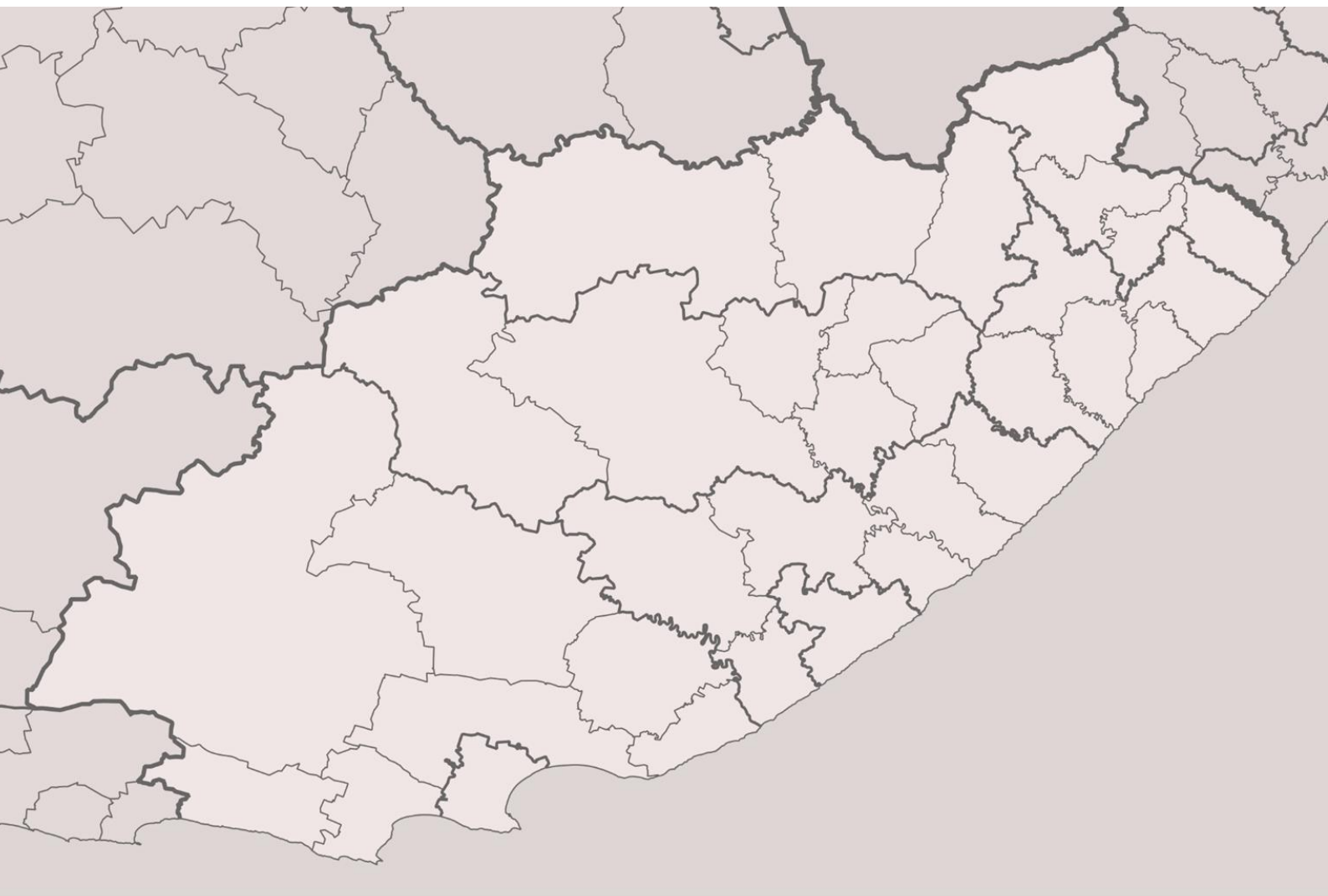




SAAC PROJECT:
PROVINCIAL CASE STUDIES AND POLICY BRIEF,
EASTERN CAPE

Submitted to the Committee of Chairpersons, EC Provincial Legislature, March 2026



EXECUTIVE SUMMARY

This policy brief documents field evidence gathered by community-based organisations (CBOs) and civil society partners participating in the Strengthening Action Against Corruption (SAAC) Project across the Eastern Cape province. Through systematic community monitoring, stakeholder engagements, and grassroots advocacy, participating organisations have recorded widespread and recurring failures in water provision, housing delivery, and road infrastructure maintenance.

