

Daily Dispatch

CR must give NPA its bite

DOZENS of commentators have called on President Cyril Ramaphosa to streamline cabinet and to people it with those qualified and committed to do the job they are tasked with. He has already indicated that he intends to do exactly that.

But he needs to do more than just flush the bloated, bent and floundering cabinet he inherited and infuse it with new blood. He needs to find a way to quickly restore the independence and efficacy of this country's state institutions that are crucial to our constitutional democracy. Under former president Jacob Zuma, most of these institutions were peopled with his acolytes and lost all credibility in the eyes of the citizenry.

First among these institutions that need attention is the National Prosecuting Authority (NPA). Its record during Zuma's tenure has been dismal and the courts have found it wanting in numerous matters related to the former president.

Many of the court judgments expose National Director of Public Prosecutions Shaun Abrahams as having shamelessly shielded Zuma in, among other things, his fight against more than 780 corruption- and fraud-related charges.

Despite the Supreme Court of Appeal decision setting aside the NPA's 2009 decision to withdraw charges against him, Abrahams has been slow to reinstate them.

He also, without even the vaguest cause, sought to pursue criminal charges against Zuma's most vociferous critic, former finance minister Pravin Gordhan.

The North Gauteng High Court also set aside what it termed Abrahams's clearly irrational and expedient decision to withdraw charges of perjury and fraud against his deputy Nomgcobo Jiba, another Zuma acolyte. It had also instructed Zuma to hold an inquiry into Jiba and Special Director of Public Prosecutions Lawrence Mrwebi's fitness to hold office in the NPA.

In a final defiant gesture to the courts, Abrahams has refused to step down in the face of a court ruling that his own appointment, at the behest of Zuma, was unlawful and invalid after the R17-million golden handshake Zuma gave to ensure his more independent predecessor Mxolisi Nxasana left. By denuding the NPA of its independence and peopling it with staff whose loyalty to him took precedence over their ability to do their job, Zuma did more than just secure his own safety – and that of his state-capturing benefactors – from prosecution. He also robbed the institution of its morale and its ability to do its job.

Zuma and his henchmen in cabinet, did the same hatchet job on the supposedly independent Directorate for Priority Crime Investigation – better known as the Hawks – which was tasked with dealing with corruption, commercial crime and organised crime.

Poor policing and a weak prosecutorial body in a country where serious violent crime, corruption and commercial crime is so flagrant is problematic on every level. Ramaphosa has little chance of implementing change until this is corrected.

He needs to make sure the NPA can again fulfil its mandate to prosecute "without fear, favour and prejudice".

Motherhood is not for sissies in the 'anti-mothering' system we live in

WHEN I decided to pursue an academic career, I thought I could best serve society this way. I also always wanted to be a mother, and in my head I had imagined being an academic would allow me this. But I suppose, like other aspects of growing up, you only know something when you are in it.

First, I discovered that my job was incompatible with my idealised vision of motherhood. It turns out that as an academic, I am constantly researching, writing and travelling.

When I am home, the divide between home and work does not really exist. I spend a lot of time behind the computer, reading or marking reams of assignments.

Second, in the first three years of my child's life, my more serious research was simply non-existent.

I had neither the mental nor the physical power to conduct deep and rigorous investigation. What this meant was that I spent a lot more time on the teaching treadmill.

Research was written under pressure, and nowhere near the quality and volume that could create meaningful debate in my field.

Third, some wise women had



ON REFLECTION NOMALANGA MKHIZE

advised me to get my doctorate before having kids. I followed this advice, and do not regret it; except I discovered that I became anxious about my ticking biological clock and only becoming a mother after 30.

Anyone who tells women they will not get nervous about having kids late is wrong – and the fears are not

unfounded. You will get the risks and opportunities weighed up for you by doctors and you will start fretting!

Fourth, taking time out to do a doctorate meant that I disqualified myself from accruing the very employee benefits I needed for first-time motherhood.

When I joined a university after graduation I was pregnant, and the university would not pay for my medical aid because the pregnancy was classified a pre-existing condition! They also told me I did not qualify for paid maternity leave because I was a new employee.

This seemed like a cruel trap to me. I had gone off to get a PhD because as junior academics we had been told that the country need a new generation of suitably qualified black women. Yet taking the time to pursue a doctorate full-time meant giving up my job.

