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**Uphill battle: challenges faced by the Public
Service Accountability Monitor in monitoring the
Eastern Cape Department of Human Settlements**

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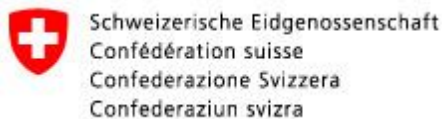
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LIST OF ACRONYMS

AG	Auditor General
APP	Annual Performance Plan
BA	Budget Analysis
BTAP	Budget Transparency, Accountability and Participation
CABRI	Collaborative Africa Budget Reform Initiative
CFO	Chief Financial Officer
CSA	Centre for Social Accountability
CSO	Civil Society Organisation
DORA	Division of Revenue Act
ETR	Expenditure Tracking Report
HoD	Head of Department
IHHSDG	Integrated Housing and Human Settlements Development Grant
IKM	Innovation and Knowledge Management
IPC	Institutional Planning Committee
JMS	School of Journalism and Media Studies, Rhodes University
MAP	Monitoring and Advocacy Programme
MEC	Member of Executive Committee
MPs	Members of Parliament
MPLs	Members of Provincial Legislature

NGOs	Non-Governmental Organisations
PFMA	Public Finance Management Act
PRM	Public Resource Management
PSAM	Public Service Accountability Monitor
RLP	Regional Learning Programme
SIU	Special Investigative Unit
SPE	Strategic Plan Evaluation

List of interviewees

1. Jay Kruuse – Director (PSAM)
2. Yeukai Mukorombindo- Chiweshe – Human Settlements Researcher (PSAM)
3. Tokozile Mtsolongu – Health Researcher (PSAM)
4. Thoza Qwanyashe – Department of Human Settlements
5. Thobani Ngetu – Department of Human Settlements
6. Aubrey Ngeni – Department of Human Settlements
7. Phumlani Ndindwa – Department of Human Settlements
8. Sabelo Mathantatho – Financial and Fiscal Commission
9. Kate Tissington - SERI
10. Ronald Eglin – Afesis Corplan

Executive Summary

This study reviews the monitoring and advocacy on the Eastern Cape Human Settlements Department by the PSAM's Monitoring and Advocacy Programme (MAP) between 2009 and 2012. The main purpose is to examine whether the programme has achieved its objectives and what the impact does the programme have in the department, and the development or advocacy landscape in general in the Eastern Cape, especially on improving public resources management within the Department of Human Settlements.

The Public Service Accountability Monitor's vision is "to ensure that the right to social accountability is universally realised". To realize this vision, the MAP conducts research, monitoring, advocacy and capacity building within 5 departments in the Eastern Cape. The activities of the MAP are aimed at analysing and identifying systemic challenges that inhibit the progressive realization of human rights that the Departments monitored are required to fulfil. The MAP engages in various forms of advocacy aimed at improving government transparency and accountability. The assumption being that this type of advocacy will improve the delivery of public services and ultimately reduce poverty.

The PSAM is of the view that the Department will make significant strides in reducing housing backlog, whilst improving the quality and pace of housing provision if they:

- Better manage its budget, spending it efficiently and effectively,
- Plan adequately and correctly for housing needs,
- Implement the Auditor General recommendations,
- Deal decisively with corruption through disciplinary action and laying of criminal charges against offenders.

The study highlights some of the challenges that the MAP was faced with, while taking note that measuring the impact of advocacy initiatives can be particularly challenging because the work itself can evolve rapidly in response to political or environmental opportunities. The external atmosphere in which the advocacy takes place is changing all the time. The goal of some advocacy work, like the PSAM's, is not just to change legislation and policies, but also attitudes, behaviours, and make maintainable changes in decision making processes. At times outcomes may take decades to come to fruition.

The study found that there is evidence that over the study period the PSAM has achieved a level of success. There is evidence to show that the PSAM research outputs have reached and to some extent influenced some stakeholders over the study period. Through the outputs produced, the organization has led the way to strategic relationships being formed with key individuals within the Department. Some of the stakeholders influenced include Senior Managers and Directors of Programmes within the Department.

Despite this success, the study also shows that there are areas in which the PSAM can improve. A challenge that is highlighted in this study is around engaging with key stakeholders. Despite the fact that the PSAM research reaches most of the targeted stakeholders, there is evidence that in many instances it has been difficult to ensure that those stakeholders engage with the outputs.

SECTION 1

Introduction

This study reviews the work of the Monitoring and Advocacy Programme (MAP) especially with regard to the Eastern Cape Department of Human Settlements (hereinafter “the Department”) between 2009 and 2012. The study will examine the impact of the MAP work relative to this Department, and the development or advocacy landscape in general in the Eastern Cape, especially with regard to improving public resources management within the Department.

The MAP is one of the three programmes of the Public Service Accountability Monitor (PSAM). The Public Service Accountability Monitor forms part of the School of Journalism and Media Studies at Rhodes University, Grahamstown, South Africa. Its stated vision at the time of conducting the study was “to ensure that the right to social accountability is universally realised”¹. The PSAM's activities include research, monitoring, advocacy and capacity building. Working through Sub-Saharan Africa, the PSAM generates and shares knowledge about the right to social accountability and the monitoring tools necessary to give effect to this right².

The PSAM was founded in 1999 as a research project in the Rhodes University Department of Sociology. Its initial aim was to monitor incidents of corruption within the Eastern Cape government. Following its formal establishment, the organisation became a semi-autonomous research unit within the University³.

From 2005, recognizing the systemic nature of poor governance and corruption in the province, the PSAM began a concerted advocacy effort to systematically strengthen public resource management by key Eastern Cape government departments. In 2006,

¹ Public Service Accountability Monitor Strategic Plan 2012-2016

² For more information on the Public Service Accountability Monitor visit www.psam.org.za

³ Centre for Social accountability Stakeholder Workshop Report, 2011. For more information on this document, you can contact the PSAM.

the organisation implemented its approach to monitoring the public resource management framework⁴.

The PSAM then grew to become the Centre for Social Accountability (CSA) in 2007, incorporating two new programmes; Training and an academic programme. The various activities and interventions by the PSAM over the years have emphasised the on-going need for greater and improved accountability interventions by civil society organisations across the region⁵. Through its work, the PSAM seeks to achieve improved networking and advocacy to leverage impact and enhanced learning so that achievements are shared, evaluated and used to bolster social accountability interventions in sub-Saharan Africa.⁶

The PSAM's Strategic Plan articulates the organizational objective as the provision of evidence based and effective interaction between the demand for and the supply of high quality and equitable public services so as to reduce poverty⁷.

