

# The Compassionate Confronter

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School of Social Innovation  
Centre for Good Governance  
in Africa



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## From the editor's desk

Welcome to second edition of The Compassionate Confronter!

This edition goes into the public domain as the #integritasza Conference commences at *the Andrew Murray Centre for Spirituality* in Wellington. The editorial staff group trusts that all will go well at the conference and that the organisers' wishes will come true! The third edition of TCC (Vol 2, No 1, March 2022) will *DV* cover the conference.

Please note that I have started to migrate all email correspondence to my [gmail.com](mailto:chrisbotha7777@gmail.com) address (see "About the Compassionate Confronter" towards the end of this edition). This became necessary because of service delivery issues which are not only frustrating and time consuming, but also constitute a huge risk to my due date commitments. In future then, kindly communicate with me on [chrisbotha7777@gmail.com](mailto:chrisbotha7777@gmail.com). The Vodacom address will finally cease to exist at the end of May 2022 when the current contract expires.

In this edition we cover various themes in our regular columns. Dirk Brand engages with artificial intelligence from an ethical perspective and Erwin Schwella writes an Afrikaans letter on leadership issues to Willa McKay (*Integrity Overview*). It is difficult to reduce crime between people who know each other, committed in the privacy of areas which are not patrolled by the

police (“less policeable crimes”). But can the police reduce specifically violent crimes in public places, those crimes labelled “more policeable”? To answer this, Chris de Kock argues in favour of intelligence-led high visibility policing. Gerhard Janse van Rensburg explains what a broken municipality looks like and offers a solution. Both these contributions can be found in *Opinionista*. In *PhD Focus*, Erwin Schwella tells us in Afrikaans that reading up on something is not research while Marc Vermeulen and Anke Vroomen, all the way from the Netherlands, inform us about public value and public profit in *New Research*. Under the banner of *CNR Notes*, Chris Botha writes an open Afrikaans letter to Dirk Brand in which he embroiders on his discussion with linguist Wannie Carstens. The topic is “Police Afrikaans”, yet the debate on Afrikaans as a true African language also gained prominence. Zirk Gous, a continuation member of the police medical scheme Polmed, asks how serious we are about the utilisation of money largely sponsored by the state in the *Governance Barometer* Polmed case study. Lastly, Paul Hoffman SC unpacks the STIRS criteria in *Integrity Wake-Up Call* – government is bound by the STIRS criteria, but does it comply?

Caritas!

Chris Botha (Editor)

## Integrity Overview

### Ethical Artificial Intelligence

*Dr Dirk Brand, independent legal consultant and Extraordinary Senior Lecturer at the School of Public Leadership, Stellenbosch University*

Self-driving cars, smart watches that capture health information, and the use of augmented reality in tourism are only some of the examples of modern information technology applications that use artificial intelligence. Rapid technological development in fields such as artificial intelligence, big data, robotics, Internet of Things, augmented reality, biotechnology, and nanotechnology which have a huge impact on society are used in all sectors of the economy and are impacting our lives on a daily basis. It creates a series of new opportunities but also various challenges. Algorithms are the building blocks of artificial intelligence, and the use of algorithms is essentially about automated decision-making, which can and do influence human decision-making.

There are many questions about the ethical and responsible use of artificial intelligence (AI) that warrants attention. Consider the following questions: who would be responsible if a self-

driving car makes an accident and kills someone? How do we limit bias in the use of AI? How can facial recognition software be used in an ethical acceptable way? Should court decisions be based on algorithms? These are just some of the topical issues regarding the ethical use of AI in society.

Technology is not developed and used in a vacuum but should consider any existing legal principles and frameworks, both domestic and international, that might apply. In any society in any country there are ethical values and rules relevant to or governing that society or country, and these ethical values and rules must be considered when AI is developed and used in society. Over the last few years various documents on ethical guidelines or frameworks were developed by international organisations and countries. Although these ethical frameworks could find a great deal of support, it is not law yet and thus not legally binding. The European Union has recently passed the first comprehensive law in the world on AI (Artificial Intelligence Act 2021) and it has a strong ethical and human rights basis. Such an approach is necessary in view of the potential impact of the use of AI on a series of human rights such as the right to privacy, non-discrimination and equality and freedom of expression. People are concerned about the potential negative implications of the use of AI in society, and therefore rightly ask what ethical and legal principles should guide the future development and use of AI. Prior to the development of the Artificial Intelligence Act in the EU a group of experts (AI High-Level Expert Group) investigated the ethical and human rights concerns. It concluded that the following key principles, which are also recognised in the EU's Artificial Intelligence Act, form the basis of ethical AI:

- Human agency and oversight.
- Technical robustness and safety.
- Privacy and data governance.
- Transparency.
- Diversity, non-discrimination, and fairness.
- Environmental and societal well-being.
- Accountability.

Responsible AI requires that there should be a human-centred approach and some form of human control or oversight in the design and implementation of AI systems. The right to dignity, in addition to human autonomy, are affected if people are deprived from the right to exercise influence over decision-making processes that significantly affect them, which is the case in autonomous decisions by algorithms.

The right to privacy is a basic human right that includes the privacy of personal information or data. AI uses massive amounts of data and could potentially infringe the right to privacy, for example by way of interception of personal telecommunication. It is therefore important that appropriate legal rules to protect the right to privacy are also applicable to the design and use of AI.

Another important principle is fairness and non-discrimination. The right to human dignity is a basic human right, which relates to fairness, and which must also be protected in the context of AI. The principle of fairness is aimed at ensuring that individuals and groups are free from unfair bias and discrimination due to the use of AI. The underlying data used in the development of AI models could potentially include an unacceptable bias, and that would reflect in the AI. The principle of fairness and non-discrimination is therefore aimed at eliminating unfair or discriminatory impacts of algorithmic decisions.

The increased use of technology, including AI, could potentially have a negative impact on the environment through the increased use of natural resources. There are also potential benefits such as more efficient energy and waste management.

Transparency and accountability are well-known concepts in the field of constitutional law and are important elements of good governance. In its simplest form it means that a government must act in an open and transparent way so that citizens can see and understand the reasons for government decisions and plans in order to hold them accountable. These principles are also important in the context of AI, but due to the opaque nature of algorithms and artificial intelligence it cannot be used in the same way. Transparency consists of two elements, namely accessibility and comprehensibility of information. So, in the context of AI the principle of transparency in fact means explainability, thus creating some level of understanding about the design and use of the specific AI.

Algorithmic accountability is a complex matter and is about the appropriate design and use of AI systems to mitigate harm to individuals. It is therefore not a once-off exercise that happens at the end of a process, but it requires a systemic approach that applies to the whole algorithm life cycle.

Responsible or ethical AI is human-centric and is based on principles which should apply to the design, use and impact of AI. It requires an appropriate legal framework to guide the further development and use of AI.

## **Oor Leierskap**

*Professor Erwin Schwella, Dekaan van Sosiale Innovasie, Hugenote Kollege, RSA.*

Ds William McKay het onlangs vir Professor Schwella op Facebook uitgevra oor insigte uit die pas afgelope *International Leadership Association* (ILA) se konferensie *Re-imagining Leadership Together*. Erwin het die konferensie saam met kollegas Lyzette Schwella en Ryno Els in Geneve bygewoon. Hierdie is Erwin se antwoord.

Beste Willa

Om die wêreld se komplekse kwessies te hanteer sal globale en gemeenskapsleierskap fundamenteel herverbeel moet word. Dit vereis dat leierskap ook gedeel, empaties, effektief, eties en impakvol sal moet wees.

Globale kwessies soos pandemies, klimaatsverandering, armoede, ongelykheid, en werkloosheid sal nie meer met maklike antwoorde en “sterk” leierskap (wat dikwels outoritêr, onderdrukkend, sentralisties, magsgedrewe, nasionalisties en uitsluitend is) afgehandel kan word nie.

Nuwe tegnologie en kommunikasiemiddele gaan dit toenemend moeilik maak vir “leiers” om te lieg, bedrieg, leë beloftes te maak voor verkiesings en geen reaksie daarop te wys nie.

As leierskap wat alle mense insluit nie gesamentlike en inklusiewe oplossings ontwerp, implementeer en uit die suksesse en mislukkings leer om meer te doen wat werk en minder te doen wat nie werk nie, neem die geweld, onsekerheid, konflik en vloeibaarheid en kompleksiteit globaal en lokaal toe.

En die tyd is nou om dit dalk nog te probeer omkeer.

As dit nie omgekeer word word apokalips nie net ‘n moontlikheid nie maar ‘n groter waarskynlikheid.

My perspektief was dat Suid-Afrika, as gevolg van die kumulatiewe effek van apartheid as misdad teen die mensdom en ongeveer 15 laaste jare van rampspoedige regering selfs onder ‘n demokratiese bestel, nou drie verdere euwels bygevoeg het tot die onheilige drie-eenheid van armoede, ongelykheid en werkloosheid.

