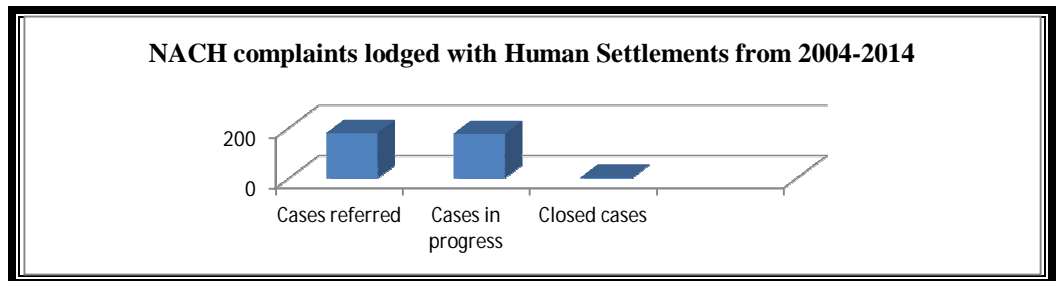
Source: Mudau (2014)

Basing conclusion on figure 1, the SID is currently (2018) failing to tackle corruption associated with housing systems across South Africa, and the allocation of low-income houses across the country is no different. Subsequently, figure 1 indicates that cases referred were in the margin of 180, while the cases in progress were in a range of 177 and closed cases were only 3. simultaneously, the NDHS Annual Report (2013/2014) reveals that the 'Chief Directorate' of internal audit, risk management and special investigations managed to achieve most of its planned targets and notable achievements included the following:

- Finalised preliminary investigations into alleged illegal sale of low-income houses. The outcome of these investigations suggests that there could be criminal syndicates that are responsible for the illegal sale of low-income houses; and
- Reviewed the mechanisms aimed at combating fraud and corruption. The mechanisms include a fraud and corruption prevention policy, a fraud prevention plan and a whistle blowing policy.

In the meanwhile, table 4 shows SID achievements in the 2012/2013 financial year.

Table 4: Special Investigations Directorate achievements for 2012/2013 financial year

Fraud and corruption detection	
The SID dealt with	170
Referred the following cases Gauteng	48
Referred the following cases KwaZulu-Natal, Eastern Cape, Western Cape, Mpumalanga	20
These cases were finalised internally	25
In these cases, complainants could not be reached telephonically and there was no further information regarding complainants	20
The SIU investigated and completed	42 housing projects out of a total of 59 housing projects under investigation

Source: (NDHS, 2012-2013)

Table 5 further outlines the sub-programme of the NDHS Internal Audit, Risk Management and SID with a strategic objective of providing integrated assurance and advice on governance practices to assist the Department to achieve its objectives, as reflected in the NDHS (2012-2013) and (2013-2014) Annual Reports:

Table 5: The National Department of Human Settlements sub-programme (Internal Audit, Risk Management and Special Investigations)

Performance indicator	Baseline (actual achievement 2011/2012)	Planned target 2012/2013	Actual performance	Deviation from planned target for 2012/2013	Comment on deviations
Reviewed, approved and implemented anti-fraud and corruption strategy	**Prevention:** • Anti-corruption awareness workshops conducted for the Department employees, branches, regional offices, municipal employees and officials. **Reduction:** • Delay / failure to allocate low-income houses; • Poor workmanship/ poor quality houses illegal evictions / threatened evictions • Unfair	Reviewed, approved and implemented anti-fraud and corruption strategy	Draft revised fraud and corruption prevention policy, whistle blowing policy and fraud prevention plan finalised	Strategy not reviewed and approved	The independent review of anti-corruption processes revealed that the existing documents are not addressing fraud and corruption prevention strategy requirements. The Department had to review its plans and develop a new policy that will inform the development of a strategy.