The ultimate objective of the MAP is to give effect to PSAM's organizational objective by demanding sustainable, transparent and accountable governance with the assumption being that this will improve the delivery of public services and ultimately reduce poverty⁸. The MAP's key achievement will be improved transparency and accountability in governance and public resource management within government departments, including:

- Improved public participation processes,
- Improved management of public resources, and
- Improved public service delivery, especially at local level

⁴ Ibid

⁵ ibid

⁶ ibid

⁷ PSAM Strategic Plan 2012 -2016

⁸ Ibid

Currently, the MAP's routine research outputs advocate for improved budgeting, planning, transparency, expenditure, performance and accountability within the following Eastern Cape government departments responsible for progressively realizing various constitutional rights:

- Education
- Health
- Human Settlements/Housing
- Local Government
- Environment

Housing or human settlements was selected by the MAP alongside health, education and environment because it is one of the socio-economic rights enshrined in the South African Constitution. Housing is a human right, as stated in Section 26 of the Constitution of the Republic of South Africa of 1996⁹. Housing rights are also recognised in numerous international human rights instruments. The Universal Declaration of Human Rights provides that everyone has a right to a standard of living that is adequate to the health and well-being of himself and his family, including housing.

The UN Committee on Economic, Social and Cultural Rights has devoted attention to defining the concept of adequate housing, a phrase used in the South African Constitution¹⁰. It elaborates seven criteria to clarify what adequate housing means. These criteria are legal security of tenure, affordability, availability of services, habitability, accessibility, location and cultural acceptability. Housing has been

⁹ There are two sections in the Constitution that specifically deal with housing rights. Section 26 of the Constitution addresses the right of access to adequate housing, and section 28 deals with the rights of children to shelter. Section 26(1) states that 'everyone has the right to have access to adequate housing.' Section 26(2) also provides that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. Section 26(3) specifically addresses security of tenure issues and provides that 'no one may be evicted from their home or have their home demolished, without an order of court, after considering all relevant circumstances.

¹⁰ See Mtantatho, S, (2012)The impact of the current land use patterns in South Africa on public transport and human settlements, Submission for the 2012/13 division of Revenue – technical report available at <http://www.ffc.co.za/index.php/reports/technical-reports/technical-report-chapters>

identified as an important element and tool in developing policies and programmes to alleviate poverty. Housing is just one of people's different needs in life, but also the largest expenditure in basket of necessities¹¹.

The PSAM wants to monitor the implementation of the right to housing to see if it is realized through the proper use of public resources and the performance of officials and service providers. The study will focus on three aspects of the work of the PSAM in monitoring the Department:

- How the MAP has used its research as an advocacy tool
- Whether the MAP's research has reached the targeted audience
- Whether the MAP's activities had the desired impact of changing the behaviour of those in authority.

Methodology

Various approaches are used in order to gather information and analyse it. These include:

- Studying and analysing documents produced by PSAM between 2009 and 2012
- Studying newspaper coverage of the MAP between 2009 and 2012
- Interviews with the MAP staff
- Interviews with the MAP's target stakeholders e.g. MPLs, Media, Human Settlement Department staff etc.

The study used various methods to gather information:

- One on one interviews
- Media reports
- The MAP documents

¹¹ ibid

SECTION 2

How does the MAP work?

The MAP activities are mainly research oriented. The programme produces a number of research outputs each year, including annual budget analyses and strategic plan evaluations of each of the 5 provincial departments that the programme monitors. In addition to these key documents, the MAP researchers respond to requests from civil society to provide analysis and comment on government budgets, strategic plans, and the extent of their good governance¹². The programme also makes submissions or comment on proposed laws and changes to existing law and policy whenever the need arises. On a regular basis, the researchers provide comment and assistance to journalists on accountability issues within government. Moreover, the MAP provides civil society input to various committees established by government to foster public participation. The MAP also collaborates with the Regional Learning Programme of the PSAM and other international NGOs promoting the right to social accountability based on researchers local and sectorial experiences¹³. Finally, the programme provides lectures, delivering papers and training to students, the media, and civil society on the MAPs areas of expertise.

In monitoring the Human Settlements Department, the MAP performs the following activities on an annual basis¹⁴:

- Contribute towards the Departments Research Agenda
- Improve the quality of departmental strategic plans by annually analysing and providing findings and recommendations on their adequacy with due regard for the regulatory framework;

¹² For more information on the Monitoring and Advocacy programme, visit www.psam.org.za

¹³ For example, the BTAP campaign; CABRI initiative.

¹⁴ Interview with Yeukai Mukorombindo-Chiweshe, PSAM Human Settlements Researcher and Jay Kruise, PSAM Director.

- Highlight the disparity between housing delivery targets and the backlog of applicants for such housing, with a view to motivating for revisions to such targets;
- Work in networks and on joint initiatives with the legislature and other CSOs to improve access to adequate housing;
- Contribute towards policy and legislative enactments through applied research into housing demand and other related topics;
- Advocate for increased allocations and the creation of a separate sub programme whose sole mandate is capacity building and municipal accreditation.

The activities of MAP are aimed at analysing and identifying systemic challenges that inhibit the progressive realization of human rights that the Departments monitored are required to fulfil. While South Africa has enacted a range of laws which are widely regarded as instruments of international best practice, adherence to and implementation of these laws remains at unacceptable levels. Leadership failings and systemic corruption within many sectors of government have further eroded efforts to ensure compliance with laws and with it accountability for implementing corrective action where maladministration occurs¹⁵.

The MAP engages in various forms of advocacy aimed at improving government transparency and accountability. The assumption being that this type of advocacy will improve the delivery of public services and ultimately reduce poverty.

The MAP human settlements research desk is of the view that the Department will make significant strides in reducing backlog and whilst improving the quality and pace of housing provision if it¹⁶:

- Better manages its budget, spending it efficiently and effectively,;

¹⁵ Ibid

¹⁶ Ibid.

- Plans adequately and correctly for housing needs, informed by relevant research;
- Implements the Auditor General recommendations;
- Deals decisively with corruption through disciplinary action and laying of criminal charges against offenders

The PSAM primary target audience

As the PSAMs work is informed by the government's public resource management cycle, multiple change agents/persons/committees and groups are targeted both within and outside of government, and include¹⁷:

- Members of the executive and senior administrative staff.
- Administrative staff within key programmes of departments such as the Budget Office, Strategic Planning Directorate, Human Resources and Labour Relations;
- Representatives of Chapter 9 institution like the Human Rights Commission, the Public Protector, the Auditor-General etc;
- The media via media comments, press releases, social media etc;
- The general public;
- Experts within civil society and those whom we collaborate with or seek guidance from via various networks, committees etc;
- Legislature MPL's and their support staff / MPs of National Parliament and their support staff;
- Members of research entities and academic institutions

¹⁷ PSAM Strategic Plan 2012-2016

SECTION 3

What is the PSAM responding to?

The Eastern Cape Province is one of the poorest provinces in South Africa, with a significantly poor rural community and dense urban settlements which have sprouted all over as a result of urban migration and population growth. This is partly as a result of apartheid, in which South Africa is still trapped in the legacy of racially segregated human settlement policies. The apartheid government introduced legislation that preserved white supremacy, such as the Group Areas Act, which directed population groups into specific urban spaces separated by buffer zones of open land¹⁸. When the White Paper on housing was launched in 1994, the national government embarked on an overly ambitious plan of attempting to build and deliver 1 million houses to the needy within the 5 years from 1995 to 2000¹⁹. The backlog in the delivery of houses in the country is evidence that the State obviously failed to meet the target.