The failures documented herein are not administrative inconveniences. They constitute direct, measurable infringements on fundamental rights guaranteed by Chapter 2 of the Constitution of the Republic of South Africa, 1996. They are the product of budget mismanagement, contractor impunity, inter-institutional dysfunction, and a persistent culture of unaccountability that has been allowed to persist, in some cases, for over a decade.

This brief is submitted to the Committee of Chairpersons of the Eastern Cape Provincial Legislature as a credible, evidence-based account of what communities are experiencing on the ground. It is accompanied by specific legislative and institutional recommendations. We do not present these findings as a grievance. We present them as an invitation to sustained, structured partnership between civil society and the legislature in the service of constitutional accountability.

CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

The service delivery failures documented in this brief implicate the following constitutional provisions:

- **Section 27: Right to Water and Healthcare:** Compromised by prolonged municipal outages, unmaintained bulk infrastructure, and the prioritisation of commercial water allocation over basic human needs.
- **Section 26: Right to Housing:** Undermined by uncompleted RDP builds, abandoned structural rectifications, and systematic manipulation of housing beneficiary databases.
- **Section 29: Right to Education and Section 21: Freedom of Movement:** Inhibited by severely deteriorated rural road networks that sever access to schools, emergency services, and social grant centres.
- **Sections 152 and 153: Objects and Duties of Local Government:** Breached through repeated failure to provide safe, sustainable, and accountable municipal service delivery.

SYSTEMIC DRIVERS OF INFRASTRUCTURE FAILURE

Across all monitored districts, three structural failure patterns recur with alarming consistency:

- **Budget Mismanagement and Non-Compliance:** Misspending of operational budgets, diversion of capital funds, and the absence of statutory planning instruments, most critically Water Services Development Plans (WSDPs), which are a legislated requirement yet routinely absent in non-compliant municipalities.
- **Contractor Default and Unaccountable Procurement:** Unfinished housing builds, poorly planned reservoir installations, and abandoned road works are executed without penalty enforcement, fund recovery, or contractor blacklisting. Public money disappears without consequence.
- **Inter-Institutional Friction and Administrative Unresponsiveness:** Chronic 'finger-pointing' between local municipalities and regional water boards, particularly the Amatola Water Board, leaves communities stranded between institutions that each disclaim responsibility. Civil society requests for meetings are routinely ignored.

ISSUE 1: WATER SECURITY AND BULK INFRASTRUCTURE DISRUPTION

"Water is life... Without it, we will die.", Justice Kate O'Regan, *Mazibuko and Others v City of Johannesburg and Others*, Constitutional Court, 2009

The right of access to water, enshrined in Section 27 of the Constitution, is being systematically denied to communities across the Eastern Cape. The case studies below are not exceptional. They are representative of a province-wide pattern of neglect, mismanagement, and institutional failure.

ALICEDALE: MAKANA LOCAL MUNICIPALITY

Systemic issue: Severe 'water-on-water-off' schedules leave entire residential sections without municipal supply for extended periods. In some areas, households receive no water from the municipal supply system whatsoever.

Root cause: Commercial water diversion, where private game reserves and landowners have been permitted to draw water from local dams and dams' upriver channels, restricting municipal flow to residential areas. This represents a fundamental inversion of constitutional priorities.

Civic action and institutional response: CARE Alicedale, a social development NGO, made repeated formal requests to Makana Municipality for engagement on the water crisis. All requests were ignored. Residents remain reliant on irregular emergency water tanking, an unsustainable, undignified, and constitutionally inadequate response.