	rental / inconsistent rental fees illegal sale/ rental of low-income houses • Non-payment of contractors/ sub-contractors				
Performance indicator	**Baseline (actual achievement 2012/2013)**	**Planned target 2013/2014**	**Actual performance**	**Deviation from planned target for 2013/2014**	**Comment on deviations**
Approved and implemented anti-fraud and corruption strategy	Approved and implemented anti-fraud and corruption strategy for 2010/11	Anti-fraud and corruption strategy not approved The Department is currently implementing the 2011/12 approved fraud prevention plan and whistle blowing policy.	Approved and implemented anti-fraud and corruption strategy	Fraud and corruption prevention policy, revised fraud prevention plan and revised whistle blowing policy recommended for approval by the Risk Management Committee. The Executive management team recommended that policies and plan be presented at the Departmental Bargaining Council before approval by the Director-General.	Anti-fraud and corruption strategy to be developed in first quarter of 2014/15 financial year

Source: NDHS (2012-2013) and (2013-2014) Annual Reports

This study only focuses on the low-income housing in RDPs (low-income houses) and FLIPS. These programmes are regarded as financial interventions processes.   The housing programmes in question are viewed as follows: RDPs / low-income houses are viewed as South African socio-economic policy framework implemented by the African National Congress (ANC) government of Nelson Mandela in 1994. This was after months of discussions, consultations and negotiations between the ANC, its Alliance partners the Congress of South African Trade Unions and the South African Communist Party (ACP), and 'mass organisations in the wider civil society,' Mandela (1994).

The ANC's main aim in developing and implementing the RDP was to address the immense socioeconomic problems brought about by the consequences of the struggle against its predecessors under the apartheid regime. Specifically, it set its sights on alleviating poverty and addressing the massive shortfalls in social services across the country, something that the document acknowledged would rely upon a stronger macroeconomic environment, Mandela (1994). Achieving poverty alleviation and a stronger economy were thus seen as deeply interrelated and mutually supporting objectives. Development without growth would be financially unsustainable, while growth without development would fail to bring about the necessary structural transformation in South Africa's deeply inequitable and largely impoverished population. Hence, the RDP attempted to combine measures to boost the economy such as contained fiscal spending, sustained or lowered taxes, and reduction of government debt and trade liberalisation with socially minded social service provisions and infrastructural projects. In this way, the policy took on both socialist and neo-liberal elements but could not be easily categorised wholly in either camp. However, the FLISP was developed by the NDHS to enable first time home-ownership opportunities to South Africans and legal permanent residents earning between the stated amounts below per month. Additionally, these are people falling in what is called gap market because they either earn too little to qualify for homes loans or too high to qualify for an RDP house (NDHS, 2014). Therefore,

individuals covered are household earners between R3 501 and R15 000 who would like to obtain a mortgage from a leader to:

- Acquire an existing property;
- Obtain a serviced stand linked to a building contract;
- People who earn between R3 501 and R7 000 are unable to get a loan for serviced stand;
- FLISP is project based and the value of the property is capped at R300000;
- The subsidy cannot be used for transfer costs, legal fees, bond registration fees; and
- Claw back clause and pre-emptive clause: sell property back to Province and the Member of Executive Council may unconditionally or conditionally waive the pre-emptive.

Specifically, the FLISP was developed to enable first time home-ownership to households in the 'affordable or gap' market, that is, people earning between R3 501 and R15 000 per month. Individuals in these salary bands generally find it hard to qualify for housing finance; their income is regarded as low for mortgage finance, but too high to qualify for the government 'free-house' subsidy scheme. Depending on the applicant's gross monthly income, their once-off FLISP subsidy qualifying amount may vary between R10 000 and R87 000, as defined in the FLISP Subsidy Quantum. Any residential property acquired with a FLISP subsidy may not exceed the R300 000 price margin. Notably, the FLISP subsidy is for residential properties in formal towns, where transfer of ownership and registration of mortgage bond is recordable in the Deeds Office, National Housing Finance Corporation [NHFC] (2018).

Table 6: Subsidy quantum example 1

FLISP REDUCES the mortgage loan amount to render the monthly loan repayment instalments affordable; (payment made to home loan account)	
Property Price	**R300 000**
Bank HL Approval	**R300 000**
Less FLISP as a deposit	**R50 000**
EVENTUAL HOME LOAN AMOUNT	250 000

Source: NHFC (2018)

Table 6 is based on an R9 000 p/m income-band, where the individual after the Lender/Bank's credit and affordability assessment, based on the National Credit Act [NCA] (Act No. 34 of 2005) criteria, qualified for R300 000 home loan.