Last, I returned to work six weeks after the baby's birth. My head of department had been sympathetic enough to rearrange my teaching so that it did not coincide with the delivery. I needed my income because I did not qualify for paid leave, so I went back to work and

lectured while sitting down because I'd had a caesarean and was still having post-partum bleeding.

I thought about women in worse employment conditions. I wondered how on earth they did it.

It seemed to me the world was anti-mothering.

Out of a sense of indignation about the way our employment systems put my industrial production over my role in human reproduction, I decided to take my baby to all work meetings so that I could breastfeed. I was a militant demand breastfeeder.

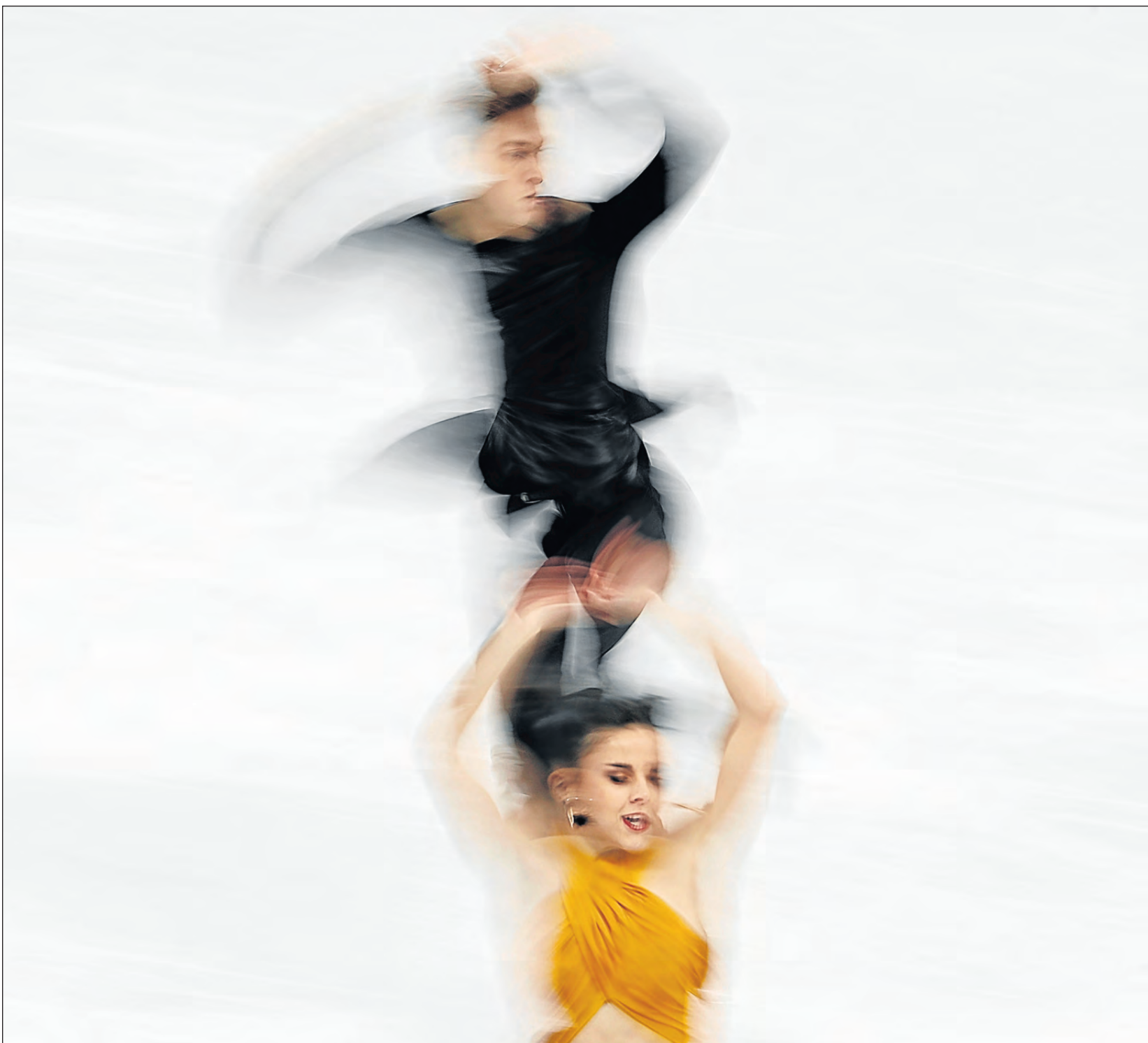
My colleagues did not even bat an eyelid, and I was grateful that the university allowed that, but I was aware that it was only because I was an academic.