The Eastern Cape Department of Human Settlements has been struggling to significantly reduce the backlog of 750 000 housing units²⁰. According to the 2007 Community Survey, 102,000 households (approximately 6% of households in the Eastern Cape) lived in shacks not in backyards²¹. Estimates based on the GHS indicate

¹⁸ Mthantatho, S, supra, note 10

¹⁹ White Paper on Housing, (1994), available at www.capegateway.gov.za/Text/2004/8/a3-00.pdf (accessed 14 June 2013)

²⁰ The housing backlog figure provided in the Eastern Cape Department of Human Settlements, p.117 of the 2012/13 -2014/15 Annual Performance Plan (APP) sheds more light on the composition of the housing backlog in the province. The Department's assessment of the current housing backlog stands at 750 854 units. Informal data collected at the request of the Department places the current number of persons in the province requiring houses at 750 500. See the Eastern Cape Department of Human Settlements 2010/11-2014/15 Strategic Plan p.21.

²¹ See Stats SA 2007 community survey, available at <http://www.statssa.gov.za/publications/P0301/P0301.pdf>. See also HSRC "A rapid verification study on the Informal Settlements and Backyard Shacks Backlog and Trends within the Eastern" 2010. The study revealed the number of informal and backyard shacks in the Eastern Cape at approximately 225 000.

an annual growth of -2% between 2002 and 2009, while estimates based on the Census and Community Survey indicate an annual growth of -5% between 2001 and 2007²².

Corruption is one of the main challenges that hinder housing delivery in the Eastern Cape. In 2008, which is the baseline year for this study, the Special Investigative Unit identified 31 259 potentially irregular housing subsidy transactions awarded to government employees²³. The total amount of debt the department expected to recover was R6 827 036 and a cash amount of R1 103 772 had been paid back²⁴. In 2009, the SIU identified more than 50 000 government officials who fraudulently received the state's low-cost houses²⁵.

Linked to corruption is an issue of poor quality of houses built as a result of corruption in government tender processes. Unqualified construction companies have been known to get tenders to build houses. Many of the projects implemented over the years by the province are of poor and sub-standard quality and include many projects, which are currently blocked²⁶. Most of the completed units are poorly built due to the:

- Poor workmanship by contractors;
- Use of inferior construction materials;
- Inadequate bulk infrastructure;
- Lack of adequate planning and technical inputs (mainly around foundation designs);
- Delays in procurement / supply chain management;

²² See StatsaSA census, 2001, available at <http://www.statssa.gov.za/census01/html/c2001printables.asp>. see also StatsSA community survey, 2007, supra, note 6

²³ Parliamentary Monitoring Group, www.pmg.org.za; Social Cluster briefing to Parliament 4 June 2008

²⁴ See News 24 - Huge Corruption exposed - 28 May 2008, available at <http://www.news24.com/SouthAfrica/News/Huge-housing-corruption-exposed-20080528> (accessed 28 August 2013)

²⁵ SABC News, Sexwale receives report on corruption in housing projects, 2012, available at <http://www.sabc.co.za/news/a/179ea9004c17d6889ec6ffa583a5af00/Sexwale-receives-report-on-corruption-in-housing-projects-20122407> (accessed 15 September 2013)

²⁶ See the Eastern Cape Department of Human Settlements, Annual Report 2012/13, p.101; Eastern Cape Department of Human Settlements, Annual Report 2011/12 p.71-77

- Delays in appointments of contractors;
- Lack of supervision, construction and project management.

As a result of challenges within the Eastern Cape Department of Human Settlements, in April 2008 Cabinet approved an intervention²⁷ in the department in terms of Section 100(1) (a) of the Constitution (1996) as well as the Housing Act. The intervention was scheduled to last for the 2008/9 financial year. In April 2009, having considered a report from the Minister of Housing, Cabinet resolved to extend the period of the intervention to 31 March 2010²⁸.

A joint team comprised of both national and provincial officials was established. The team was supplemented by professionals from the private sector spanning different professional fields such as: Engineering; Project Management; Town Planning; Land Surveying; Financial Analysis and Geographic Information Systems. These experts were physically deployed to the six districts of the province²⁹.

The Cabinet decided to intervene as a result of numerous challenges around planning³⁰, finance³¹ and administration³² within the department³³.

²⁷ See the Eastern Cape Department of Human Settlements Intervention Close-Out Report at <http://www.pmg.org.za/report/20100602-department-update-committee-progress-made-following-eastern-cape-reco>

²⁸ Ibid

²⁹ Ibid

³⁰ These challenges included Lack of understanding of planning legislation, Inadequate town planning procedures; Lengthy land acquisition process; Lack of adequate multi-year planning; Lack of professional land surveyors; Lapsing of EIA and township establishment approvals; Non-compliance to opening of township register; and Lack of dedicated Provincial planning section.

³¹ Finance challenges were around misalignment of regional budget allocation to delivery outputs; Cash flow projections is not linked to project performance; Budget held up in blocked or slow moving projects; Inadequate in-year and multi-year budgeting; Payments to provincial agencies prior to delivery of outputs (pre-payments/ advances); Inconsistency between budgets allocated and actual spend; and Claims management process.

³² Administration challenges were around slow process for project and funding approval; Lengthy procurement processes; and contractor appointment based on pricing and not functionality, leading to prolonged processes and low quality;

³³ See the Eastern Cape Department of Human Settlements Intervention Close-out Report, supra, note 27

SECTION 4

The PSAM findings between 2009 and 2013

The research produced by the PSAM during the period of the study showed both positive and negative trends in the performance of the Department. However, there were recurring challenges that ran across the three years of study, the main being around:

- Resource allocation and expenditure
- High vacancy rates
- Poor internal controls
- Strategic planning challenges

This section of the study will highlight some of the key challenges discovered by the PSAM research.