Table 7: Subsidy quantum example 2

FLISP AUGMENTS shortfall between the qualifying loan amount and the total product price; (payment made to transfer attorneys)	
Property Price	**R300 000**
Bank HL Approval	**R250 000**
FLISP as HL top up	**R50 000**
EVENTUAL HOME LOAN AMOUNT	250 000

Source: NHFC (2018)

Table 7 is based on an R9 000 p/m income-band, where the individual after the Lender/Bank's credit and affordability assessment, based on the National Credit Act (NCA) criteria, qualified for R250 000 home loan.

General eligibility (qualification) criteria

Singeni (2013) advocates that the qualification criteria for low-income houses is prescriptive in nature, applies in general to individual subsidies, Integrated Residential Development Programme, Consolidated subsidies, Institutional subsidies and Rural: Communal land rights. Therefore; specific rules apply to different programmes;

each Housing Programme has specific criteria. In connection to this statement, conversely Singeni (2013) advises that a person qualify for a subsidy if he/she is:

- A lawful resident of South Africa or in possession of permanent residence status;
- Legally competent to contract; and
- Has not yet benefited from government assistance.

In addition, those people who had previously owned a fixed residential property:

- May qualify for the purchase of a vacant serviced site; and
- If the property was obtained without government assistance and does not conform to norms and standards.

Further requirements suggest that the applicant(s) should be:

- Married or cohabiting;
- Single with financial dependents – must reside permanently with applicant(s);
- Single persons without financial dependents – apply for purchase of vacant serviced site or rental accommodation; and
- Monthly household income (proof of income required):

    - R0 – R3 500 full subsidy; and
    - R3 501 – R15 00 FLISP.

The presenter went on to mention that further requirements include the following:

- Persons classified as military veterans;
- Persons classified as aged with or without financial dependents;
- Persons classified as disabled; and
- Persons who are beneficiaries of the Land Restitution Programme, such as follows:

- A serviced site – may qualify for a housing consolidation subsidy;
- An un-serviced site – may qualify for a subsidy to service a site and for the construction of a house; and
- No house has been provided – purchase of a serviced site and/or subsidy for construction of a house (Singeni, 2013).

METHODS AND MATERIALS

The qualitative research approach was adopted for this study. In definition, Walker (2001) states that this approach emphasises a detailed understanding of the problem being studied. This approach had the following advantages for this study:

- Getting the meaning behind the facts by giving the reasons for the problem as it exists rather than by making generalisations;
- Understanding the problem that this study focused on from the research participants' points of view; and
- Developing a relationship with the research participants so that a detailed understanding of the participants' expressions and perceptions of the problem were captured.

One of the sole limitation for using qualitative approach for this study was to have a direct contact with the selected participants to reach appropriate findings, conclusion and recommendations (Walker, 2001). This approach was best suited for this study to obtain a detailed understanding of the researched problem from these participants.

Sampling methods

The sampling of this study consisted of three (03) Assistant Directors attached to the SID of NDHS. Overall, this 'Directorate' respond to corruption relating to the allocation of low-income house in their day-to-day duties. Two males and one female were selected, and this represents the 'Directorate' as a whole (i.e. refer to table 1 of this study).

Data collection methods

Special Investigations Directorate meetings and workshops

Approximately 5 to 10 internal SID meetings were attended for this study; this is where SID officials assemble for the purpose to discuss corruption involving the housing sector in general and low-income houses. Furthermore, 2 Anti-corruption workshops were also attended (i.e. these were meetings at which NDHS officials engaged in intensive discussion and activity about corruption) to gather perceptions on corruption relating to the allocation of low-income housing across South African communities. This workshop took place at the Tsogo Southern Sun Hotel and CSIR, both in Pretoria, South Africa.

Observation schedule

Direct observation was conducted in this study; Trochim (2006) mentions that this method requires that researcher(s) becomes a participant in the culture or context being observed. In this context, the role of researcher(s) as a participant was to investigate and register the reported cases on SID of NDHS. Field notes were used in this regard for data collection.

