



Eight-year delay in the completion of RDP Project

Following an online article published by GroundUp - a not-for-profit news agency - our office opened an own-instance investigation after it reported allegations of maladministration arising from poor service delivery from the City of Johannesburg's Department of Human Settlements, who allegedly failed to complete the construction of the Reconstruction and Development Programme (RDP) houses in Kanana Park, south of Johannesburg.

The residents claimed that since 2016, they have been left with an overwhelming sense of despondency on account of the questionable implementation of the low-cost housing project, which ultimately forced most owners to finish construction at their own expense. Despite several visits from local officials, progress remained grounded to a halt and their cries fell on deaf ears.



Image Source: GroundUp News

While the bulk of the infrastructure i.e., piped water, sewage, electricity was in place, the remaining gravel roads made it impassable during rainy seasons. Findings from our investigation revealed that there was indeed incomplete structures, indicating an undue delay by the department to complete and handover well-built RDP houses to a dejected community.

However, in their response, the department stated that the matter fell within the ambit of the Gauteng Department of Human Settlements, thus falling outside the jurisdiction of our office, as prescribed within the [Ombudsman By-Law, 2023](#). As a result, our office could not continue with the case and regrettably had to render it closed "without prejudice".

When do we conduct own-instance investigations

Own initiated investigations enable the Ombudsman to highlight important matters of public interest without having to wait to receive a complaint on a specific issue. This affords our office an opportunity to raise issues affecting residents who are either less likely to complain, unable to complain or those from 'seldom-heard groups'. **Note:** Residents are reminded that they are welcome to still lodge their complaints directly with us.

Joburg Ombudsman spearheads UJ Public Lecture

On 17 October 2024, our office in collaboration with the University of Johannesburg's Community Engagement Department hosted a hybrid public lecture under the theme "The Role of the Ombudsman in Good Governance" at the University of Johannesburg's Nadine Gordimer Auditorium.

Led by the Ombudsman, Advocate Siduduzo Gumede, the role of our office in actively and effectively maintaining values of good governance within the city is guided by the [Ombudsman By-Law, 2023](#) and seeks to promote and advocate for the protection of human rights, by ensuring adherence to the principles of procedural fairness and administrative justice and investigating human rights violations related complaints lodged against the City of Johannesburg's departments and municipal-owned entities.



Left to right: Professor Issa Ebrahim (Acting Dean: UJ Faculty of Law), Mr. Lesego Ngobeni (Facilitator) and Advocate S'du Gumede (Ombudsman for the City of Johannesburg)

In his lecture, the Ombudsman alluded to the dynamism of governance and emphasised the importance of structures such as Ombudsman institutions and local government having access to young and hungry minds with an appetite for learning. He further encouraged the active involvement of youth in the City's governance processes, which presented a unique opportunity to harness their energy, creativity, and innovation to help drive positive change and ensure a sustainable future for the city and broader society.

The insights gained from the Ombudsman's role in ensuring good governance in local government, will be invaluable in the future careers of these students, whether they choose to work in public service or the private sector. Additionally, they walked away with an understanding of the actual challenges and considerations involved in promoting good governance and protecting citizens' rights to basic municipal services.

The event underscored the importance of continuous learning and engagement on various current issues in governance and civic responsibilities. And the presence of the Ombudsman was testament to the strong connection between the two institutions and the partnerships' capacity to provide students with a practical experience of governance in the sphere of local government.

Thank you UJ for hosting us!





2nd Annual Joburg Ombudsman Webinar 2024

On 23 October 2024, our office hosted its second annual webinar under the theme "Promoting Good Governance in the City of Johannesburg" which was presided over by the Ombudsman for the City of Johannesburg, Advocate Siduduzo Gumede.



The online seminar featured an esteemed panellist of thought leaders consisting of the Ombudsman for Botswana, Advocate Stephen Tiroyakgosi, Gauteng representative from the Public Protector's office, Mr. Vusumuzi Dlamini and the Ombudsman for the City of Cape Town, Mr. Vusumuzi Magwebu, who helped to unpack the legal framework, mandate of Ombudsman institutions and key principles guiding their work i.e., impartiality, accountability and transparency when investigating matters of maladministration and human rights violations within the various spheres of government.

Advocate Gumede opened the two-hour long session with a call-to-action for government to put residents at the heart of governance, stressing that it ought to remain accessible and accountable to its constituents.

He further drew attention to instances where residents have also been found to abuse processes and officials, and highlighted that accountability worked both ways; reminding communities that the role of an Ombudsman was to apply an essential constitutional principle, which is to ensure fairness and compliance by eliciting facts and negating various nuances of received complaints.

Our office derives its powers from the newly promulgated [Ombudsman By-Law 2023](#), which carries the true spirit and purport of its existence in its preamble, which is to assist the city to deliver its constitutional obligations by applying consequential action to non-compliance of recommendations. This marks a catalytic change in the way we govern and puts the issue of the proverbial "toothless bulldog" to rest.

Advocate Tiroyakgosi opened his talk by describing governance as an intentional state of "doing the right things, at the right time and for the right reasons", which means that

Ombudsman institutions have an obligation to ensure strict oversight of administrative offices, and that best practices and legal prescripts are adhered to in government affairs.

In essence, Ombudsman institutions exist to ensure compliance with the rule of law, rules and procedures are place and that they are applied equitably and in the best interest of the public. Advocate Tiroyakgosi further raised a concern regarding the non-compliance of recommendations by officials, stating that there seemed to be a belief that these were "mere suggestions". In his view, this carried a whiff of bad faith and capriciousness on the part of government departments and entities, who seem to treat state resources such as Ombudsman services as non-compulsory statutes in the broader structure by choosing to action what is essentially binding recommendations, at their own discretion.

The panel shared the collective view that if these corrective actions were optional, then it defeated the purpose of having Ombudsman services and local government therefore had an option to either comply with their own delivery standards or go against their mandate and ultimately evade accountability.

The Gauteng representative from the Public Protector's office, Mr. Vusumuzi Dlamini went on to liken the relationship between the public and government to a biblical analogy of David (the voiceless and marginalised citizens) and Goliath (a powerful and well-resourced structure). In truth, reminding officials of their role as municipality which is solely to address societal needs in a manner that is sustainable by simply playing their role – and that is to provide basic municipal services to the people.

To wrap-up the seminar, the Ombudsman for the City of Cape Town, Mr. Vusumuzi Magwebu shared Advocate Gumede's sentiments that accountability cut through both ways and made an example that while the city had the right to protect and collect revenue, they may decide to either cut services or attempt to liquidate arrears through prepaid deductions. However, he argued that they could explore a less harsh method by collecting at a lesser rate. This is where an Ombudsman's powers would be exercised (given various variables), to some extent help to slow down the "runaway train" and reach a common ground through conciliation and/or arbitration involving both parties.

By acting as a bridge, the Ombudsman can ensure that the city fulfils its mandate to render a service, while residents' uphold their responsibility to pay for those services.

As a fraternity, there is a need to establish "norms and standards" by benchmarking and collaborating as a collective to ensure the growth of "Ombudsing" in government and nip poor practices that stand to go against a resident-centric approach.

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