QONGQOTHA LOCATION: BUFFALO CITY METROPOLITAN MUNICIPALITY (WARD 40)

Systemic issue: Communal taps in this rural location were closed without notice or explanation. To access water for household use, food gardens, and livestock, residents were compelled to connect pipes directly to the municipal water system, an improvised solution that carries health and safety risks. Water supplied to certain areas of the location is regularly contaminated with sediment. An old, leaking water reservoir, currently under construction, has caused structural damage to nearby housing.

Root cause: Poor project location planning and uncoordinated pipeline routing by the Amatola Water Board (AWB).

Civic action and institutional response: Entlango Primary Agricultural Cooperative audited affected homes, engaged provincial oversight bodies, and secured a direct community accountability session with AWB leadership on 11 November 2025. This represents a model of civic persistence that should be institutionalised, not left to the goodwill of individual organisations.

NGQELENI: NYANDENI LOCAL MUNICIPALITY (WARD 32)

Systemic issue: Over 60 rural villages in the Ngqeleni area lack any piped water infrastructure. Where communal taps were installed by Nyandeni Municipality, coverage is inconsistent; some villages have taps, others have none. Residents without access to clean water are compelled to draw untreated water from dams, streams, and rivers, exposing themselves to serious health risks. Households in Ngqeleni town suffer prolonged, unannounced water outages that disrupt daily life without any prior communication from the municipality.

Civic action and institutional response: Alwande Ulwazi Community Advice Centre, a human rights NGO, initiated monitoring and sought formal engagement with the ward councillor. All attempts were met with persistent administrative unresponsiveness. There are many deeply distressing stories from these communities that warrant direct engagement by this committee.

MOUNT FLETCHER: ELUNDINI LOCAL MUNICIPALITY

Systemic issue: A sudden, two-week total water shutdown across 10 wards in July 2025 exposed the depth of infrastructure neglect in Elundini. When JoJo tanks were eventually distributed as a stopgap measure, the distribution schedules excluded working residents and vulnerable groups, including the elderly and people with disabilities, who could not collect water during designated hours.

Civic action and institutional response: Public demonstrations on the R56 were met with police force, a deeply troubling response to the exercise of a constitutional right. The Mount Fletcher Advice Centre responded by launching constitutional literacy drives and training residents to monitor Integrated Development Plan (IDP) budget sessions, converting a crisis into a civic education opportunity.

LEGISLATIVE APPEAL: WATER

We appeal to this committee to become proactive and hands-on regarding the mismanagement of financial resources intended for water services. Specifically, we call upon the legislature to facilitate the enforcement of meaningful accountability measures against non-compliant and non-performing municipalities, including the enforcement of the legislated requirement for WSDPs as a precondition for bulk infrastructure funding.

ISSUE 2: HOUSING DELIVERY AND DATABASE MALADMINISTRATION

The Department of Human Settlements has been allocated R2.190-billion in 2026/27 and R6.799-billion over the 2026 medium-term expenditure framework to fund, among other priorities, 4 770 housing opportunities and the servicing of 2 774 sites across the province. We acknowledge the publication of budget details in accessible pamphlet format as a commendable step toward transparency.

However, budget allocations mean nothing if the systems for delivering housing are compromised by fraud, contractor impunity, and database manipulation. The case studies below illustrate a pattern of gross maladministration that has left the poorest households in the province without the shelter they were promised, in some cases, for over a decade.

Documented Housing Failures: Summary Table

Location	Project Scope	Documented Failure	Community Impact
Nyandeni – Mbobhaleni Village	1 000 RDP units planned (2014)	300 units never built; 700 completed units lack doors, windows, ceilings or plastering	300 families without shelter; no municipal accounting for missing funds
Nyandeni – Sikhuza Household	Single-unit RDP allocation	Contractor abandoned home after partial, defective plastering	9 family members unable to occupy allocated home for over a decade
Kariega – Old Greenfields, Ward 50	Housing Rectification Project (2015/16)	Unsafe structures demolished; rebuild project abandoned without resumption or communication	Families left in hazardous, temporary conditions; rights to housing and dignity eroded
Kariega – Joe Slovo, Ward 48	614 approved houses	Only 398 units constructed; 216 units abandoned	216 families forced to reside in informal shacks indefinitely