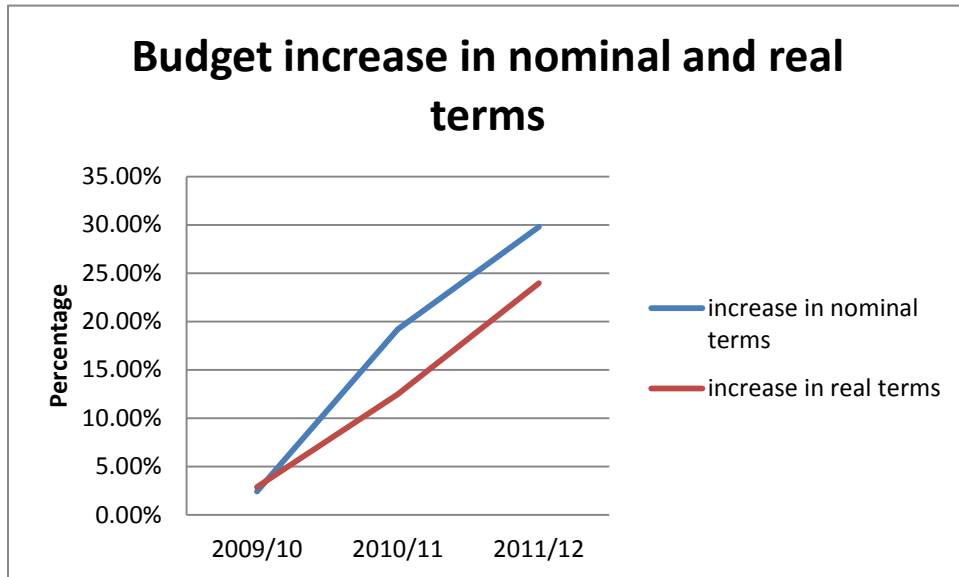
- **Resource allocation and expenditure**

The resource allocation for the Department steadily increased between 2009 and 2012, both in nominal and real terms. For the 2009/10 budget allocation, the Department received a nominal increase of 2.44% yet in real terms (i.e. once inflation is taken into account) the budget allocation actually experienced a decrease of 2.90% from the previous financial year³⁴. For the 2010/11 financial year the Department received a total budget allocation of R1.82 billion. This represented a nominal increase of R294.3 million or 19.22% from the 2009/10 adjusted appropriation of R1.53 billion. Once inflation was taken into account, this represented a budget increase of 12.47% in real terms³⁵. This increase was a major improvement compared to the nominal increase of 2% in the previous financial year. For the 2011/12 financial year the Department received a total budget of R2.42 billion, which represented a nominal increase of R556.4 million or

³⁴ Mukorombindo-Chiweshe, Y., 2009, Eastern Cape Department of Human Settlements Budget Analysis, 2009/10, available at www.psam.org.za

³⁵ Mukorombindo-Chiweshe, 2010, Eastern Cape Department of Human Settlements Budget Analysis, 2010/11, available at www.psam.org.za

29.78% from the 2010/11 adjusted budget of R1.82 billion. Once inflation is taken into account, this represented a budget increase of 23.96% in real terms³⁶.



The conditional grant went from experiencing a real budget decrease of less than 1% in 2009/10 to receiving substantial budget increases of 14% and 32% in the 2010/11 and 2011/12 financial years respectively. The conditional grant allocations also increased due to improved expenditure of the grant since the Department under spent almost half (49.30%) of the conditional grant in 2007/08³⁷.

The 2010/11 budget for the Integrated Housing and Human Settlement Development Conditional Grant (IHHSDDG) experienced a nominal increase of 21.76% which translates into a 14.87% increase in real terms from the 2009/10 financial year. This is a major boost to the budget taking into account that the 2009/10 conditional grant allocation experienced a nominal increase of 4.98% which translated into a small real increase of 0.49% from the 2008/09 financial year³⁸. However, the Department over spent its adjusted conditional grant budget of R981 million by 5%. Having said this, it is

³⁶ Mukorombindo-Chiweshe, 2011, Eastern Cape Department of Human Settlements Budget Analysis, 2011/12, available at www.psam.org.za

³⁷ *ibid*

³⁸ *ibid*

important to note that R270 million of the main conditional grant allocation was withheld by National Department³⁹.

On the other hand, the increase in budget did not correlate with the Department's expenditure. From a positive trend in expenditure in the 2007/8 financial year, where there was 35% over expenditure, with a 5% over expenditure in 2008/9, the Department experienced a regression in the overall expenditure trend, with a minor 0.06% under-expenditure in 2009/10⁴⁰. However, from 2010, the Department experienced a surge in under expenditure. For the 2010/11 financial year, the Department incurred an under expenditure of 7.5% (R140 million), whereas for 2011/12 the Department's expenditure was R2.14 billion out of a total adjusted budget of R2.61 billion. This represented an under expenditure of 18% (R472 million) for that financial year⁴¹.

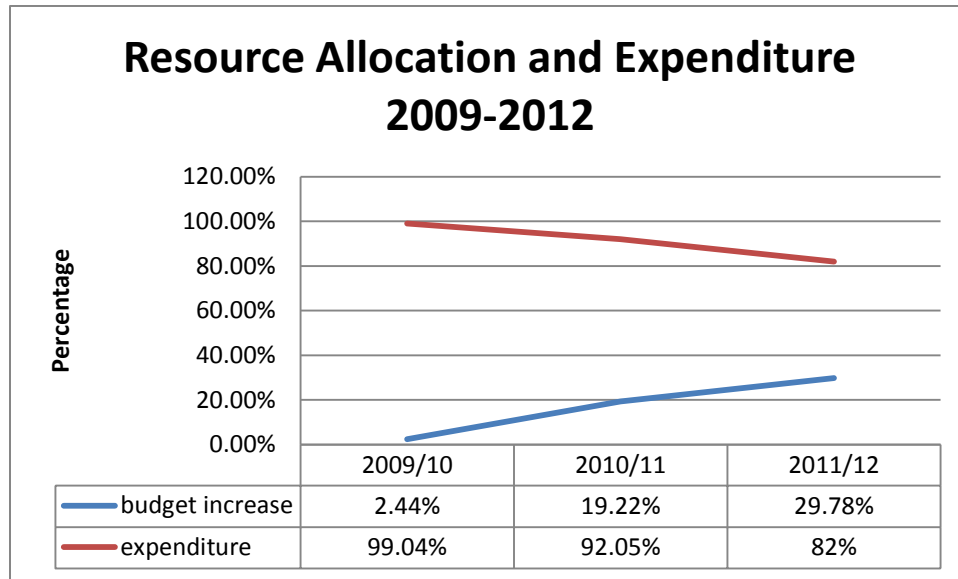
³⁹ *ibid*

⁴⁰ *Ibid*

⁴¹ Over the years the Department has attributed its under expenditure to accruals/commitments and rollovers which could not be processed before the financial year end. See the Eastern Cape Department of Human Settlements Annual Reports 2010/11,p.14; 2011/12,p.30). Previous audit reports and SCOPA resolutions make reference to the Department's failure to accurately disclose its commitments consequently these were understated by R930 million in 2009/10 and by R430 million in 2011/12. See the Eastern Cape Department of Human Settlements Annual Report 2012/13, p.157-159.

