

# 6

## You can report corruption by:



Contacting the Department of Mineral Resources if it is about an issue related to mining;



Contacting the Department of Agriculture, Rural Development and Land Reform's anti-corruption division at **0800007095**;



Filing a case at your local South African police station; or



Reporting corruption online: **www.corruptionwatch.org.za**  
Our corruption hotline: **0800 023 456**  
Report via WhatsApp: **072 013 5569**

## Scenarios

**BRIBERY:** Karl wants to extend his house to include a tuckshop room, but his neighbour Lindiwe is not happy about the idea of having a shop next door. It would bring more traffic, noise and rubbish to the street. She has laid a complaint over his plans, saying that she would rather the neighbourhood remained residential. Karl visits the City of Johannesburg Planning Department, and speaks to the official who will make a decision on the plans. Karl pays the official R5 000, his plans get approved and he begins digging the foundations for his new tuckshop the next day.

**SEXTORTION:** Refiloe has two small children. When their shack was washed away by the Jukskei river, she was told by the Department of Human Settlements, Water and Sanitation that she would receive a new house. In the meantime, she has built a shack to live in, in Diepsloot. One day, an official from the department arrives at her informal home, while she is outside playing with her children. He shows her his clipboard, which has her name

at the top of the list, next in line to receive an RDP house. He then tells her she will not receive a house unless she sleeps with him, then enters her house and waits in the bedroom for her. She has no choice. She has two small children and needs to put a roof over their heads.

**PROCUREMENT IRREGULARITIES:** There is a tender out for developing a piece of land that is currently lying empty. The Department of Agriculture, Rural Development and Land Reform would ideally like a developer to transform the land into a place that the community can use, somewhere for families to spend time together. A consulting company called On Par realises that they could make a lot of money building a private golf course on this land. It's not necessarily in line with the department's wants, so they promise an official a 10% kickback if she helps them get the tender. The department official tampers with the other bids, so that On Par wins the tender, and the money. The golf course is built and the local community loses out on what could have been a lovely park.

**MISAPPROPRIATION OF RESOURCES:** A company is interested in buying a piece of communal land belonging to a well-known tribe. The traditional leader agrees to the sale, saying that he has consulted with the community, when he has not even talked to them. He keeps all the money for himself. This is embezzlement.

Mining companies in the North West Province have been contributing to the Social and Development Plans fund, intended to uplift the communities they have been working near. The premier has been taking funds from the account and keeping the money for himself.

**POLITICAL CORRUPTION:** A property developer meets the Western Cape premier, and in their conversation, they realise that the small neighbourhood of Bontheuvelburg is in a prime location for a shopping mall. The Western Cape premier makes sure that the neighbourhood is rezoned, to allow building of commercial property. The residents from Bontheuvelburg are evicted, without receiving fair compensation. One of the residents, Simphiwe, finds himself living in an informal settlement, unable to afford a house with the measly payout he received. A few weeks later, he visits Bontheuvelburg. A tractor rolls past him, and he sees that all the houses have been demolished. A sign shows that a shopping mall will soon be built in their place.



# 1

## What is land corruption?



Land corruption is the abuse of entrusted power for personal gain in the management and administration of land affairs. When someone has responsibility over the use or ownership of land, and they misuse that responsibility for personal benefit, that is corruption.

# 2

## How does land corruption occur?



There are a few ways in which land corruption happens, but some of the common risk areas involve land transactions between governments, companies, traditional leaders and/or communities, land reforms (when laws are created or changed) and when there are plans to develop land.

# 3

## What are the most general forms of land corruption?



**Bribery:** This is when a person is asked or offers to pay an amount of money to fast-track service delivery or obtain favours that he/she would otherwise would not be entitled to, or would have to wait for. Bribes are usually paid to register a piece of land in a person's name, receive official documents or get approval for building permits.



**Sextortion:** When a person, often a woman, is asked to give sexual favours to officials so that she can be granted rights to a piece of land or be awarded a house.





**Procurement irregularities:** This occurs when a government department, agency or any other state institution awards a tender to a company to develop a piece of land without following proper processes. In some cases, the officials awarding the tenders are connected with these companies and may benefit from the huge amounts of money they are paid.



**Misappropriation of resources:** Improper use of resources (including land, vehicles etc.) that a person or people have been entrusted with.



**Political corruption:** This usually involves public servants, elected officials and corporations who collude to make laws and agreements that benefit business at the expense of ordinary citizens.

## 4

### What are the consequences of land corruption?



People are displaced and dispossessed;



People's inheritance and heritage is under threat;



An increased risk to food insecurity;



It may lead to conflict and loss of life;



A decrease in a country's economic growth which leads to poverty;



Greater disparities between men and women, the rich and poor, and other social groups;



Environmental damage such as water and air pollution, which affects agriculture and wildlife. This may also cause health hazards for affected communities.

## 5

### How can you fight land corruption?



You can **approach the courts** if you feel that your rights have been violated. You can refer to the following laws, which will guide you:

- 1 The Constitution of South Africa:** There are a few sections that speak about land and property rights, but the most crucial information is found in Section 25 and Section 27, which deal respectively with how land redress should happen after the country's apartheid past, and the assurance of socio-economic rights i.e. rights to health, education, security etc.
- 2 Precca (Prevention and Combating of Corruption Act):** This is a law that makes corruption a criminal act in both public and private sectors. It allows courts to hold a person responsible for attempting or committing bribery, fraud and other related corrupt activities.
- 3 PFMA (Public Finance Management Act):** This is a law that looks at improper or unauthorised government expenditures.
- 4 Promotion of Investment Act:** This is a law that allows government to purchase land at a price lower than market rates.



There are **government departments and programmes that attempt to deal with many issues** relating to land distribution, registration, allocation, demarcation, development, corruption and several other matters. A few of these are listed below:

- 1 RDP (Reconstruction and Development Programme):** This is a national government programme that is meant to restore dignity and lift South Africans from extreme poverty by awarding land and houses to affected people and communities.
- 2 Department of Agriculture, Rural Development and Land Reform**
- 3 Department of Human Settlements, Water and Sanitation**



How can you **prevent land corruption?**

- 1** Vote for accountable leaders.
- 2** Attend community meetings about land matters.
- 3** Report to a reputable organisation if you suspect land corruption has taken place.