Uit ons, op die rak aan die stof vergaar Nasionale Ontwikkelingsplan, wat nie Nasionale Ontwikkelingsimplementering geword het nie, soos onafwendbaar die geval is waar rampspoedige regering botvier, se diagnose word die onheilige sestal nou volgemaak met korrupsie, falende instellings en laakbare leierskap.

Skaarsheid neem toe en ons politieke ekonomie skep die persepsie van 'n mededinging tot die dood toe vir die minder wat oorbly na die vermorsing en diefstal en bedrog as afwaartse spiralende zerosomspel, waar alles wat die ander (groep) kry ten koste van my (groep) is, veral omdat waarde in al die sinne van die woord nie geskep word nie, maar eerder vernietig word deur selfsug aan die een kant en grypsug aan die ander kant.

En so beland ons dalk hier selfs vroeër as elders in die apokaliptiese Thomas Hobbes voorspelde oorlog van almal teen almal.

Leierskap van onder tot bo wat eties, empaties, inklusief, innoverend, impakvol, en eerlik is oor die aard en omvang van die diep sistemiese probleme, is nodig.

Valse beloftes gaan net die verwagtinge verhoog en die krisis verhaas.

Die tyd is nou.

Ons neem ook die gesprek verder by ons #Integritasza konferensie by die Hugenote Skool vir Sosiale Innovasie / School of Social Innovation, konferensie oor integriteitsgebaseerde goeie openbare en korporatiewe regering leierskap vanaf 1 tot 3 Desember 2021 by die Andrew Murray Centre for Spirituality in Wellington.

Belangstellendes kan ons kontak by [admin@civinovus.co.za](mailto:admin@civinovus.co.za)

Met caritas-groete Willa,

Erwin

## Opinionista

### **Can the South African Police Service (SAPS) reduce more policeable violent crime?**

*Dr Chris de Kock, Chief Research Specialist at the HSRC (1976 to 1995), Head of the Crime Information Analysis Centre at SAPS (1995 to 2013). Currently independent analyst and consultant: crime and collective violence.*

*Orientation.*

There is a believe amongst politicians, government officials, academics, and the public in general that a) before serious inequality, poverty and unemployment is not removed there will be a growth in crime, b) and that under such circumstance's crime prevention by the law enforcement agencies, other institutions and the broader public won't make much of a difference.

In short, it is believed that only equality and employment will ensure decreasing crime levels to a point where it will be at a normal level. This short article wants to interrogate some parts of this belief.

Few social scientists will disagree that South Africa, because of its colonial and apartheid past as well as serious mismanagement of resources and corruption during at least the last decade of the nearly 27 years since the first democratic elections in April 1994, has a high level of inequality, developed a record unemployment figure and massive poverty. South Africa will have to break out of this, because this situation holds a very high potential for serious political instability of the kind that was seen in the July 2021 riots, as well as for constant increases in the levels of crime.

The following factors make it difficult for South Africa to escape the unemployment trap:

- \* It may take decades before unemployment which is key to less poverty and more equality is brought to a manageable level.
- \* To bring unemployment to a manageable level, massive national and international investments and foreign tourism is needed. Both, investment and tourism, cannot be achieved when the risks of political instability, high crime and especially violent crime, corruption and organized crime can't be lowered very significantly. The COVID -19 pandemic already had a devastating effect on foreign tourism.
- \* Infrastructure maintenance and development by all levels of Government are severely hampered by a bloated salary account, with not enough money left for maintenance and basically nothing for development. This is worsened by constant corruption and mismanagement.
- \* No development is possible where infrastructure get stolen during the development project and or the work stopped by building/project hijackers.

So, stability and order, significant reduction of crime and corruption, is a prerequisite to achieve the massive job creation, to break out of South Africa's poverty and inequality dilemma. The question now arises: Can the South African Police Service reduce crime significantly, since with every release of crime statistics over the past 8 years serious crimes like murder and aggravated robbery increased?

*Analysis of more policeable violent crime trends (2003/2004 to 2019/2020)*

In table 1 the decreases and increases in more policeable violent crimes for two periods are compared with each other. More policeable violent crimes were used in the comparison because South Africa's problem is especially violent crime. Violent crimes like rape, sexual assault, assault GBH, and common assault, which mostly occur **between people knowing each other, in the privacy of areas which are not patrolled by the police**, like the

victim's/perpetrator's residences or bar/shebeen /tavern, were not included. Not because it is not seen as serious, but because universally the police only become aware of these crimes when it is reported, and it then become the responsibility of the forensic experts and detectives. According to the SAPS Crime Briefing 2019/2020, at least 50% of the murders and 55% of the attempted murders are murders and attempted murders which are more policeable (for example murders and attempted murders during robbery, vigilante action and gang fights). So, murder and attempted murder is included in the analysis.

The 16 years period (2003/04 to 2019/20) were specifically selected for the following reasons:

- The crime statistics since 2002/2003 were more reliable than before that, because of all the steps taken during the moratorium on crime statistics of 2000/01 and 2001/02 to produce reliable crime statistics.
- The Mbeki Cabinet at the same time introduced contact (violent) crime reduction targets of 7 to 10 percent per category per annum for the than next 10 years.
- By the time of the writing of this article, the 2020/2021 crime statistics were not yet released, but even if it was available, it would have been methodologically unsound to use it because of several COVID lockdowns which created conditions where both potential criminals and law-abiding citizens were basically under house arrest and crime could not occur.

Now, even a first glance at table 1 reveals that during the first eight-year period from 2003/4 to 2011/12 eight (of the 10) more policeable violent crime tendencies were decreasing while seven of the ten tendencies were increasing in the second eight-year period 2011/12 to 2019/20.

In the first eight-year period the following more policeable violent crime categories were on the decrease:

-Attempted murder with	-51.0%.
-Common robbery	-46.2%.
-Street/public robbery with	-45.5%.
-Carjacking with	-31.7%.
-Murder with	-21.5%.
-Truck hijacking with	-8.9%.
-Robbery of cash in transit with	-5.2%.
-Bank robbery with	-19 cases.

House robbery and business robbery increased with massive percentages of respectively 79.3% and 332.7%. One possible explanation for the increases in these two subcategories is

that these robberies occur inside housing units and businesses. So, the patrolling police may even pass a house or a business/shop, while a robbery is in progress, and they will only become aware of it once it is reported.

Table 1. a comparison of decreases and increases in more policeable violent crime for two eight-year periods since 2003/2004.

More policeable violent crime	% Decrease/increase between 2003/4 and 2011/12.	Average annual % decrease/increase for <b>first</b> 8-year period.	% Decrease/increase between 2011/12 and 2019/20.	Average annual % decrease/increase for <b>second</b> 8-year period
Murder	-21.5	-2.7	37.1	4.6
Attempted murder	-51.0	-6.4	26.5	3.3
Street/public robbery	-45.5	-5.7	43.5	5.4
House robbery	79.3	9.9	26.0	3.3
Business robbery	332.7	41.6	29.8	3.7
Carjacking	-31.7	-4.0	92.9	11.6
Truck hi-Jacking	-8.9	-1.1	46.4	5.8
Cash-in transit robbery.	-5.2	-0.7	-9.9	-1.2
Bank robbery	-19 cases	----	-35 cases	----
Common robbery	-46.2	-5.8	-1.4	-0.2

In the second 8-year period there were increases in:

- Carjacking with 92.9%.
- Truck hi-jacking with 46.4%.
- Street/public robbery with 43.5%
- Murder with 37.1%.
- Business robbery with 29.8%.
- Attempted murder with 26.5%
- House robbery with 26.0%

So, the crime data in table 1 clearly raises the question what happened during the first eight-year period to significantly reduce eight out of the ten crime trends, and what happened during the second eight-year period, where seven of the crime trends increased significantly. The

author was the head of the Crime Information Analysis Centre of SAPS during the first 8-year period, and only served for the first year of the second period when he retired in April 2013. Based on his experience of 18 years in SAPS, his view is that in all probability the following factors were responsible for significant reductions in more policeable violent crimes.

*Possible factors for success during the first 8-year period.*

Specific crime reduction targets for specific crime categories were set:

So, for example at a Cabinet Lekgotla at the end of 2002/03 it was decided that each contact crime category should be reduced between 7 and 10% per annum. Many academics, journalists, politicians, and especially police officials complained about these targets. They described the targets as unrealistic and projected that station commissioners would be forced to manipulate the registration of crime cases to achieve the targets.

The author of this article firmly believes that crime reduction is driven by target setting. Targets should be unrealistically high, because although in all probability it can't be achieved, if you aim high your real achievement will also be higher. Rigorous checking of crime registration at police stations will prevent data manipulation.

Strong police leadership with a passion to make South Africa a safer place:

In the first 8- year period the SAPS was mostly managed by National Commissioners Jackie Selebi and Beki Cele. In a short period between Selebi and Cele, Deputy National Commissioner Tim Williams acted and then for a very short period in the last months of the first 8-year period, Lieutenant-General Nhlanhla Mkhwanazi acted. Before Commissioner Riah Phiyega was appointed as the National Commissioner.