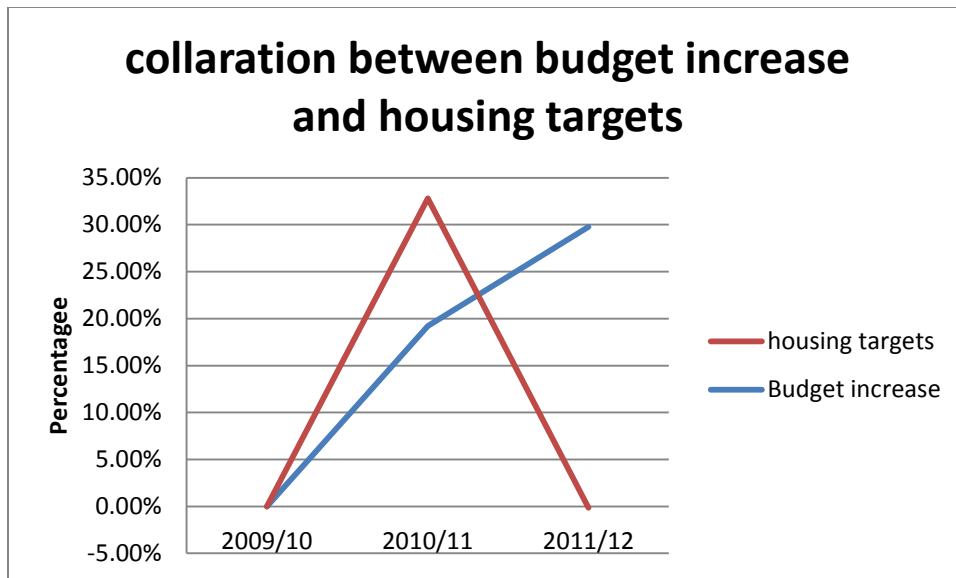
⁴¹ As a result of the Department's failure to adequately review its commitments it was difficult to accurately ascertain expenditure for the financial year.

The table below shows opposing trends in the Department’s resource allocation and expenditure.



In addition to the slump in expenditure, there were other recurring irregularities with Department expenditure. Firstly, in 2010/11, the Department incurred irregular expenditure of R49.3 million. In 2011/12, the Department incurred irregular expenditure of R7.2 million - a considerable improvement on the previous year. However, fruitless and wasteful expenditure increased to R46 000 this financial year from R37 000 in the 2010/11 financial year.

Secondly, although the Human Settlements budget had been steadily increasing housing targets and outputs were declining over the period of the study.



The graph above shows how the housing targets slumped, despite an increase in resource allocation. In 2009/10 the Department set a housing target of 19 000 and managed to construct 18 965 units. In the next financial year the Department set a target of 22 000 housing units and as of March 2011, only 8 274 units, 37% of the original target, had been completed⁴². For 2011/12, the Eastern Cape Human Settlements MEC announced that the Department has set a housing target of building 15 419 units. This is 6 581 units less than the 2010/11 target. The housing targets is perplexing considering that the Department calculated that in order to reduce the backlog of 750 000 in the next 5 years, it needed to plan and budget to build at “an incremental rate of 19 000 to 27 000 housing output per year using available resources and service sites...”⁴³. At this rate, the Department will not manage to significantly reduce the backlog.

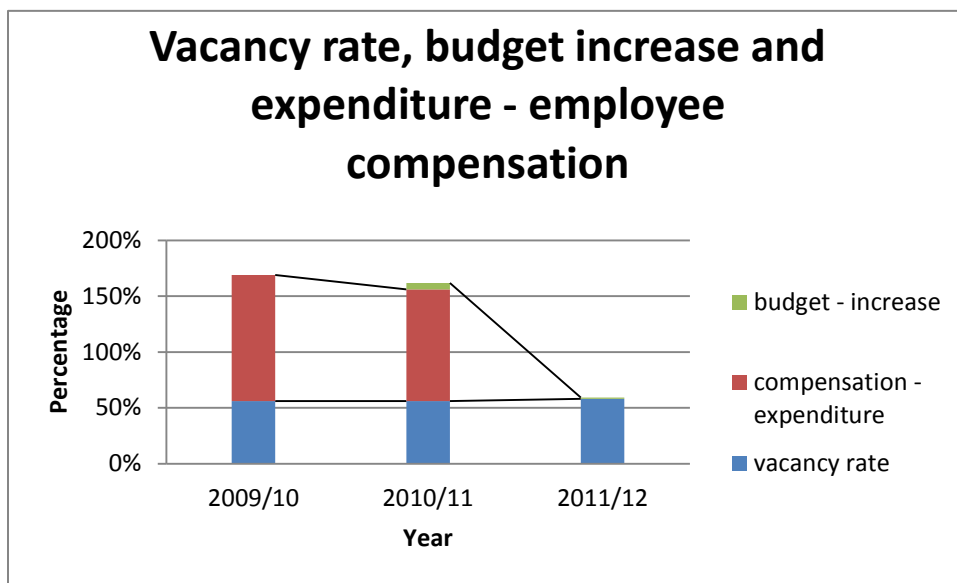
- **Employment and vacancy rate**

Another challenge faced by the Department is a high vacancy rate. Human capacity constraints have continuously been labelled as one of the major obstacles affecting the Department’s ability to address the backlog and achieve its targets.

⁴² Mukorombindo-Chiweshe, Y., Eastern Cape Department of Human Settlements Budget Analysis, supra, note 36

⁴³ See Mukorombindo -Chiweshe, Y, Eastern Cape Department of Human Settlements Budget analysis, , supra, note 37

By the end of the 2009/10 financial year only 397 posts were filled out of the 904 posts available meaning that 507 posts were still to be filled which translates into a vacancy rate of 56%. During the 2010/11 financial year only 396 posts were filled out of the 905 posts available. This translated into a vacancy rate of 56%, meaning there was no decrease from the previous year. In the 2011/12 financial year, the Department failed to address its high vacancy rate. That financial year the Department reportedly only managed to fill 60 out of a total of 600 needed but unfunded vacant posts⁴⁴.



The table above shows that despite the high vacancy rate in the department, expenditure for the compensation of employees continued to be spent to the maximum amount available. In 2009/10 compensation of employees was second largest line item with a budget of R140 million. In 2008/09, this line item had the largest percentage over-expenditure of 13% which was perhaps not surprising given the Department's priority of filling posts after it split from the Department of Local Government in the 2008/09 financial year. In 2009/10 the Department managed to spend its entire compensation of employee's budget with no over or under-expenditure reported. In 2010/11 the Department again managed to maintain significant improvement in

⁴⁴ Mukorombindo-Chiweshe, Expenditure Tracking Reports, 2009-2012, available at www.psam.org.za

expenditure on the 'Compensation of Employees' line item. This was yet again the second largest line item with an adjusted budget of R157 million. The 2011/12 budget for compensation of employees had increased by 5.93% in nominal terms. This is a real budget increase of 1.18% from the 2010/11 adjusted allocation. That financial year, the budget for compensation of employees was R170 million.