Database maladministration: Nyandeni Local Municipality

Beyond incomplete construction, the Development Education and Leadership Teams in Action's (DELTA) monitoring in Nyandeni revealed a systemic breakdown in the administration of housing beneficiary lists. Across multiple wards, the following irregularities were documented:

- Approved applicants received no formal written notification of approval or rejection from the Department of Human Settlements.
- Beneficiary lists were verbally announced at the residences of traditional leaders, an informal, non-transparent process that is inconsistent with the administrative requirements of the Housing Act.
- Some approved beneficiaries discovered that their RDP houses had been built in different areas without their knowledge or consent.
- Multiple approved beneficiaries allege that contractors sold their allocated RDP houses to third parties who were not on the housing list, a serious allegation of fraud that warrants immediate investigation.

LEGISLATIVE APPEAL: HOUSING

We appeal to the Department of Human Settlements to implement strict anti-fraud and anti-corruption measures in the administration of housing beneficiary databases. Specifically, we request that the Auditor-General be commissioned to conduct special performance and financial audits into housing list administration and uncompleted RDP projects in Nyandeni Local Municipality and Nelson Mandela Bay. We further urge the relevant portfolio committee to note and act on the specific cases documented in this brief.

ISSUE 3: RURAL ACCESS ROADS AND PUBLIC SAFETY

To contextualise the scale of the problem: the Eastern Cape's 40 601 km road network is predominantly unpaved. Only 9.8% (3 958 km) is paved, while 90.2% (36 643 km) is gravel. Of this unpaved network, 88.2%, some 24 578 km, is in 'Poor' or 'Very Poor' condition. Even paved roads are generally in poor condition.

These are not statistics. They are the difference between life and death. In rural communities, a neglected road determines whether an ambulance can reach a patient in labour, whether a child can attend school after rain, whether a farmer can transport produce to market. The South African Human Rights Commission (SAHRC) Inquiry into the Human Rights Implications of Poor Road Conditions in the Eastern Cape Province (November 2023) confirmed that poor road maintenance contributes to violations of the rights to education, healthcare, and safety, and that road inaccessibility delays emergency medical services, sometimes resulting in avoidable deaths.

We assume this important report was brought to the attention of the Eastern Cape Department of Transport and the Legislature. Its findings and recommendations must be urgently operationalised across all municipalities with gravel road networks.

WALAZA VILLAGE: FLAGSTAFF

An access road project initiated in 2024 remains uncompleted. During rainy weather, the road becomes impassable, preventing ambulances and emergency services from reaching residents. People are effectively trapped in their own village. This is not merely a project failure; it is a violation of the constitutional rights to movement, safety, and access to healthcare.

UMZIMVUBU LOCAL MUNICIPALITY: MOUNT FRERE

Severe gully (donga) erosion across 28 wards has damaged roads and bridges, cutting off access to healthcare facilities and preventing local farmers from transporting produce to markets. The economic and humanitarian consequences are compounding.

Civic action and outcome: The Mount Frere Paralegal Advice Centre mobilised traditional leaders and escalated the matter to the Department of Justice, successfully securing a R5-million municipal commitment for donga rehabilitation, initiated in late August 2025. This outcome demonstrates what is possible when civil society and government engage constructively and underscores the value of institutionalising such engagement.

LEGISLATIVE APPEAL: ROADS

We appeal to the Standing Committee on Public Accounts (SCOPA) to hold the Department of Transport accountable for the uncompleted and poorly constructed road in Walaza Village, Flagstaff. We further urge that the findings of the SAHRC Inquiry (November 2023) be formally tabled before all relevant portfolio committees and that municipalities with gravel road networks be required to develop and publish road maintenance plans with measurable targets.

STRATEGIC VICTORIES AND INSTITUTIONAL ENGAGEMENTS

Despite the systemic failures documented above, SAAC partner organisations have achieved meaningful advocacy outcomes that demonstrate the value of structured civil society engagement. These victories are not incidental; they are the product of sustained, evidence-based community monitoring.

1. DELTA memorandum of understanding: 12 December 2025

DELTA executed a formal memorandum of understanding (MoU) with Nyandeni Local Municipality, establishing a joint working committee to resolve documented housing, water, and road failures. This MoU represents a replicable model for institutionalising civil society oversight at the municipal level.