Selebi and Cele both had a passion to make South Africa a safer place and both had special crime meetings where crime, and only crime, was discussed. The President, and Cabinet during Selebi's tenure, put a lot of pressure on him and his management to achieve reduction of contact crimes. Both Selebi and Cele got a lot of hidings from the media and were constantly grilled by a very energetic Police Portfolio Committee.

It seems that after the appointment of Riah Phiyega up to the current National Commissioner the attention/focus shifted away to other issues like corruption, police brutality, forensics etc. Year after year and now even quarter after quarter violent crime figures which look much worse than the previous years are released, without any grilling of the National Commissioner and his senior operational officers. It even seems that the media had just become used to the constant increases. They don't even ask National Commissioner Khehla Sithole, who with every crime statistics release dish up new strategies, why the previous strategies did not work or if it was even implemented.

Operational and strategic crime analysis formed the base of crime prevention:

During the first 8-year period each station had an operational analysis capacity called the CIAC (Crime Information Analysis Centre). In a nutshell, it was the task of this CIAC to daily determine for each crime category the **where** (through crime mapping), **when** (through time analysis), **why** do a hotspot form at a certain location and at a certain time (through matrix linkage analysis of the dockets and physical environmental scanning of the hotspot area). No proper crime prevention could be done without this information. The questions should be asked if CIAC is still fully operational at least at the stations which generate most of the more policeable violent crimes? If they are still operational and produce **what, where, when** and **why** at that hotspot at that time information, is this information fully used in crime prevention?

Through the matrix linkage analysis of victims, perpetrators, modus operandi (MO), and detail of targets, additional intelligence were generated which could be used by the detectives, to identify repeat criminals and crime intelligence collection/gathering, to identify organized threats.

During the first 8-year period (2003/4 to 2011/12) SAPS had a politically more neutral and professional Crime Intelligence Division (CI Division):

The CI Division had the capacity to:

- \* Produce strategic intelligence documents based on fact, so that senior government officials could take proactive, informed decisions about organized crime and threats against the state.
- \* Develop and sustain an informer network at station level.
- \* Develop an operational crime analysis capacity at station level.
- \* Drive many undercover operations against organized crime and threats against the state.

In the last year or two of this 8-year period the very ugly beast of factionalism (political and self-interest) started to undermine the CI Division and demotivate those who still wanted to do a professional job.

*The answer to the question in the title.*

The answer to the question in the title of this article is that SAPS did significantly reduce more policeable violent crime over a period of eight years (2003/4 to 2011/12). Unfortunately, in the next 8 years (2011/12 to 2019/20) the more policeable violent crime went back to its old and even higher levels.

If SAPS is placed under strong, politically neutral leadership with a passion and focus to reduce more policeable violent crime, using the same basic methods of Intelligence Led Policing,

significant reductions of these crimes should occur. This will in all probability restore confidence in SA's stability, which will stimulate investment and tourism, which will reduce unemployment, which is the key to more equality and less poverty.

## **Communities in Despair: The Paradigm of a Failing Local Governance System**

*Gerhard Janse van Rensburg*

### *The Paradigm of a Broken Political System*

With the vast majority of South Africa's municipalities in dire financial straits<sup>1</sup>, the impact of a corrupt political system that has seized absolute power is glaringly evident, resulting in communities in absolute despair – A recipe for anarchy! Are we headed for civil war<sup>2</sup>? The senseless looting and anarchy<sup>3</sup> that ripped through major cities in July this year is a testimony to the fragility of this corrupt, inept and self-serving political system that has manifested in broken municipal governance structures across the country.

If this political paradigm that has catapulted South Africa into a doom-loop of socio-economic implosion is not arrested, and soon, the apocalyptic result is inevitable...

### *The Paradigm Shift – Is there Hope?*

[Winston Churchill](#) once said; “The farther backward you can look, the farther forward you can see”. History repeats itself, or, rather, mankind keeps on repeating the same mistakes, repeatedly. If you tell a child not to do something, it is no surprise that the child will do exactly that which you warned him about. But take solace in the fact that the child will become an adult having learnt the hard way, and he will warn his child not to make the same mistake, and so it goes on... It's the human condition; it is an exact science, and it is inevitable.

It is therefore prudent to say that the end of the current political paradigm is in sight: it is just a matter of time, and that time has come. It is the time for the rise of the Independents<sup>4</sup>!

### *The Miracle of Section 15A – Rise of the Independents!*

The shift to an alternative local governance system (the catalyst for changing the current political paradigm, starting at grass-roots level) was made possible by the promulgation of Section 15A (now rolled up into Section 15 as of June 2021) of the Electoral Commission [Act 51 of 1996](#) (the IEC Act).

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<sup>1</sup> [BusinessTech](#) (25 August 2021) - This map shows the best and worst run municipalities in South Africa.

<sup>2</sup> [DailyMaverick](#) (28 March 2021)- Critical course of history: South Africa faces biggest constitutional and political crisis since 1994.

<sup>3</sup> [NBCNews](#) (02 August 2021) - After protests and looting tear through South Africa, the nation wonders: What now?

<sup>4</sup> [News24](#) (08 November 2021) - OPINION | Michael Louis: The future is independent, political parties are dying.

So, what does Section 15A really mean? Simply put: It means that for the first time in the short history of a 'democratic' South Africa, "The People", represented by non-partisan, non-profit Civil Society Activist Groups or Movements, can take back control of local municipal government, by contesting local municipal elections as Independents, and this year (on 1 November 2021), more than 140 such Independent Movements across South Africa are hell-bent on making history, by paving the way towards an Alternative Local Governance system in South Africa – Power to the People!

Yes, we can dare to dream again...there is light at the end of this tunnel...hope is something that restores faith, and faith is the substance of things hoped for, the evidence of things not seen.

#### *Emfuleni – A Case Study for Positive Change*

Emfuleni, just one of the 64 municipalities that are considered totally dysfunctional, was placed under Administration<sup>5</sup> (in terms of [Section 139\(1\)\(b\)](#) of the Constitution) in 2018, where this municipality was taken from bad to very worse by this 'Administrator'. And instead of invoking Section 139(1)(c) after 12 months of a failed administration, in December 2020, another Administrator was appointed by the provincial executive, again under Section 139(1)(b), and this time, the new Administrator assembled a Team of 5 Administrators to support him...

Alas, after another almost 12 months under the new administration, Emfuleni's debt has increased, and service delivery has worsened! [Albert Einstein](#) said; "Insanity is doing the same thing over and over and expecting different results" - I rest my case.

#### *Civil Society Activists*

Over the past 10 to 15 years, many civil society activist groupings have started to unite in driving constitutional accountability in public office bearers. Increasing legal onslaughts and civil action have stressed the local governance system enough to cause infighting and factionalisation, paving the way for an inevitable unstoppable Tsunami of positive change...

To quote [Winston Churchill again](#): "If you're going through hell, keep going".

#### *Failure to Implement is Implementation of Failure*

What has become glaringly evident over the past 20-odd years is that the gradual increase in the politicisation of municipal operations has seen a comparable decrease in service delivery, brought on by nepotism.

This has caused a massive gap in hardened and experienced project management professionals, a mission-critical ingredient for implementation success. The decay of strategic

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<sup>5</sup> [SABCNews](#) (08 February 2021) - Embattled Emfuleni Municipality has a new administrator: Maile

municipal assets over almost 3 decades has created a gargantuan problem that simply cannot be solved with an inept municipal capability. Enter the Project Management Profession...

### *Change Intervention Programmes*

A group of highly skilled project management professionals has come together to lobby for support to assist the Emfuleni Local Municipality (ELM) with the implementation of multiple projects across the following 5 programmes:

- Service Delivery
- Infrastructure Development
- Safety & Security
- Socio-economic Development
- Finance & Administration

This Team has been working hard over the past three years to come up with a strategy to support this initiative, with multiple 'Emergency Fix' projects already planned and costed to launch on the back of a Public/Private Partnership (PPP) agreement with ELM, to assist with this mission-critical function.

Ongoing progress updates will be provided to *The Compassionate Confronter* as this case study will be worth watching: it could potentially set the benchmark for other communities suffering the plight of dysfunctional municipalities. And what is even more interesting to note is that this initiative directly supports the paradigm shift of a corrupt local governance system, as all the 'Independents' are advocating service delivery improvements, amongst other things. We are actually preparing the foundation for the next local elections – watch this space!

Again, from [Winston Churchill](#); "We shall defend our island [*Emfuleni*], whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; **we shall never surrender**".

## PhD Focus

### **"Oplees" is nie navorsing nie**

*Professor Erwin Schwella, Dekaan vir Sosiale Innovasie, Hugenote Kollege, RSA*

As mense maar net kan verstaan dat oplees nie navorsing is nie.