- **Internal controls**

The Auditor-General (AG) gave the Department qualified audit for all the 3 years of the study, each time citing poor internal controls. The Department received a qualified audit opinion for the 2009/10 financial year from the AG who emphasised deficiencies in the Department's reporting against legal and regulatory requirements and raised concerns regarding the adequacy of internal controls. The Department's internal controls were not of the standard required by the Public Finance Management Act (PFMA) and Treasury Regulations⁴⁵. Deficiencies in the internal control systems included that management did not substantially fulfil its financial reporting responsibilities as set out in section 77 of the PFMA and Treasury Regulation 3 and 27.2. The Audit Committee stated that the "the system of internal control applied by the Department of Housing over financial and risk management is partially adequate and not effective⁴⁶. It also indicated that they audited submissions which were riddled with various deficiencies with regards to format, content and quality. They also highlighted that the Department's submissions to the committee partially complied with the requirements of the PFMA and the Division of Revenue Act (DORA).

Again in 2010/11, the Department received a qualified audit because internal controls were not of the standard required by the PFMA and Treasury Regulations. Deficiencies that contributed to the audit opinion included poor reporting of financial and performance management processes, non-compliance with laws and regulations as well as failure by the Department to pay creditors within 30 days. The Audit Committee

⁴⁵ See Mukorombindo-Chiweshe, Y, Expenditure Tracking Reports, 2010 - 12, available at www.psam.org.za

⁴⁶ Ibid

stated that the Department's system of internal controls for the period under review was adequate and partially effective. The Audit Committee highlighted concerns with its own internal audit report citing that the internal audit function did not operate optimally during the year and could not address all the key risks pertinent to the Department in its audits. Contrary to the Audit Committee, the list of concerns raised by the Auditor General regarding the Department's and Audit Committee internal control system does not support claims of satisfactory fulfilment of the Department's internal roles and responsibilities in accordance to the PFMA⁴⁷. In 2011/12 the Auditor General also awarded the Department a qualified audit because of the Department's failure to identify and recognise all commitments outstanding at year-end thereby breaching the requirements of financial reporting framework prescribed by National Treasury. The Auditor General could not obtain sufficient audit evidence that goods and services of a transaction value above R500 000 were procured by means of inviting competitive bids and/or that deviations approved by the accounting officer were only approved if it was impractical to invite competitive bids as required by Treasury Regulations.⁴⁸

- **Strategic planning challenges**

One area that seems to have shown some improvement in the years of study is strategic planning. After analysing the Department's 2009/10 strategic plan and operational plan, the PSAM pointed out a wide range of problems with the quality of measurable objectives in the plans. Vague performance targets and indicators which were not specific and time bound were often used in the Department's planning documents⁴⁹.

The 2009/10 Annual Performance Plan (APP) of the Department also did not include any information on the Department's internal and external consultation processes. The only reference to a consultation process could be found in the Service Delivery

⁴⁷ Ibid

⁴⁸ ibid

⁴⁹ Mukorombindo-Chiweshe, Y., Eastern Cape Strategic Plan Evaluation, 2009/10, www.psam.org.za

Improvement plans document which provided only the names of stakeholders involved in the consultation process for each programme⁵⁰.

Moreover, the 2009/10 APP also lacked information on the conditional grant which funds up to 89% of the Department's strategic objectives and goals. Budget information on the conditional grant was not reported anywhere separately in the annual Performance Plan⁵¹.

However, in 2010, the PSAM noted a significant improvement to the indicators with an increased use of numbers to support the articulation of indicators. In previous plans, many of the indicators were not measurable or quantifiable due to the use of percentages as indicators and targets. Even though there was much improvement regarding the use of numbers as specific, measurable indicators, other important indicators measuring the number of vacancies within the Department were still using unclear percentages as indicators⁵².

In the same year, there was also an improvement in the statistics provided in the situational analyses. Unlike in previous strategic plans, information that dated back to 2001 was provided. The Department used more up to date statistics from the 2007 Community Survey to inform their plans. The Department also provided a figure on the provincial backlog for that year, and used that figure to set targets⁵³.

The Department's situational analysis continued to improve, providing more up to date information; however, some important information was excluded from the performance delivery and organizational environment sections which were too brief and vague⁵⁴.

⁵⁰ *ibid*

⁵¹ *ibid*

⁵² Mukorombindo-Chiweshe, Y., "Eastern Cape Strategic Plan Evaluation, 2010/11", www.psam.org.za

⁵³ *Ibid*

⁵⁴ *Ibid*

SECTION 5

The analysis of the PSAM interventions

This section of the study provides analysis of the interventions by the PSAM between 2009 and 2012 to ascertain whether the PSAM's activities have achieved the desired impact of changing behaviour of the authorities in the Eastern Cape Department of Human Settlements.

There is evidence to show that the PSAM research outputs have reached and to some extent influenced some stakeholders over the study period. Through the outputs produced, the organization has led the way to strategic relationships being formed with key individuals within the Department. Some of the stakeholders influenced include Senior Managers and Directors of Programmes within the Department.

This influence has been acknowledged on numerous occasions in the Department's strategic planning documents. As a result of the PSAM's research outputs, the Department identifies the organization as key partners and has invited its researcher to make comment on their policies, draft strategic plans as well as attending the Department's strategic planning sessions and other Department's related functions.

The PSAM has also received feedback from the Department and the researcher has been invited to the Department to discuss the PSAM outputs⁵⁵. The most notable one on one feedback meetings included:

- In February 2010, the organization received Strategic Plan Evaluation (SPE) feedback from the Strategic Planning Manager of the Department;
- In February 2010, the PSAM received feedback from the Department's Housing Research Manager on their outputs and the work that the organization does;
- In November 2010, the Chair of the Human Settlements Portfolio Committee acknowledged the receipt of the SPE and Expenditure Tracking Report (ETR).

⁵⁵ Interview with Yeukai Mukorombindo-Chiweshe, PSAM Human Settlements Researcher

- In 2011, MEC of Human Settlements quoted from the PSAM budget analysis at a departmental planning session which the PSAM researcher was invited to present her findings and recommendations.
- In August 2012, the Chief Financial Officer (CFO) acknowledged the receipt of the PSAM Budget Analysis report and invited the PSAM researcher to a meeting to present her findings. These were discussed at length, highlighting key issues in the Department.

The strategic planning unit in the Department has acknowledged the interaction with the PSAM over the period of three years as having been “both cordial and enriching”⁵⁶. The unit has over these years dating back from 2008 engaged the services of the PSAM both at an analysis stage wherein the unit would furnish the PSAM with the departmental strategic documents for analysis and subsequently engage with the PSAM over a round table to discuss further on issues raised. Furthermore, the PSAM has always been invited to part take on departmental strategic reviews⁵⁷.

However, the PSAM acknowledges that outside the Strategic Planning and Research units of the Department, the level of engagement has not achieved the desired effect because of some difficult relationships with some of the stakeholders. The PSAMs Human Settlements researcher explained this as follows:

“Generally the relationship (with the government stakeholders) is amicable and to a certain extent friendly depending on whom I am interacting with. For example, the office of the Head of Department (HoD) is not as accessible compared to the strategic planning office or the research, needs and policy office. The research and planning unit is indeed the right people to engage with my outputs especially the Budget Analysis and the SPE.”