2. Provincial legislature submission

Corruption Watch in partnership with the Social Change Assistance Trust (SCAT), Transparency International Secretariat, and CBO representatives presented field evidence directly to the Committee of Chairpersons in the Eastern Cape Provincial Legislature, securing commitments for legislative intervention. This brief is a continuation of that engagement.

3. Donga rehabilitation: R5-million commitment

The Mount Frere Paralegal Advice Centre successfully converted public complaints about donga erosion into a funded R5-million environmental restoration initiative, demonstrating that community-based monitoring, when taken seriously by government, produces tangible results.

LEGISLATIVE AND STRATEGIC RECOMMENDATIONS

Based on the evidence presented in this brief, we respectfully submit the following recommendations to the Committee of Chairpersons and relevant portfolio committees:

Water

- **Mandatory water services development plans:** Enforce strict legislative compliance requiring all municipalities to maintain active, publicly available WSDPs before bulk infrastructure funding is disbursed. Non-compliant municipalities should face funding suspension and mandatory intervention.
- **Accountability for bulk water boards:** Establish a formal, legislated consultative mechanism between the Amatola Water Board and affected municipalities and communities, with binding timelines for resolving infrastructure failures.
- **Commercial water diversion:** Investigate and regulate the diversion of water resources to commercial users, including private game reserves, in areas where residential water supply is compromised.

Housing

- **Auditor-General special audits:** Commission the Auditor-General to conduct special performance and financial audits into housing list administration and uncompleted RDP projects in Nyandeni Local Municipality and Nelson Mandela Bay.
- **Contractor accountability and fund recovery:** Implement provincial blacklisting mechanisms and initiate legal action to recover diverted funds from contractors who abandon public infrastructure projects. No contractor should profit from non-delivery.
- **Transparent beneficiary administration:** Require the Department of Human Settlements to issue formal written notifications to all approved and rejected housing applicants, and to publish beneficiary lists through accessible, verifiable channels, not verbal announcements at traditional leaders' residences.

Roads

- **SAHRC inquiry implementation:** Formally table the findings and recommendations of the SAHRC Inquiry into Poor Road Conditions (November 2023) before all relevant portfolio committees and require the Department of Transport to produce a time-bound implementation plan.
- **SCOPA accountability:** Direct SCOPA to hold the Department of Transport accountable for the uncompleted Walaza Village access road and all similarly abandoned road projects across the province.
- **Municipal road maintenance plans:** Require all municipalities with gravel road networks to develop, publish, and report against annual road maintenance plans with measurable targets and independent verification.

Institutionalising civil society oversight

- **Standardised MoUs:** Standardise formal MoUs between municipal structures and local CBOs to enable continuous, structured grassroots monitoring of service delivery commitments, replicating the DELTA-Nyandeni model across the province.
- **CBO participation in IDP processes:** Mandate meaningful participation of registered CBOs in IDP budget sessions, with documented responses to civil society inputs.
- **MECs for Human Settlements and COGTA:** We specifically request that the MECs for Human Settlements and Cooperative Governance and Traditional Affairs collaborate with SAAC partner organisations and other CBOs to monitor budget allocations at municipal level and report irregularities to the relevant oversight bodies.

CONCLUSION

The issues presented in this brief are drawn directly from the lived experiences of communities and the sustained monitoring work of organisations participating in the SAAC Project. They are not isolated incidents. They are part of a broader, documented pattern of constitutional non-compliance that demands urgent attention, accountability, and structural reform.

The organisations represented here are not adversaries of government. We have co-existed with communities for years, built relationships with government officials, and traditional and religious leaders, and invested in the civic capacity of the people we serve. When communities are denied their constitutional rights, we have both the mandate and the obligation to speak out and to seek engagement with duty-bearers.

We see this engagement not as a once-off interaction, but as the beginning of a sustained partnership between civil society and the legislature in strengthening transparency, accountability, and service delivery in the Eastern Cape. We remain committed to working alongside government and look forward to further opportunities to share our work, insights, and community-based monitoring approaches with the relevant committees.