Wetenskap, wat, onder andere op navorsing gebaseer is, en wat nie "oplees" is nie, se doel is die sistematiese en objektiewe soeke na die regte en beste antwoorde op mens- en samelewing se vrae.

Wetenskap en die navorsing wat daarvoor gebruik word, soek deur, onder andere, ook die volgende vrae te vra:

- Wat is die waarheid?
- En, hoe weet ons dat dit die die waarheid is?

En bykomend daartoe, kom - om die wetenskapstoets te slaag – ook nog die verdere vrae aan die orde:

- Wat is die feite?
- En, hoe weet ons dat dit die feite is?

En is dit moontlik dat ons “waarheid” miskien nie die “feite” is nie omdat hierdie selfgeskepte eie siening oor die “waarheid” en die feite nie met die werklikheid ooreenstem nie? In hierdie soeke na die waarheid, die feite en die werklikheid moet soekers weet dat anekdotes nie analise is nie. En emosie is nie “evidence” of getuienis nie. En ook dat YouTube kyk en Google soek nie sistematies is nie en meestal slegs sydig daarop ingestel is om jou reeds bestaande en diepgewortelde eie sydighede te bevestig. Die verskynsel word **bevestigingsydigheid** genoem, waar die “opleser” slegs die inligting opsoek, uitsoek en glo wat hul reeds-bestaande sydighede bevestig.

En dat wetenskaplikes, in die voortdurende soeke na die objektiewe waarheid, gebaseer op die ware werklikheid, in vele opsigte unieke vereistes vir die waarheid, feite en ook die manier waarop dit bepaal word, stel.

Een van vele meer, maar ook kragtige wyses waarop wetenskaplikes werk met die prosesse om die waarheid en feite vas te stel, is dat wetenskaplikes spesifiek ander wetenskaplikes uitdaag om hulle verkeerd te bewys. Hulle versoek en verkies dit, eerder as bloot om van ander wetenskaplikes en professionele en selfs gewone mense te versoek en te verwag, om hulle bloot klakkeloos en kakofonies na te praat.

Hierdie wyses om met die waarheid, die feite en die wyse waarop dit gesoek word, om te gaan,

is direk en duidelik in teenstelling met sommige politici en priesters en profete (let wel nie al mal

nie) wat hulle eie waarheid as ewig waar en die enigste “werklikheid” aanbied, om slegs geglo en geprys te word. So word hulle in hulle eie siening, die ewig reg pryssangers vir hulle eie

waarhede en feite oor die werklikheid. En as hierdie naeltjiekyk-sieninge en blote ingewinge dan verder as ideologie ook nog met mag beklee, en daardeur vergiftig word in onderdrukkende omgewings, het dit groot verdere pynpotensiaal. Veral vir enige dissidente wat nie die selfgeskepte waarheid wil aanvaar en in gelid daarmee saammarsjeer nie. Dit word selfs dodelik as dit sonder integriteit met mag afgedwing word.

In teenstelling met knoeiers oor die feite weet opregte soekers na die waarheid en feite dat, om te smeer, te beledig en harder te skree, nie jou argument beter maak nie. Om dieper te delf en bewus van jou sydighele te dink, dra dalk wel by? Om te soek sonder sydighele, en spesifiek ook in die soektog te soek na sieninge wat jou subjektiwiteit en vooropgestelde idees uitdaag, is beter as om meer en harder te skree en te beledig.

Navorsing vind plaas in 'n laboratorium of in die laboratoriums van die samelewing en stel doelbewus en bepland veel hoër vereistes om aanvaar te word wat as waarheid geld as die blote napraat van anekdotes en ideologie wat eie sydighele bevestig.

Die waarhede, en feite wat in laboratoriums, ook sosiale laboratoriums ondersoek, ontdek en voorlopig aangebied word, word ook versprei in wetenskaplike joernale. In hierdie wetenskaplike joernale word publikasies aan streng beoordeling deur kritiese kundiges onderwerp voordat dit die wêreld ingestuur word. Dit word op dieselfde maniere ook op vakkundige konferensies aan ander kundiges en professioneles voorgedra met die spesifieke uitdaging om dit af te skiet, te kritiseer en verkeerd te bewys. En dit sonder die klakkelose kakofonie van twakpraters.

Dit vorm ook die basis vir die handboeke en deskundige literatuur en onderrig aan studente, wat dit saam met die reeds opgeleide professie toepas en in die praktyk toets.

Dit is ook in skrilte kontras met publikasie deur sosiale media waar elke mening kan botvier sonder bewys, as opgeklitste brouwerk en sonder bewyse, en bevraagtekening.

Weet en weet maar redelik verseker dat as iemand wat nie aan hierdie vereistes vir wetenskaplike navorsing voldoen nie, aanspraak daarop maak, deur dit te stel dat hulle "navorsing gedoen het ..." oor iets, hulle dit meestal bloot "opgelees" het.

En dit is gevaarlik en nog meer so as hulle en ander liggelowiges dit ongetoets op sosiale media opgeklits en onbekook as die volle, en niks anders as die waarheid en die ware en finale feite oor die werklikheid aanbied. Dit is altyd gevaarlik en soms selfs dodelik.

Kaf is nou eenmaal selfs nie klatergoud nie, en selfs klatergoud is ver van goud af.

## New Research

### Bringing public value into the limelight.

*Marc Vermeulen & Anke Vroomen*

*(Marc Vermeulen is professor at the TIAS School for Business, Tilburg University, the Netherlands. Anke Vroomen is a partner of V-Square in Tilburg, the Netherlands where she is involved in research and development work in public value. Anke supports Marc's work with literature reviews, the development of case studies en the editing of articles and essays).*

*[Note by the authors:* This article is a summary from the Dutch book 'Social Profit Canvas' (2019). It is undoable to work out all the facets in this article, nor is it possible to go deeper into the matter. At this moment a translation of the book, adjusted for the South African situation, is in preparation and it is expected to be available early 2022. Next to the book we are preparing some workshops on the use of the SPC. This will be by the end of February or early March 2022. More information will be published in due course].

#### *Abstract.*

In this article we introduce a model, developed in close cooperation between the Dutch organizations TIAS (School for Business and Society)<sup>6</sup> and WHISE (Office for Social Innovation and Recruitment Power)<sup>7</sup>, that gives an affirmative answer to the question: "Can we visualize public value, and can we show impact?" The model will help public organisations, as their professionals, to firmly anchor their value by addressing all the relevant aspects of their interventions. A better understanding of these aspects will improve the development of actions. For South Africa there is social profit and public value to generate by tackling the burning issues of poverty and inequality.

#### *Introduction*

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<sup>6</sup> <https://www.tias.edu/item/social-profit-canvas-meer-oog-voor-sociale-waarde/>; TIAS is the business school of Tilburg University and the Technical University Eindhoven in the Netherlands.

<sup>7</sup> <https://www.whise.nl/social-profit-canvas/>

By defining the public sector as non-profit the suggestion is in it that the sector is unprofitable. Public organisations work like 'normal' companies, delivering a product or a service and having a revenue model. However, the main goal is to create *social* profit. Seen from a social point of view there is profit as the organisation contributes significantly to society. Making money is not the main goal, but it is a means towards the real mission. It is important to note that from a financial point of view, it is not acceptable to make a loss, especially since it is publicly financed (for instance, by taxes).

In times of shrinkage (economic reduction) the public sector easily becomes subject to budget cuts or even removal. Obviously, the sector falls short in making clear what its value is. The problem is that not all can be expressed in monetary terms. What, for instance, is the financial value of reducing unemployment, or better healthcare, or a housing program for the poor? It is not hard to calculate the costs, but almost impossible to quantify the benefits. When we think of a program to help drop-outs go back to school, does a successful program justify the costs of 100.00 ZAR? And is 100.00 ZAR enough to make such an intervention successful? In order to embed the public services and contributions in society the impact of these activities and the value for society should be clear.

In recent years Mark Wolbert and Jaap Hoenderdos from WHISE and Marc Vermeulen from TIAS in the Netherlands have examined the issue of public value. The main goal was to improve results and increase impact and thus create more value for society. This resulted in a model, the Social Profit Canvas, that brings forward all the aspects, positive and negative, that come forward with an intervention in the public domain. Thereby putting public value into the limelight.

#### *Social profit and public value.*

Social Profit is the benefit that organizations deliver to society, not in monetary terms but in terms of impact. Public value is anchored in the work of Harvard professor Mark Moore. In 1995 he published his book 'Creating Public Value' in which he tried to answer questions like: "What works well in the public domain and what does not? When is something successful and when does it have value?". Public value is about the impact of actions and interventions that are delivered in the public domain.

The word 'public' in this context is defined by:

1. Political decision making.
2. Tax-based finance.

3. Often governmental interference (rules and law).
4. Topics have meaning in society and are often subject to debate.

### *The Social Profit Canvas*

The work of Alexander Osterwalder and Yves Pigneur was an inspirational source in the quest to improve results and increase impact in the public domain. They developed the Business Model Canvas (2010), a practical tool to analyse business processes and develop a business plan. This model, transparent and complete, fits on an A4 page. That is what we wanted for analysing processes and plans in the public sector. This resulted in the Social Profit Canvas (SPC, see figure 1).