The observations schedule was accepted as a part of the culture of SID for this study. This type of data was collected in SID of NDHS, in Pretoria for a period of ten (10) months. Direct observation of the corruption related cases to allocation of low-income houses was

staged and this was regarded as a hands-on approach of observing daily activities of tackling reported cases of corruption involving low-income houses in South Africa holistically.

Key Informant Interviews and telephonic interview

Two (02) Key Informant Interviews [KIIs] *(i.e. This concept is defined as "qualitative in-depth interviews with people who know what is going on in the community. The purpose of key informant interviews is to collect information from a wide range of people – including community leaders, professionals, or residents – who have first-hand knowledge about the community. These community experts, with their particular knowledge and understanding, can provide insight into the nature of problems and give recommendations for solutions),* University of California, Los Angeles – [UCLA] Centre for Health Policy Research (2015) and one (01) telephonic interview [i.e. this interview allows interpersonal communication without a face-to-face meeting] (Carr & Worth, 2001) (in Farooq, 2015) and is a cost effective alternative. However, this interview, with its lack of visual contact between interviewer and interviewee, is shunned by traditionalists and is regarded as inferior (Gillham, 2005; Hermanowicz, 2002) (in Farooq, 2015), were conducted with the Assistant Directors attached to the SID of NDHS in Pretoria.

Unstructured interviewing techniques were initiated for this study, this involved direct interaction with the three selected participants. Initial guiding questions were directed to these participants. This created a freedom to move the conversation to the intended direction of interest. Unstructured interviewing is particularly useful for exploring a topic broadly (Trochim 2006). As previously stated, the sampling for this study consisted of two males and one female and the target population was exhaustive as the SID was consisting of three (03) Assistant Directors / investigators by the time of conducting this study.

The selected participants of this study were previously attached to the South African Police Service (SAPS), with 1-10 years working

experience prior been appointed under SID of NDHS. Their overview on the subject matter was deemed necessary as they are held accountable for investigation purposes. They deal with the validity of the application and who is responsible for the rightful allocation of the RDP house. With that said, three sets of questions were posed to the target groups as follows:

- What is the extent of corruption with low-income housing in the country?
- What mechanisms should be put in place to prevent corruption with low-income houses across the country? and
- What are the challenges in investigating corruption involving low-income houses incidences?

Data analysis

Notes were taken in this study; referring to cryptic written notes of what the participants said. The actual words used by the participants were written down verbatim (i.e. word for word). In instances where it was difficult to grasp what the participants were saying, the participants were asked to explain what they exactly meant. The notes were then transcribed, which elicited themes from the participants' responses. In addition, a voice recorder was used to supplement the written notes to prove what the participants said once the responses were transcribed.

DISCUSSION OF RESULTS

The emerging themes arising from the past investigations on corruption within the housing system on provincial and local levels are the following:

Despite the elite individuals' considerations below, corruption in the low-income housing sector is problematic:

"To overcome apartheid's spatial legacy, the provision of housing and social infrastructure needs to be improved, and planning frameworks across government strengthened" – Minister Nhlanhla Nene, Keynote Address, 18 July 2014.

"South Africa is about to become the biggest construction site in Africa and most probably in the developing world. We will build close to 270 000 houses annually as a sector. It looks impossible, but we have been here before. At the height of implementing the BNG policy we are building over 270 000 per year" - Minister Lindiwe Sisulu, Remarks at the Budget Vote Media Briefing, 15 June 2014.

Finding 1: Irregularities in awarding of tenders to possible contractors

The awarding of tenders at municipal level leaves much to be desired. The branded "politicians or comrades" are benefiting from this money-making scheme. Lucrative tenders remain within families. Bribery to get tenders remains the order of the day.

The most important criterion is that one should be political connected to be awarded a tender in the housing system, however, the channels to follow to get a specific tender are not clear enough. It was mentioned by the participants that some government officials occasionally expect kickbacks from tender bidding. In line with the investigation process; it remains very difficult to get cooperation from officials who seem to be involved in this kind of corruption.

Finding 2: Poor workmanship in the housing system

The conducted KIIs and telephonic interview reveal that housing is also a concern on provincial and local government levels. The projects are not successful, and houses of bad quality are built. It is crystal clear that the NDHS does allocate the required funds to the provincial and local government in terms of their needs. However, the

responsible parties in the group are practicing corruption through hiring cheap contractors, which enables them to get their share on the side. This results in the poor state of affairs regarding housing subsidies and poor workmanship by the contractors.