Through the first three years of the child's life, it felt like my brain only operated on half its capacity. I rarely finished a paper.

Often I joked that I needed a wife because it seemed like the reason my male counterparts managed their parenting and careers was that they had wives.

Balancing mothering and working demands remains a battle for me.

Hats off to all women. I don't know how you do it.



IN SYNC: Sara Hurtado and Kirill Khaliavin of Spain show off their skills in the Ice Dance short dance competition, part of the Pyeongchang 2018 Winter Olympics, held at the Gangneung Ice Arena in Gangneung, South Korea yesterday ●Our cartoonist, Miles, is on leave this week Picture: REUTERS

LETTERS TO THE EDITOR

Good Luck Mr President

SOUTH Africa has finally emerged from the nightmare years of Zuma presidency.

To the end, Mr Zuma demeaned the people of South Africa and the oath he took to uphold the constitution by claiming that he did not know what he had done wrong. Well the vast majority of South Africans, not least the most vulnerable people living in dire poverty, know what he has done wrong. Our hope, Mr Zuma, is that Lady Justice is coming for you, and all those who assisted you in your self-enrichment project.

As President Cyril Ramaphosa delivered the Sona address in parliament on Friday, I was beyond grateful that it was not being delivered by either Nkosazana Dlamini-Zuma or Jacob Zuma.

I think our new President genuinely has the best interests of all South Africans at heart. He will work hard and deploy the best people to mend our broken institutions and put our country on a path to recovery. We surely all wish him well in the mammoth task. Only in the sphere of his comments in the Sona on education do I disagree.

Zuma's announcement of free tertiary education has thrown a real spanner into the works.

I know the young beneficiaries of this announcement will be howling with outrage that I hold such an opinion. But let me explain.

Every cent we can spend on education is money well spent. But, in SA there are other dire necessities too – social development, improved health services and housing to name a few.

And we have to cut our cloth according to our means. We do not have an unlimited budget for education because our country is in serious debt. So whatever we have must be wisely and carefully spent. Basic education is in crisis. The matric pass rate is nothing to be proud of. Sadly, many of the youth emerging with a Grade 12 certificate are just not prepared for tertiary education (or the job market). They cannot read with comprehension, write without mistakes or do basic calculations.

For the most part, basic education facilities are totally inadequate. A child drowned in a pit toilet. I taught maths and statistics to first-year university students for most of my working life. The first-year failure rate is so high precisely because students come so ill-prepared to deal with both the content and pace of tertiary level. Failure rates of 40% represent such a waste of resources. So I say available budget should prioritise basic education.

No doubt, our challenges are many here in SA. But with President Ramaphosa in charge, there is optimism and above all, hope. Good luck Mr President! — Joyce Miles, East London

Change in step with time
CONGRATULATIONS to ANC Eastern Cape chair and deputy chair comrades Mabuyane and Mvoko on having been sworn in as MPLs.
This is attributed to the entire ANC membership in the province which asserted that *zizakujika izinto* (things will change for the better) in our province and reclaim our sterling role in the national politics of our country.
We as the rank and file of the ANC are at ease with this deployment championed by the provincial executive committee, as we hope for synergy and watertight implementation of resolutions taken in our eighth ANC Eastern Cape conference and provincial legkotla, which detailed how the provincial government can work with national and local government to build social cohesion through opening opportunities for economic growth.
The Eastern Cape continues to have untapped opportunities such as its ocean economy, which could create many sustainable jobs, and there is potential for agriculture and industrial development.
Of course the mammoth strides led by the ANC to develop our province are noticeable.
Nonetheless, infrastructural backlogs, decaying small towns with alarming population growth and the rising challenges of unemployment and poverty require us to change the captains and find new ways of doing things. — Zibele Xuba, via e-mail

Change in step with time

NOTE TO WRITERS:
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Give priority to 'managed land settlement'

THE centre will not hold until the government makes more land available for human settlements.