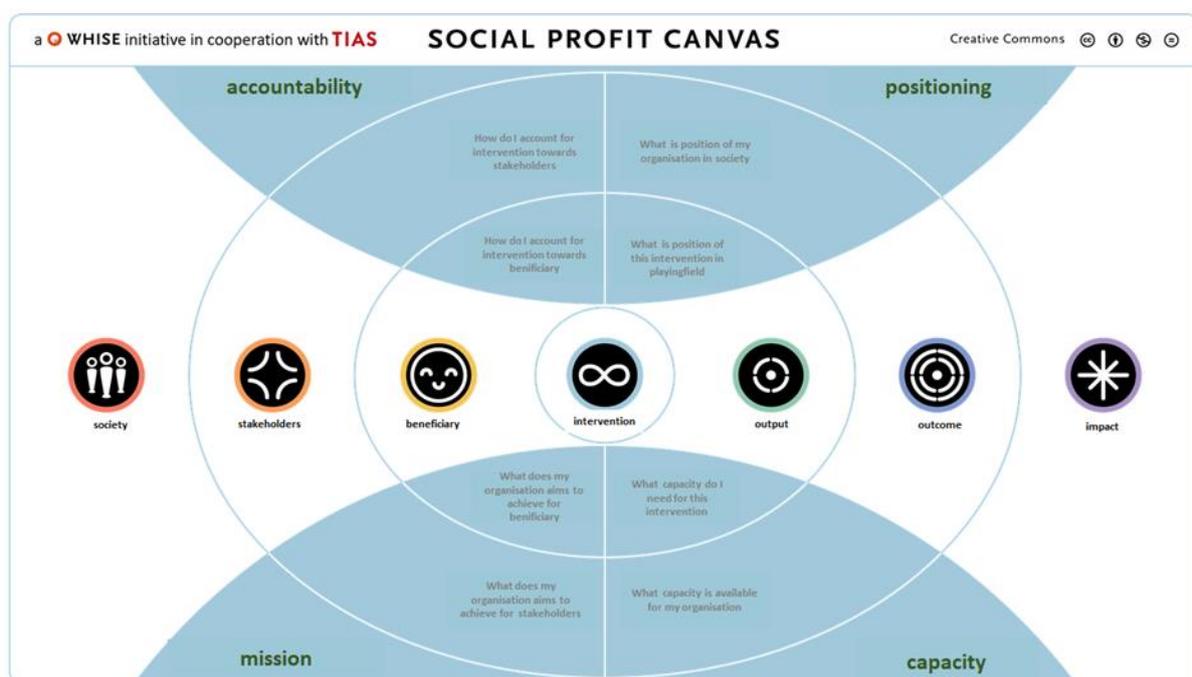


Figure 1 Social Profit Canvas

The intervention is an action or a project that has the intention to improve conditions for the beneficiary. In the model the intervention is positioned in the middle of an axis, centralizing the intention. On the left of the intervention is the social arena (beneficiaries, stakeholders, and society as a whole) and on the right the effect street (result, outcome, and impact). The analysis works from inside out. Firstly, the results for the beneficiaries (client, citizen, customer, etc). Related questions are: "what is our goal? Is the beneficiary really at the core of what we are doing?". Organizations argue that the focus is on the client, but is the intervention truly intended for the client's benefit? Take the example of the drop-outs program. What do we really want? That young people go to school and finish it successfully or that those young

people hanging around will be off the streets? A proper insight is essential to achieve results. With the focus on what really matters and not accepting that for example youngsters drop out, we will create a better perspective for everybody. Which takes us to a broader level, being the outcome for stakeholders with their expectations on the intervention, and the impact for society related to society's ambition.

Intention, expectation, and ambition do not always line up. What works at the micro level might be a problem on the macro level. For example, a hospital, from the perspective of the patient, should provide the best care. However, the hospital might not be able to meet all the needs as capacity falls short because of a lack of professionals. And society might not be able (or willing) to grant the budget for costly treatments and medication.

All these aspects can be observed in the half-circles of the canvas, whereby the half-circle at the top examines issues of accountability and positioning and the half-circle at the bottom assesses organizational capacity. This part helps to find a proper balance by including the perspectives of the organization and the societal environment (politics).

One of the goals while developing the model was that it should be easy and transparent, like the Business Model Canvas in the private sector. Where models as the Public Value Score Card (PVSC) and Social Return on Investment (SROI) can only be handled by experts, the SPC can be applied by the people on the work floor. In order to find proper answers not only the systems or organizations should be involved, but also professionals should take an active stand. Too often they are just the executors of practices developed by others. Together professionals can explore if all aspects of the intervention have been thought out adequately and crucial topics have not been forgotten.

The SPC can be used at the micro-level, that is, at the level of the professional, but works also at the meso-level (management and the organization) and at the macro-level. By using the same frame, one speaks 'one language' which encourages mutual understanding and improves the cooperation. This does not mean that it is a simple matter of answering some questions and putting conclusions together. What it does mean is that the dialogue between professionals and organizations, or organizations and society is based on the same principles. Although content and colouring might change with every level, the fundamental questions and structure will stay the same. The SPC can also be applied at several moments of the intervention. In the planning stage, for developing or finetuning. But also during the intervention to monitor the progress, and afterwards to evaluate the outcome. As such the model is suitable for multiple applications as has been proven in many different projects in the

Netherlands. In going step by step through all aspects every intervention can be subject for investigation.

### *Literature*

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## CNR Notes

### The language that Afrikaans police officials speak

*The CNR Team: Chris Botha (interviews, and summaries of transcripts), Deon Diedericks (station manager, recordings of the interviews), Annalene van Heerden (interview transcriptions).*

*Societal Safety Today* is a monthly talk programme on CiviNovusRadio (CNR, see <http://civinovus.ca.za/cnr.html>). The programme is presented live on the first Wednesday of each month between 18:00 and 18:45 and focusses on societal safety in the broadest sense of the word. The letter that follows, is a *precis* of a talk Chris Botha had with Professor Wannie Carstens, well known Afrikaans linguist. Chris and Wannie spoke about the language that Afrikaans police officials speak, a language often not understood by other Afrikaans speakers, or by non-Afrikaans speakers even if they work in the field of policing. The letter is addressed to Chris' friend and colleague, Dr Dirk Brand. Dirk is a jurist, and actively involved with the Afrikaans language in various non-governmental structures.

Beste Dirk,

Dankie dat jy my gehelp het om vir Wannie in die hande te kry. Ons het met mekaar kon praat tydens die November-uitsending van die CiviNovus Radioprogram 'Hedendaagse Gemeenskapsveiligheid'.

Ek was redelik op my hoede. In my professionele wêreld praat ek al hoe minder Afrikaans en ek betrap myself dikwels met Afrikaans-spooksels wat my rooi in die gesig laat, selfs al is ek

alleen. En nou gaan ek met hierdie befaamde taalkundige praat, in sy en my taal, maar ek is nie naastenby waar ek moet wees nie. Wasig, Dirkman, wasig...

Maar, ek is 'n ou polisieman, en ou polisiemanne se katte maak benoude spronge, of hulle kettings raas nie meer nie, indien jy dan nou van ou ape wil praat. Net vir duidelikheid: natuurlik betwis ek nie dat daar polisievrue is nie. Die eerste vroue wat in georganiseerde polisiëring in Suid-Afrika opgelei is, is immers opgelei in die jaar waarin ek in die destydse Suid-Afrikaanse Polisie, die SAP, aangestel is. Dit was in 1972. Die formidabele (latere Brigadier) Duveen Botha is reeds die vorige jaar indiens geneem om die vroueskip te stuur. En ek het nog nie eers by die ander diskoers uitgekom nie, die een wat sê daar is eintlik net polisiebeamptes. Verwysings na geslag kan as diskriminerend gesien word.

Maar ek dwaal nou af – ek besluit op 'n strategies-benoude sprong: indien 'n ou polisieman onseker is, spring hy die wind uit 'n ander se seile uit. So maklik soos dit.

Na die gewone ordentlike groetery, welstandvraery en so voort, skop ek toe af met die volgende:

“Ek wil myself darem net aan jou bekend stel, Wannie. In goeie Afrikaans is ek 'n *ysterbaadjie*. Ek is opgelei as 'n *Magal* met so 'n bietjie *Bosluis*-agtergrond. Ek was nooit 'n *lapbaadjie* nie, alhoewel ek wel by geleentheid *vaaldonkies* gedra het. Ek was ook nooit lid van die *Dapper Duisend* nie en ek het nog nooit my *naam met 'n uitveër geskryf* nie. Ek het in 'n *Flossie* en 'n *chopper* gevlieg, in 'n *Casspir* gery en my *ysterboud* rondgedra terwyl ek op patrollie was. Ek het nie daarvan gehou as ek 'n *gangslang* genoem was nie toe ek administratief gewerk het. Soms moes ek 'n *knetterwetter* en 'n *pompie* ook dra. Ek het groot ontsag vir *spykerbekke* gehad, en het probeer om nie 'n *dik ding* te wees nie”.