It was further revealed that the steering committees, ruling party's chief whips (the ANC) in this instance), Union representatives and councillors at communal level are misusing their powers, as they decide who should get a house and what the standard of such a house will be.

The conclusion of the participants is that shoddy work in the construction of RDP houses is allowed in our communities. It was also revealed that the housing officials and inspectors certify and authorise payments to contractors who deliver sub-standard houses across South African communities. In most cases beneficiaries express concern about the quality of the houses and a request for a thoroughly inspection of the houses is ignored. The audit assessments on respective projects are not treated as a matter of priority.

The National Home Builders Registration Council (NHBRC) and official managing allocated projects are acting in isolation No party seems to take responsibility for the quality assurance process prior to commencement of the project to avoid defects. It is common knowledge that contractors fleece the department and officials who are keen for sub-standard work losing lot of money towards rectification process of RDP houses as built.

Finding 3: Delay in allocation of low-income houses

Based on the answers provided by the target groups during the KIIs and telephonic interview, it remains an open secret that RDP houses are not allocated fairly and that the public is fully aware of the situation. The interviewed panel indicated that when houses are completed, whether in a good or a bad state, they are not allocated to the rightful owners owing to corruption on local government level. To

date there is no solution to the problem. The allocation of low-income houses by government officials at provincial and local / municipal level creates a lot of confusion as these houses are simply sold. Consequently, the housing dilemma will continue in South African communities. It was highlighted that provincial and local government are important in the delivery of the mandate of Human Settlements. The interview conducted with the former Director General for the NDHS Thabane Zulu [the current -2018- Department of Energy Director General, moving from the NDHS, where he was DG from 2009] by South African Business (2012/2013) reveals that the NDHS is viewed as the "bank" that allocates budgets to provincial and local government. This means that these are important structures that have plans for human settlement development and are closer to the beneficiaries of the work done, he said. This was after a question of this nature was posed to him: *Please tell us how you collaborate with other spheres of government, Non-Governmental Organisations (NGOs) and the private sector in the provision of human settlements?* In a follow-up question, he was asked: *What is the department doing to overcome the problems caused by shoddy dwellings (previously delivered as part of government projects) and unscrupulous or under-qualified contractors?* His response to this question, in 2010, was that both the President of the country and the Minister of NDHS appointed a SID.

These investigations are ongoing and already more than 2000 officials in various spheres of government and from different departments have been found guilty and convicted. Certain firms have been blacklisted, and certain developments have had to be demolished. The department has set up a fraud and corruption hotline (0800 701 701) which will enable all citizens to report corruption. Furthermore, the delay in the allocation of low-income houses is characterised by a weak system, which starts from the application period to the allocation part as the database is not consulted by the relevant parties. Cases are solved slowly because of a lack of records and this contributes to the problem. A lack of investigation capacity in the NDHS does add to the workload.

Observation schedule results

In line with the posed questions to the participants, it can be stated on record that corruption exists regarding low-income houses in South Africa. The 10 months' stint with the NDHS SID revealed that corruption involving the provision of low-cost housing was still high (i.e. 2014/2015). This is based on the multiple cases reported daily. Thus, the selling of RDP houses is still on the rise and government and non-government officials, such as Union members, are implicated in the issue. The views rest on the fact that it will take some time for government to initiate new methods and procedures. This delay allows the current situation to move from bad to worse. To date the intervention systems have been weak and nothing is changing.

In a reactive manner, all relevant stakeholders such as beneficiaries, government officials at all spheres, community at large and NGO's should come to the party. The national government is urged to lead this initiative as this problem cannot be addressed in isolation. This can be effectively done by listening to the community problems to introduce with best control measures. That is what can be done to address this issue.

The challenges are the support system from the elite individuals and allowing the recommendations emanating from the completed investigations to take effect. The implementation process should also be considered by the responsible parties. And the seriousness of this type of crime should at all cost be considered by government officials at large.