⁵⁶ Interview with Thobani Ngetu

⁵⁷ Ibid

However, there is evidence that shows that during the period of study, the PSAM has contributed significantly towards the planning within the Department. Since 2009, the PSAM has made contributions annually towards the Department's annual plans and has been asked to comment on draft plans since 2010. Moreover, the PSAM has contributed towards policy and legislative enactments and other related topics⁵⁸. Notable among these PSAM contributions include the draft Green & White Paper on Prevention of Mushrooming of Informal Settlements; the department's draft Eastern Cape Policy on Destitute Individuals; as well as the contribution to the departmental Innovation and Knowledge Management (IKM) Strategy. The organization has also contributed annually towards the Department's research agenda 2013-2014/15 through the memorandum signed between the Department and Rhodes University⁵⁹.

However, the PSAM acknowledges that it often cannot point a direct link between its recommendations and any improvements within the work of the Department. It is crucial to note that advocacy by its nature is complex and its impact frequently indirect. Unqualified success in advocacy is very uncommon. Long, multifaceted advocacy interventions pose evaluation challenges, making it difficult to measure whether they have been effective. Evaluating achievement is therefore a subjective exercise that will present different conclusions depending on who is making the judgment. At most, the organization can say that it contributed towards change in these areas through its input and feedback it has received from some departmental stakeholders.

Moreover, despite the clear evidence that the PSAM's documents reach most of the intended stakeholders, there is evidence that there are still recurring challenges that seem to hinder the Department from ultimately delivering housing in the Eastern Cape. It is clear that there has been poor performance within both the Department and within the many municipalities across the provinces that have shown lack of capacity to deliver houses according to plans and schedules. This is a result of a number of issues,

⁵⁸ Ibid

⁵⁹ Ibid

but for the purpose of this case study, three will be highlighted and these challenges, it is suggested, should be the focus of the PSAM strategy moving forward.

First, there seem to be lack of coordination between planning and budgeting. This has been one of the areas that the PSAM has been focusing on over the study period⁶⁰.

What is clear from the PSAM research which seems to be recurring is that in some years the budget seems to be fully spent and yet the delivery of housing is stagnant. In most of the years of the study, the expenditure is at almost 100%, and yet there is still a huge backlog⁶¹. There is a need to focus more on comparing the resources allocated and the delivery of housing in the province.

Secondly, the implementation of plans in the Department also seems to be a challenge. There seems to be a gap between plans and the actual delivery. There is a problem of lack of coordination between policy and implementation. This may be caused by numerous challenges that may be beyond the scope of the PSAM work. One of the factors lies in the relationship between the politicians and the bureaucrats. The politicians have the ultimate decision making power, and if there is no political will, then the plans may not be implemented. Bureaucrats may make good plans but the final decision about what to prioritize lies with the politicians.

Political interference with administrative duties as well as political appointments may be what stands in the way of housing delivery in the Eastern Cape. In a highly charged political environment, in certain circumstances, the politicians may ignore recommendations from the bureaucrats. There are some fundamental decisions that cannot be taken by bureaucrats, and if there is no will from the political bosses, then the delivery of housing gets hampered.

⁶⁰ The findings of the PSAM research referred to above details this challenge.

⁶¹ Interview with Sabelo Matanthatho. This is a national phenomenon as well due to rising building costs; poor performing economy driving housing demand; difficulties in securing suitable land are some of the reasons to blame for the decline of housing provision nationwide according to the National Department 'Housing delivery slows despite rising subsidies'. See also B. Phakathi for Bdlive Online <http://www.bdlive.co.za/national/2013/07/03/housing-delivery-slows-despite-rising-subsidies>

The interaction with a number of bureaucrats points out that the main problem with housing delivery in the Eastern Cape is with implementation – the ‘how’ part – the Eastern Cape Department has good plans but sometimes the environment does not provide space to implement the plans⁶².

The current intergovernmental relations framework also poses a huge challenge to the delivery of houses. Firstly, there is challenge of lack of coordination between the three spheres of government. There is some tension between national government and provincial department as well as tension between provincial government and metros and smaller municipalities around funding⁶³.

The Department has acknowledged that Departmental challenges in relation to planning has been, lack of internal coordination; response time from Chief Directorates; quality of information received from Chief Directorates; and lack of inter-sphere & inter-departmental coordination⁶⁴.

According to the Constitution, housing is clearly a concurrent function between the national and provincial governments. The Constitution also provides for the national and provincial governments to assign administration functions to municipalities when:

- The function would be administered more effectively at the municipalities level; and
- The municipalities has the capacity to administer such a function

The Housing Act also makes provision for municipalities with adequate capacity to be accredited with the housing function. The outcome of these pieces of legislation is that the housing delivery and development function rests with higher spheres of government, while municipalities are responsible for the actual delivery of housing and

⁶² Interview with Aubrey Ngeni and Phumlani Ndindwa

⁶³ See Mthantatho, *Supra*, note 10.

⁶⁴ Email interview with Thobani Ngetu

other complementary services, such as water and sanitation. Municipalities are also responsibilities for the overall Integrated Development Plan⁶⁵.

The new development that the PSAM should not miss out on is the fact that government policy has started to recognise the centrality of municipalities in the provision and management of housing. New developments in this regard include the accreditation of cities to manage the overall planning and delivery of public human settlements ⁶⁶

However, there are challenges with the accreditation of municipalities. Municipalities may have the capacity; however the MEC responsible for human settlements is ultimately the decision maker as to which municipality gets accreditation. At the moment, most metros are at level 2. It is at level 3 accreditation that means that the municipality gets the funding directly from the national department and makes all the planning and decisions with regards to housing provision⁶⁷.

Despite the challenges around accreditation, the government policy trend seems to go towards this direction and therefore there is a need to monitor more than just provincial department but also the local government, where the delivery should take place. It is especially important to monitor bigger metros, especially housing backlogs in these metros.

The current intergovernmental framework also fails to take into account the recent shift from housing to human settlements. There is lack of coordination between different departments. There should be clear plans between different departments and coordination is needed between all departments involved in human settlements.

The paradigm shift from housing to human settlements is currently not fully integrated. The human settlements development requires that proper coordination and common or

⁶⁵ See the Housing Act no 107 or 1997

⁶⁶ *ibid*

⁶⁷ Interview with Kate Tissington, SERI.

joint planning with other departments should be undertaken. The Departments are currently planning in silos, and therefore planning is not coordinated at that level. Human settlements are not just about housing but also other amenities and the shift has necessitated that focus be on settlements instead of housing. This entails amongst others identifying suitable well located land, provision of basic services, houses built should be closer to social amenities etc. therefore inter-departmental coordination is vital and key with sector departments and the local government sphere. There is no clear approach to human settlements, that is, who should do what and coordinated planning is lacking between the departments.