Wannie lag saggies en antwoord dat hy wel hier en daar van die woorde herken. Hy verduidelik dat ek, as 'n polisiebeampte, in 'n eiesoortige wêreld geleef het. Saam met daardie wêreld het daar ook 'n woordeskat gekom. “Jy weet Chris, dit is amper soos 'n bendetaal. Net die ingewydes ken dit. Wanneer julle klomp polisie-ouens onder mekaar kuier en gesels, gebruik julle hierdie woorde en julle verstaan mekaar”. Ek vertel hom van Barnes se artikel oor tronktaal in die akademiese joernaal *Acta Criminologica* jare gelede, en van die twee polisiebeamptes se werk wat ek ook al lank terug, as redakteur van 'n vakkundige blad binne die tydskrif *Servamus*, gepubliseer het\*. Die een het juis gegaan oor polisietaal as subkultuurtaal, die ander oor polisietaal as sosiolek.

Gits Dirk, en Wannie vertel. Hy praat van professor Tony Links wat gesê het dat Afrikaans 'n huis met baie kamers is. Hy leer my van variëteite en dialekte, van sosiolek en geolek, selfs van Pretoria-Oos Afrikaans (wat, moet ek erken, my ietwat laat giggel). Ek verstaan beter van dokter-Afrikaans, rugby-Afrikaans, wyndrink-Afrikaans... "As ons toelaat dat hierdie variëteite tot niet gaan is ons besig om 'n stuk van die geskiedenis van Afrikaans te laat verdwyn", vertel Wannie. Vakgebiede vra dat terme opgeteken word, sê Wannie, en ons praat oor 'n polisiewoordeboek wat in 1994 deur IE Du Toit by Van Schaik se uitgewery gepubliseer is. "Nou-ja Chris" sê Wannie, "dit is nou 27 jaar oud. Intussen het daar 'n heel nuwe polisiewêreld plaasgevind. Wat gaan jy daaraan doen?"

Die gesprek was nou lekker op dreef Dirk. Soos wat ons praat, kom taaldinge wat ek tydens my loopbaan in polisiëring beleef het, almal op boontoe. Wie in vandag se dienende polisiekringe weet nog van die woorde "diener" (polisiebeampte, "hy wat dien") en "djentoe" (prostituut) en waar dit vandaan kom?

Tot dusver dus, loop die gesprek deur 'n bietjie nostalgie, en dalk ook verlies, maar tog is dit nog heel verwerkbaar. Dit bly ons taal. Dalk is dit juis gevoelens van verlies en nostalgie wat ons weer 'n slag met waardering na ons taal laat kyk. Die land het verander en Afrikaans is nie oral bemind nie. Ook nie in al ons land se 26 universiteite nie.

Juis, lyk dit vir my, nie by Dr Blade Nzimande nie. Volgens die media is Dr Nzimande, Minister van Hoër Onderwys, Wetenskap en Innovasie, blykbaar oortuig dat Afrikaans nie 'n inheemse taal is nie. "Hy is natuurlik verkeerd, en daar is maar ideologie by", vertel Wannie en hy verduidelik.

Afrikaans het 'n Europese been en dit is die Nederlandse dialek van mense uit 'n bepaalde Nederlandse sosiale laag. Hierdie Nederlandstaliges het in 1595 alreeds met die Khoi, wat eerste hier was en wat 'n dialek van Afrika gepraat het, begin werk aan 'n manier om mekaar te verstaan. Daar was dus alreeds 'n basis teen 1652, toe Van Riebeeck die handelstasie in die Kaap gestig het, om die Europese been en die Afrika-been in samehang te vestig. Die Asië-been is die derde een, wat deur slawe uit onder andere Indonesië, Madagaskar, Angola, en lande in Oos-Afrika hierheen gebring is. Die drie bene is hier, aan die Suidpunt van Afrika, saamgevoeg soos wat mense probeer het "om met mekaar oor die weg te kom". "En dit", sê Wannie, "is wat Afrikaans 'n inheemse taal maak. Afrikaans het hier 'n taal kom word, en hy is

na die kontinent vernoem. Dis die enigste taal ter wêreld wat na 'n kontinent vernoem is. Onthou nou Chris, die oorspronklike betekenis van 'Afrikaner' was 'iemand wat in Afrika gebore is'. Ons kry dit uit die 1707-geval van ene Hendrik Biebouw in geskil met 'n Duits-gebore landdros. Biebouw was van mening dat hy, wat hier gebore is, 'n Afrikaner is en dat die Duitser, wat nie hier gebore is nie, hom nie kan straf nie”.

Ek wonder of Dr Nzimande Afrikaans lees?

Tot sy eer Dirk: Wannie het my nie aangespreek oor my verroeste Afrikaanse taalgebruik nie. Ek vermoed hy is te ordentlik.

Caritas!

Chris

Naskrif: Indien jy wonder, hier is die verklarings vir die polisiewoorde in my bekendstelling aan Wannie hierbo: In goeie Afrikaans is ek 'n *ysterbaadjie* (uniformlid). Ek is opgelei as 'n *Magal* (voetpolisieman) met so 'n bietjie *Bosluis*-agtergrond (bietjie perd gery en die stalle skoongemaak terwyl ek onder opleiding was). Ek was nooit 'n *lapbaadjie* (speurder) nie, alhoewel ek wel by geleentheid *vaaldonkies* (polisiedossiere) gedra het. Ek was ook nooit lid van die *Dapper Duisend* (die Spesiale Taakmag van die polisie) nie en ek het nog nooit my naam met 'n *uitveër geskryf* (ek was nooit in die Veiligheidstak nie) nie. Ek het in 'n *Flossie* (SA Lugmag vrag- en troepevliegtuig) en 'n *chopper* (helikopter) gevlieg, in 'n *Casspir* (die polisie se mynwerende troepedraer) gery en my *ysterboud* (pistool) rondgedra terwyl ek op patrollie was. Ek het nie daarvan gehou as ek 'n *gangslang* (iemand wat in uniform administratiewe werk gedoen het) genoem was nie toe ek administratief gewerk het. Soms moes ek 'n *knetterwetter* (skokgranaat) en 'n *pompie* (haelgeweer) ook dra. Ek het groot ontsag vir *spykerbekke* (polisiehonde) gehad, en het probeer om nie 'n *dik ding* ('n junior rangdraer wat baie van homself dink) te wees nie”.

\*Ek het na die volgende bronne verwys by die \* in die teks:

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## Governance Barometer

**Good Lord sir, these are mos state money (*'Here meneer, dit is mos staatsgeld hierdie'*)**

*Zirk Gous, Continuation member, Polmed*

### *Introduction*

More than 20 years after South Africa discarded pounds, shillings and pennies for rands and cents, an inspection was conducted at a police office somewhere in the present-day Northern Cape. Inspecting the discretionary cash "standing advance" (strictly controlled money, provided by the State, to be used for specific prescribed purposes) an amount of pounds, shillings and pennies were found in the safe. An explanation was demanded – this money for discretionary use was not touched in a period of more than 20 years. The response: '*Here meneer dit is mos staatsgeld hierdie*' (Good Lord sir, these are *mos* state money). This, unsurprisingly, was the approach to and level of integrity dealing with state money in the then South African Police (the SAP). Sadly, this approach is not as visible in the present-day South Africa

### *Polmed: The Institution*

Medical funds in South Africa are registered as legal institutions in terms of section 24 of the Medical Schemes Act (131 of 1998) and subject to the control of the Council for Medical Schemes (CMS). Polmed, the medical scheme for the South African Police Service (SAPS), is one such fund. It is a closed scheme exclusively for members of the SAPS and highly valued by SAPS members (including retired members) as a core service benefit

### *The concerns of 412 Polmed members*

During 2021 more than 400 SAPS members supported concerns about the management of their valued medical service benefit structured as Polmed. They gave proxies to speak and vote on their behalf at the 2021 Polmed Annual General Meeting (AGM) in support of 7 motions that were presented to Polmed to be discussed and considered at the Polmed AGM scheduled for 16 September 2021.