CONCLUSION AND RECOMMENDATIONS

The extent of corruption regarding low-income houses in South Africa is still high. This study indicates the prevalence of this practice

and further indicates what can be done to address this challenge for the betterment of human settlement across the country. The following are lessons learnt from the findings of this study: (1) The existence of irregularities in the awarding of tenders; this study acknowledges that the National government is failing to eradicate this practice. Thus, the responsible spheres of government are acting in isolation and the responsible parties do not take responsibility; (2) The poor workmanship in the housing system, the interventions aimed at addressing this practice do not seem to bear fruit at this stage and solutions remain elusive; (3) The delay in the allocation of low-income houses; this study reveals that the officials at provincial and local government add to this delay owing to prevalent corrupt activities at these levels; this is creating the current fall-out.

Considering the presented discussion herein, there is a need for a change in the current intervention systems, whereby the relevant stakeholders should come together to address this practice from all angles. Accountability should be emphasised to enhance service delivery. The management of NDHS SID needs to be part in these intervention activities to take ownership of the allocation of low-income houses across the country. The implementation of SID investigators' recommendations, evaluation and qualifications criteria on the allocation of low-income houses and other related factors should be considered.

To effectively respond to housing problems in South Africa, Psam (2016) recommends that this problem needs to be addressed holistically, i.e. in relation to economic growth/job creation, education, rural development and agriculture, among others. The Government must consider increasing budget on rural development which has direct impact on rural-urban migration. Quality education should be accessible by the less advantaged citizens. Adequate and quality education enables citizens to be economically independent and be able to enter the property market.

For recommendations, this study clearly states that corruption rules in the allocation of house among South African communities. The rights

tools are needed to win the war against corruption in the allocation of low-income houses. The scourge of corruption should be eradicated in all areas of our society by ensuring that:

- All levels of government are made aware of corrupt activities involving low-income houses through effective forensic audit and SAPS intervention;
- All corrupt activities are avoided to promote the development of the nation;
- Government officials always uphold the law, thereby strengthening democracy;
- Fraud and corruption plans are implemented to uncover suspected or reported incidents;
- The application process is guided by accurate or correct systems; consisting of all spheres of government in the country. This will enable the houses in question to be awarded in sequence and transparency;
- Ethical individuals are employed who are ready to serve the State with integrity;
- More emphasis is placed on creating effective internal control measures;
- Communities come forward in reporting any corrupt activities to tighten the system;
- The relationship between the community and the SID investigators is strengthened; and
- The relevant tangible information and evidence remain important.

In addition, the findings of the empirical research conducted by Ramovha and Thwala (2014) on the lessons learnt during the intervention in the Eastern Cape provincial department of housing by the National department, should be shared to upscale the delivery of housing in the province. Furthermore, the paper under quotation found that the other areas of concern that required to be addressed through appropriate interventions were the following among others: Inadequate Contractor capacity; Inadequate Project/Contractor management; Slow Pace of decision-making in the department's

administration; Shortage of construction material due to the ruralness of the province; Inappropriate Housing Delivery Model (i.e. municipalities assume a developer role when they did not have the capacity); Inadequate planning frameworks and processes; Unavailability of well-located land; A lack of bulk infrastructure; Poor admin and financial management systems; Lengthy procurement processes; Slow process for project and funding approval; Beneficiary Administration (houses built without approval of beneficiaries which affects delivery including payment of contractors); A lack of capacity for Municipal Trust accounts administration; Poor quality assurance due to NHBRC weaknesses; Contractor appointment based on pricing and not functionality, leading to prolonged processes and low quality; and a Lack of adequate systems to review and disqualify non-performing contractors. To this course, Psam (2016) shares that housing backlog cannot be easily addressed in South Africa and therefore housing protests continue to be a challenge to South Africa, in further, although there is a general growth in the budget for housing, the government cannot meet the demand for housing.

The public participation at municipal level should be done in such a way that the citizens are involved in determining their own needs and are involved when projects are planned and implemented. As a result, economic empowerment and provision of quality and adequate education wean citizens from depending on the state for housing. The backlog cannot be cleared by increasing housing outputs, the housing problem is dependent upon other factors such as unemployment, slow economic growth, rural underdevelopment and a lack of quality education for the poor.

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