Disturbing scenes played out last month, when members of the public flocked to an open piece of land along the busy R72 road in what the media dubbed "the biggest attempt at land grab" our city – Buffalo City Metropolitan Municipality – has seen [Saturday Dispatch, January 20].

Just to paint a picture of why this might be happening, the population in the metro, like other large cities around the country, continues to grow.

According to our metro's Built Environment Performance Plan of 2014/15, the metro has an estimated total of 154 informal settlements within its boundaries.

In terms of the Community Survey of 2016, the population in the metro has grown from 755 000 in 2011 to 810 000 in 2016.

The number of informal dwellings has increased from 49 000 in 2011 to 62 000 in 2016, or at a rate of 2 600 households per annum.

The 2011 Census reported an average household size of 3.2 persons in the metro, which puts the number of people living in informal dwelling units at roughly 198 400 people, or almost 25% of the metro's population.

In 2015, Afesis-corplan did research for the Housing Development Agency (HDA) responding to "unauthorised land occupation".

The purpose of the research was to make recommendations on how the government could respond to land invasions or unauthorised land occupation.



RONALD EMLIN

In that research, Afesis-corplan argued first and foremost that there is a legal difference between land invasion (land grab) and unauthorised land occupation.

This was informed by a legal opinion given by lawyers from the Socio-Economic Rights Institute of South Africa, who assisted in the research.

Land invasion occurs where people occupy land or buildings with the express intent to coerce government into providing housing on a preferential basis to those

who participate in the occupation. Unauthorised land occupation, on the other hand, occurs when people have been evicted from a particular piece of land, for example a farm by a farm owner, and have nowhere else to go.

Our courts are generally more lenient and favourably disposed towards a person in a situation where they have nowhere else to go, but if it is a land invasion, then the courts will be more inclined to grant eviction orders such as what possibly happened in the case on the R72.

Generally, people occupy land because they don't have anywhere else to go, but this is very debatable because others may argue that the unauthorised land occupiers "have been living somewhere else before, so they must just go back to wherever they come from".

A potential problem is when people are kicked from one occupation to another.

For example, if the government evicts a group of people from a particular piece of land, those people go somewhere else, then the government evicts them from there too, and they then go somewhere else.

This kind of chasing people from one occupation to another is problematic in that it is not solving the problem.

The conclusion that we came to in our research for the HDA was the government needs to adopt a three-pronged approach in looking at unauthorised land occupation, namely categorise it into a) occupation that has happened in the past; b) occupation that is happening now; and c) occupation that could happen in the future.

Land occupation that has happened in the past is effectively informal settlements.



PIECE OF EARTH: In an attempt at land occupation, people flocked to an open piece of land along the R72 near the East London Airport last month Picture: MICHAEL PINYANA

We continue to argue that the solution to this is for the government to implement its programme of upgrading informal settlements. The problem up to now is that the government has been slow to properly implement this programme.

When it comes to dealing with

occupation as it is happening now, as we recently witnessed on the side of the R72, we recommended to the HDA that the government must follow the rules and implement its own existing laws. This includes following the provisions of the Prevention of Illegal Eviction from, and

Unlawful Occupation of Land Act (19 of 1998) and providing alternative accommodation in situations where people would be rendered homeless by eviction.

Thirdly, on the question of how to deal with unauthorised land occupation that could happen in the future – in our opinion this is where the government needs to be proactive, focus its attention and place as a priority.

The government must make more land available with at least access to a basic level of services and allow people to move onto this land and start to build their own houses in a managed and systematic manner. This we call "managed land settlement". In short, we suggest that the government prioritise managed land settlement and make large parcels of land available for it, to pre-empt the need so that people don't have to occupy the land without authorisation.

Unfortunately, with the delays in the finalisation of the white paper on human settlements, we remain unsure of what the policy approach and thinking in government is with regard to these and other suggestions made by civil society on how best it can manage to give access to land for those who desperately need it.

The last draft of the human settlement white paper came out in November 2015 and since then, there have been no further drafts.

Emlin is a specialist for sustainable settlements at Afesis-corplan, an NGO that has contributed to community-driven development and good local governance in the Eastern Cape