### *The 3 most important motions*

I highlight 3 motions in this article. They are all relevant for a world of integrity, and they refer to the title of this article, *Here meneer dit is mos staatsgeld hierdie*. These motions are:

A motion of no confidence in both the Polmed Board of Trustees and the Polmed Principal Officer for withholding vital evidence and information:

The factual grounds of this motion were that the Polmed 2020 Integrated (annual) Report reported that *'the Council for Medical Schemes (CMS) lodged an urgent application seeking to place Polmed under curatorship for, amongst others, mismanagement of the Scheme'*

The Integrated Report however failed to provide any information on the alleged mismanagement but restricted its report on procedural matters on how Polmed countered the urgent application. The motion demanded full information on the substantive elements of the CMS allegation of mismanagement

A motion that the salary of the Principal Officer (PO) of Polmed be reduced from R5 755 535 per annum to R1 653 527 per annum, and that the remuneration of Polmed Trustees being reduced to a market related level:

This motion was based on an analysis of the remuneration of the other Principal Officers in SA which indicated that

- the Polmed PO's salary was the 5th highest in SA; and
- while Discovery members contribute about R3.26 per annum to the salary of their PO, Polmed members contribute about R10.40 per annum to the salary of their PO. This, it was argued, resulted in a 60% overpayment

In the same vein, the Polmed Trustees are highly overpaid being, according to the CMS, the 3rd highest paid set of trustees in SA. It was therefore proposed that

- The remuneration of Polmed Trustees be reduced to a level averaged to the market; and
- The employer (SAPS) nominated trustees be paid a zero amount because they are attending as their day-to-day responsibilities and they prepare for Trustee meetings and attend Trustee meetings within the time they are remunerated by their employer, the SAPS.

A motion that meetings of the Board of Trustees and committee meetings be kept to the prescribed minimum:

It is alleged that *"the board and committee meetings became a source of additional income for board members"*. The factual base for this allegation is that the Polmed rules provide for 3 compulsory annual board meetings. In 2019, 12 meetings took place which escalated to 18 in 2020 resulting in a 28% rise in expenditure. The motion task the Principal Officer to keep board meetings to the absolute minimum.

### *The Annual General Meeting (AGM) of 16 September 2021*

Unfortunately, the 7 motions were not circulated to the 200-odd Polmed members in attendance at the AGM. The AGM also refused to deal with the motions. The Polmed rules clearly recognise a) the right to vote to every member who is present at a general meeting, and b) to appoint another member of the scheme as proxy to attend, speak and vote in his stead and that c) voting shall be by ballot, electronically or by show of hands.

Members from the floor proposed that the motions not be dealt with at the AGM but to refer the motions back to the Board of Trustees. No vote as prescribed in the rules was taken on this. The chairperson simply accepted a proposal and the proposal seconded by one other member as the final vote on the matter. The Chairperson also refused to accept the 412 proxies. The Polmed members in attendance counted about 220. It stands to reason that the written and signed proxies would have carried any voting process

### *The internal appeal: 27 October 2021*

Legislation and the Polmed rules determine that all disputes between Polmed and members should follow an internal process, that is, an internal dispute referral to Polmed and, if unresolved, an appeal to the Council for Medical Schemes (CMS). The Polmed dispute hearing took place on Tuesday, 26 October 2021. The dispute was fully motivated in writing prior to the hearing and thoroughly discussed during the hearing. A variety of legal points were raised. The committee undertook to provide the outcome '*within a reasonable period of time*'

### *Evaluation*

This process is simply motivated by the need for good governance in Polmed because, *Here meneer dit is mos staatsgeld hierdie.*

Trustees and/or directors have a fiduciary duty to at all times act in the best interest of Polmed members. Polmed members can expect that their best interest is pursued at all levels of management in Polmed at all times including that no trustee and no member of management unduly derive personal benefits from the scheme.

The inevitable question that should be asked: Is this legal obligation diligently pursued at all times by Polmed Trustees and Polmed management?

## **Integrity Wake-Up Call**

**The origin and prospects of the STIRS criteria applicable to the anti-corruption entity that works legally**

*Paul Hoffman SC is a director of Accountability Now. He was lead counsel in the Glenister litigation and wrote this piece on 23 September 2021. It was also published in the Daily Maverick.*

During recent public engagements the team at Accountability Now has found itself unpacking the STIRS criteria to a wider audience than those who are consumers of its written output. Those familiar with the acronym will already know that it describes, in the shortest possible way, the criteria by which the effectiveness and efficiency of the anti-corruption machinery of state must be measured. “Must” is the right word because these criteria have been laid down (and confirmed in later litigation) by the justices of the highest court in the land, our Constitutional Court in Braamfontein. Decisions of the courts are binding on those to whom they apply; in the cases concerned, now known as the “Glenister litigation” the majority of the justices bound government to comply with the STIRS criteria.

STIRS stands for specialized, trained, independent, resourced, and secure in tenure of office. The acronym was invented for a presentation made at an Ubuntu Breakfast of the Amy Biehl Foundation that was held in 2011 in Woodstock, Cape Town, shortly after the judgment in Glenister II was handed down. The acronym did not feature in the accompanying slides because it was conjured up in the adrenalin fueled final preparations for that presentation. The difficulty faced by anyone seeking to unpack the Glenister judgments is that they are lengthy and contradictory; except in Glenister I in which the court unanimously decided that it was premature of Mr Glenister to seek to impugn the 2007 Polokwane resolution of the ANC and the government’s plans to dissolve the Scorpions unit of the National Prosecuting Authority which was tasked with the type of anti-corruption work that found Jackie Selebi, Schabir Shaik, Tony Yengeni and Jacob Zuma in the crosshairs of the NPA armoury of the time. With the benefit of hindsight, the court would have done well to strike down the plan as irrational and not one that serves any legitimate purpose of government. The deference due by the courts to other branches of government precluded that option on the facts then available.

Had the Scorpions survived it is unlikely that state capture would have been as bad as the evidence at the State Capture Commission (SCC) reveals and it is improbable that Jacob Zuma would have become president.

In Glenister II there were two judgments in March 2011, the main judgment of the minority four justices and the majority judgment which binds the state to the STIRS criteria.

In Glenister III, the case revisiting of the scheme according to which the Hawks operate and are structured, there were several judgments, three of which were minority judgments by dissenting judges on some aspects and one of which, penned by the Chief Justice in November 2014, is the binding judgment of the court of that year.

It is salutary to note that all of the justices who sat in Glenister III will have retired by the time any follow up litigation that may be required is heard in the Constitutional Court, with the possible exception of Justice Madlanga, who was one of the dissenters in 2014. All of the justices in Glenister III were agreed that the STIRS criteria must be applied. Their judgments, like those in Glenister II are long and wordy but the take home message is loud and clear, as appears from the language used. Two examples suffice:

In Glenister II, the 2011 case in which the court decision was split 5-4, the majority remarked that:

***corruption threatens to fell at the knees virtually everything we hold dear and precious in our hard-won constitutional order.***

The position was stated more trenchantly in Glenister III in the Chief Justice's majority judgment (he had dissented in Glenister II, but was obviously zealously converted by the time he wrote these words):

***"... corruption is rife in this country and [that] stringent measures are required to contain this malady before it graduates into something terminal.***

***"We are in one accord that SA needs an agency dedicated to the containment and eventual eradication of the scourge of corruption. We also agree that the entity must enjoy adequate structural and operational independence to deliver effectively and efficiently on its core mandate."***

The reference by the learned Chief Justice to being "in one accord" is a reference to the entire court sitting in Glenister III. Those who dissented, unlike the dissenters in Glenister II, all agreed with the sentiments expressed by the Chief Justice that an agency is needed to contain corruption, one that is, in short, STIRS compliant.

The Glenister litigation is discussed somewhat misleadingly on page 48 of the National Anti-Corruption Strategy document published by government. The STIRS criteria are acknowledged as a fair summary of the findings referred to above.

The problem today is that the scourge of corruption is burgeoning in SA; containment is not being effected and the “eventual eradication” remains nothing more than an aspiration of a binding kind. The evidence given at the SCC is damning.

No one is currently suggesting that the Hawks are the answer to the problem of corruption with impunity. The National Executive of the ANC has required cabinet “urgently” to set up a new entity that is both permanent and STIRS compliant. The cabinet has done nothing to execute on this instruction, despite ANC adherence to “democratic centralism”. The IFP has called for the establishment of the Chapter Nine Integrity Commission that Accountability Now has been championing for a decade. Archbishops Tutu and Makgoba support the notion, as did the late Kader Asmal, an ANC grandee. Professor Thuli Madonsela, whose experiences as Public Protector eminently qualify her to have an opinion, has opined that the idea is a good one. Vusi Pikoli, a former national director of public prosecutions, supports the notion too. The DA is on board, save that it prefers not to transfer prosecutorial functions to the new entity. Well, not yet anyway.

Accountability Now, disturbed by official acceptance of the ongoing unconstitutional and obviously inadequate structures and measures in place, has taken the unusual step of preparing suggested draft legislation to bring about what the court has ordered government to do, with due regard to the circumstances now prevailing. The court will not be prescriptive about the new dispensation. It expects the reasonable decision of a reasonable decision-maker in the circumstances. The current circumstances being rampant corruption, inadequate Hawks investigations, a hollowed out and sabotaged NPA (their own self-description) and impunity for those involved in serious corruption, all militate against allowing the status quo to continue. To do so is to regard the directions of the court with contempt.