Thirdly, over the years, the interaction between the PSAM and Department of Human Settlements has undoubtedly grown. The recent signing of a memorandum of understanding between the Department and Rhodes University is testament to this. Despite this, some of the interviewees in the Department reported that the perception of the PSAM in the Department is not favourable. This could be as a result of a number of things. Firstly, when the organization started, it used to name and shame corrupt officials within the Eastern Cape government. As a result of this, it grew a reputation of being adversarial, and in the process created some enemies. Despite the change of strategy in 2007, after seeing that this approach was not yielding the desired effects, the reputation seems to linger on. Secondly, the organization has successfully litigated against a number of departments in the Eastern Cape, including the Department of Human Settlements. These lawsuits could be the cause of the less favourable reception of the organization within some quarters of the Department. The PSAM human settlements researcher has reported that perceptions of the PSAM as being confrontational, aggressive, intimidating and threatening has come up in conversations especially with people in government and in the provincial legislature.

Even though there is evidence that the PSAM research reports reach many of the intended recipients, it does not seem that they fully achieve the desired effect. Electronic and physical copies of outputs are sent to government officials, legislature

representatives and media. A number of government officials who were interviewed as part of this study stated that the PSAM research is useful, even though some see these documents as more useful at a strategic level and not necessarily so at operational level.

The main challenge is therefore not whether the documents reach the intended recipients but the engagement with such outputs. Often outputs physically reach stakeholders but stakeholders choose to not engage with the PSAM reports.

The first port of call for the work that the PSAM produces lies with the Eastern Cape Provincial Department's officials. It is important in this kind of work to build relationships, and while there are officials that the PSAM researchers have built relationships with in the past within the Department, some of those relationships have been sustained, while others have dwindled with the change of office/position/responsibilities of individual official over time. In most cases, this then requires that the PSAM re-establish the relationship with new additions in the Department. The researcher feels that this is not always easy as the interests of individual officials may not support engagement with civil society organizations.

In terms of reaching citizens, one of the PSAM's targets, the organisation depends primarily upon its website, its media interactions and participation in public seminars/workshops to connect with the broader public. The PSAM has recently started using social media (Facebook, twitter) to further enhance its engagement with citizens⁶⁸. Since this approach is new, time will tell whether this strategy is being effective in reaching citizens.

The relationship between the PSAM human settlement research desk with oversight bodies, especially the Eastern Cape provincial legislature, has been very weak⁶⁹. Based on interactions with researchers within the legislature, the PSAM housing researcher feels that even though the PSAM has put effort in interacting with the Provincial

⁶⁸ Interview with Thokozile Mtsolongo, the PSAM Health Researcher

⁶⁹ Interview with Yeukai Mukorombindo-Chiweshe

Legislature, the latter has shown very little interest in strengthening the relationship due to the politically charged legislative environment. They also alluded to legislative researchers feeling threatened by the PSAM outputs as they perceive them to be “competing” with their own outputs. The author’s attempts to secure interviews with the staff of the Legislature were unsuccessful, being sent from pillar to post. This may attest to the lack of relationship between the PSAM and the Legislature.

Conclusion

The study shows that the PSAM has achieved a level of limited success. However, due to some limitations posed by both the scope of the study, as well as the timeframe taken to conclude the study, the study cannot conclusively state that the change in behaviour within the Eastern Cape Department of Human Settlement is a direct consequence of the PSAM advocacy. Moreover, there are other external factors that affect the conclusions reached in the study.

First, measuring the impact of advocacy initiatives can be particularly challenging because the work itself can evolve rapidly in response to political or environmental opportunities⁷⁰. The external atmosphere in which the advocacy takes place will be changing all the time⁷¹.

Numerous factors are a cause of this difficulty. First, much of the advocacy work is long term, and even if successful, its execution frequently lags behind significantly. The goal of most advocacy work, like the PSAM’s is not just to change legislation and policies, but also attitudes, behaviours, and make maintainable changes in decision

⁷⁰ See Smith, J.A. 2004. "Evaluating Local Economic Development Policies: Theory and Practice." In *Evaluating Local Economic and Employment Development: How to Assess What Works Among Programmes and Policies* edited by Alistair Nolan and Ging Wong. Pp. 287-332. Paris: Organization for Economic Cooperation and Development

making processes ⁷². At times outcomes are quite indirectly related and take decades to come to fruition.

Any attempt to assess advocacy “must be able to account for these and other complicating features of the terrain of policy and institutional change”⁷³. Tackling the highly contentious issue of human settlements requires an understanding that delivering houses is more than just providing a shelter. Housing includes infrastructure and services that are necessary for housing or human settlements to be habitable⁷⁴.

However, evidence over the study period shows that the PSAM has achieved a level of success. Despite this success, the study also shows that there are areas in which the PSAM can improve, and these will be outlined below.

One of the main challenges that are highlighted within this study centres around engaging with key stakeholders. Despite the fact that the PSAM research reaches most of the targeted stakeholders, there is evidence that in many instances it has been difficult to ensure that those stakeholders engage with the outputs. It is important for the organization to maintain strategic relationships with key stakeholders. One way of doing this is by creating relationships outside of government with other CSOs that may have more advocacy skills and capacity than the PSAM currently has. The relationship with the media is also very crucial for ensuring that the PSAM primary stakeholders engage with the outputs by highlighting some shortcomings identified in the PSAM research outputs. The PSAM has to find spaces within the media and find ways to spin its research in a way that will ensure that the media picks it up.

Moreover, it is crucial for the PSAM to set the agenda with both the media and other stakeholders about its research. This could be done, for example, by holding workshops and symposiums with stakeholders where all the core research work produced by the

⁷³ Teles, S. & Schmit, M., 2011, “The Elusive Craft of Evaluating Advocacy”, http://www.ssireview.org/articles/entry/the_elusive_craft_of_evaluating_advocacy/

⁷⁴ Mthantatho, supra, note 10

PSAM researchers will be discussed and stakeholders can share their responses with the organization.

The format of the PSAM research outputs has to be reformatted. The PSAM researcher has pointed out that enthusiasm over the PSAM annual outputs has been dying down as it is more or less the same format and same issues year on year. This was confirmed by the Department staff, who felt that even though the PSAM research was useful, it was somewhat cumbersome to read. The PSAM should seek ways to ensure that the material is easy to read and readily accessible by using more data visualization etc.

Moreover, the PSAM could compile a document summarizing and pointing out all the recurring challenges in the Department's public resources management. This document would summarize all the key challenges identified in the MAP research that keep recurring year after year. It is important for the PSAM to highlight more these recurring challenges that affect housing delivery in the Eastern Cape. For example, the issue of high vacancy rate, which has been constantly around 58% over the study period is an area of advocacy that the PSAM should engage in. The Rectification Programme also affects the delivery of housing in the Eastern Cape. Over the years, there has been numerous poorly built housing structures in the province and now rectifying them is a big challenge on the government. This is linked to the problem of corruption in tender processes, and political interference in tender processes is a big obstacle. The PSAM should continue its efforts to expose corruption in the Eastern Cape.

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