It fervently to be hoped that all concerned, across all political divides, will unite in addressing the scourge of corruption without consequences in SA. The prospects of recovery from the pandemic, the creating of investment opportunities, more jobs and life-giving business confidence all hinge on countering corruption effectively and on raking back the not inconsiderable loot too. The rights guaranteed to all in the Bill of Rights can hardly be delivered while the looting continues and while so little is done to recover the loot.

Accountability Now has taken the national horse to water by producing its suggestions for remedial legislation for debate in parliament. If the horse will not drink voluntarily, it will be

necessary to return to the Constitutional Court on the issue for a fourth time, this time to complain that government is in breach of the binding STIRS criteria (which seems to be common cause) and should be held in contempt of court for its failure, over the years of state capture and covidpreneurism, to address what needs to be decided by reasonable decision makers in the circumstances that now prevail as a matter of urgency if not national life and death. Kicking the can down the road endlessly because cabinet perhaps feels beholden to crooks involved in grand corruption is no excuse for failing to comply with the binding decisions of the court. It is not enough to set up an unnecessary advisory council (as contemplated both in the NACS and in the SONA of 2021) when all the council can possibly do is “advise” that the decisions of the courts bind government to put STIRS compliant machinery of state in place.

Mark Heywood, editorialising in *Maverick Citizen* on 21 September, has described the offering of the draft legislation as follows:

*“... do we need a new Chapter Nine Integrity Commission, as [proposed by Accountability Now](#): “ [without] a specialist body to prevent, combat, investigate and prosecute the corrupt, the downward spiral will take the country to oblivion.” Accountability Now argues that “Only a specialised and well-trained Chapter 9 Integrity Commission, that is independent, well-resourced and secure in its tenure of office, will have the power to bring the corrupt to justice.” Several judges and senior lawyers I spoke to, who worry about the fatal weaknesses in current institutions, agreed with this approach.*

*In a clever act of advocacy, Accountability Now have already developed and presented [an example of a draft Bill to set up an Integrity Commission to Parliament](#), which Parliament has studiously ignored — violating the constitutional spirit of public participation.”*

It is unfortunately true that a month has flown by since the drafts were submitted to the presidency and to the appropriate committee in parliament. The latter, despite repeated requests, has not so much as acknowledged receipt; the former has, but there has been no substantive response.

The presidency’s press release in response to damning Afrobarometer findings on the perceptions of corruption in SA put out on 20 September is somewhat underwhelming. It is really nothing more than confirmation that some serious and urgent action is required if failure as a state due to the ravages of corruption is to be avoided. This time in our history is not one for “fiddling while Rome (or KZN or Gauteng) burns” it is a time for action, reform and the renewal of the new dawn promised in 2018 but not yet in evidence.

It is understandable that politicians are currently pre-occupied with local government elections. The first order of business after 1 November's vote has been taken must be addressing the proper implementation of the STIRS criteria.

The NACS is quite wrong to suggest that these criteria are for the Hawks, they are in fact for specialists who are well trained, independent, properly resourced and secure in their tenure of office. The Hawks are none of these and everyone knows it. A new entity has been called for by the NEC of the ANC. It seems to be on the same page as that on which the courts have written in words that bind the state. How difficult can it be to do what the NEC requires of cabinet? With cross party co-operation, the reforms so urgently needed could be in place in a matter of months. The only missing ingredient is the political will necessary to make it all happen. Active citizens who participate in their constitutional democracy have a role to play in kindling the necessary will. All active constitutional democrats in SA will know what, according to their talents, connections and preferences, they can do to help save their country from the corrupt.

Inaction is not an option; doing nothing is an invitation to destroy the hopes of "the better life for all constitutional democracy" promises. Remaining passive increases the risk of failure as a state and all its attendant misery. At a minimum, asking government what it is doing with the Accountability Now's draft suggested legislation is within the power of all who can write a letter or an email. Eternal vigilance is the price of freedom.

Accountability Now relies on the support of those who do value their freedom to say out loud: "Mr President, what are you actually doing to stop corruption killing us?"

## Editor's reflection

Unfortunately, we do not have a review on a new publication, or a contribution by an emerging researcher in this issue – space simply does not allow for it.

The second edition of The Compassionate Confronter again confronted issues. However, it was less robust, less harsh, as the first edition. Yet, the magazine did contribute to a variety of societal issues such as artificial intelligence, leadership, crime statistics, poor local government, research, public value and social profit, a view that Afrikaans is not a foreign language, governance, and integrity.

I am looking forward to the next edition!

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## About The Compassionate Confronter

The Compassionate Confronter (TCC) is a popular science e-magazine published and distributed quarterly under the auspices of the Centre for Good Governance in Africa which is situated in the School of Social Innovation at *Hugenote Kollege*, Wellington (Western Cape Province), Republic of South Africa (RSA).

*Hugenote Kollege* NPC is a private Christian post-school training institution that specialises in the training of leaders in various ministries as well as professionals in the social welfare sector. It is provisionally registered as a private higher education institution in the RSA with registration number 2019/HE08/003. *Hugenote Kollege* has a rich teaching and learning history stretching back to 1874.

TCC is not a peer reviewed, accredited academic journal. Rather, it aims to confront lovingly, with empathy, sympathy, kindness and caring as “The only thing necessary for the triumph of evil is for good men to do nothing” (widely attributed to Irish statesman Edmund Burke, 1729-1797). All South Africans should take a keen interest in doing something, in not keeping quiet, when bad things happen. TCC hopes to highlight “bad things”, but also to suggest ways in which bad things can be addressed. It stands for integrity, good governance, and ethical and effective leadership. But it stands so within the spirit of *caritas*.

Contributions are welcome. A particular style is not prescribed, although sources should be acknowledged appropriately.

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## Disclaimer

Advertisements of third parties are the sole responsibility of the third party and are not being endorsed by #integritasza. Advertensies van derde partye is uitsluitlik die verantwoordelikheid van die derde party en word nie deur #integritasza onderskryf nie.

## Upcoming events

16 December 2021: [Dialog as Deug / Dialogue as Virtue](#) (Online Platform)

Join us on the Day of Dialogue. An initiative to promote cohesion and reconciliation in SA and to cultivate better understanding and unity among the people of SA.

For more information, please send an email to <mailto:admin@civinovus.co.za>



## Invitation to Become a Partner of the #integritasza Initiative

We are acutely aware of the challenges facing South Africa, our beloved country, and the need to – as appropriately expressed by the South African Council of Churches, one of our partners in the #integritasza initiative, as the reason for her existence - “ ...lead common Christian action that works for moral witness in South Africa, addressing issues of justice, national reconciliation, integrity or creation, eradication of poverty, and contributing towards the empowerment of all those who are spiritually, socially and economically marginalised.”

The #Integritasza Initiative and conference represent a set of dedicated, deliberate and concerned compassionate actions to build integrity and fight corruption in South Africa through community structures at local level and to link this to a national movement #integritasza network structure. The #integritasza and conference initiatives will always be delivered using a co-creative partnership approach. We co-create the #integritasza movement and conference with a deep realisation that integrity is dignity, and that corruption is deadly and kills!

**You personally, and your organization, are invited to become part of this partnership in any one or more of the following partnership possibilities (membership forms are available from the organising partner, CiviNovus, at [admin@civinovus.co.za](mailto:admin@civinovus.co.za)):**

## #INTEGRITASZA PARTNERSHIP OPPORTUNITIES

### • LOCAL COMMUNITY PARTNERS

Local Community partners are Institutions and individuals who want to set up a local community-based #integritasza Initiative in their local communities. Local community #integritasza local community partnerships are continued work in progress initiatives. These partners may also become showcase partners at the #integritasza conferences and events.

### • ENDORSEMENT PARTNERS

Institutions and individuals endorsing #integritasza Initiatives as Endorsement Partners endorse the purpose and practice of the #integritasza Initiative and conference. Current endorsement partners include: The Western Cape Council of Churches of the South African Council of Churches, the Andrew Murray Centre of Spirituality, the Centre for Public Witness, The Centre for Good Governance in Africa at Hugenote, the Office of NetAct and CiviNovus.

### • CO-ORGANISING PARTNERS

Institutions and individuals volunteering to co-organise #integritasza Initiatives as Co-organising Partners support the #integritasza initiatives through assisting with the organisational arrangements of these initiatives.

### • CO-FUNDING PARTNERS

Co-funding partners are Institutions and individuals contributing to co-fund #integritasza Initiatives. Co-funding partners contribute to the implementation of the initiatives by providing direct donations for the initiatives as well as their efforts to get the work done. Currently the organising partners are supporting the #integritasza initiatives with their efforts and the only direct financial contribution co-funding partner is Communitas.

### • EVENTS PARTNERS

Events partners are institutions delegating participants and individuals who enroll to attend events at #integritasza initiatives. Events partners include institutional participant partners and individual participant partners:

- Institutional participant partners attend the events of the #integritasza movement and supports the initiatives through their participation in the events and actions.
- Individual participant partners attend the conference and supports the initiatives through their participation in the events.
- Institutions and individuals who want to showcase their work at #integritasza Initiatives events.