A Practitioner's Encounter of Corruption: A Passage from Apartheid to Post-Apartheid Corruption

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1. Introduction

Through my journey as a child in a family of fruit and vegetable traders during apartheid, to a post-apartheid senior public official, I have come to appreciate that corruption does not define the state. It is the predictable consequence of insulated administrative, coercive and political power, particularly when inequality is normalised. Corruption emerges when these powers become concentrated, unaccountable and permanent.

2. Apartheid's exploitation and survival by fresh produce, samoosas and proxy ownership

My formative years were spent in a fruit-and-vegetable family business in an area that was eventually zoned 'white' under the Group Areas Act (1950).[1] Apartheid was at its most powerful. Pass law inspectors, group areas inspectors and officials testing the accuracy of weighing scales were regular features of my childhood.

The fear on the faces of grown men hiding in dark rooms to avoid arrest by pass law[2] enforcement inspectors is seared into my memory. These inspectors arrived and left with no evidence of "illegal" labour, but satisfied with loads of free fresh produce. Permits to operate a business in a white area were refused if the municipal officials were denied some *pasella*.[3] As a result of the Reservation of Separate Amenities Act (1953), local parks were separated. Park-keepers turned a blind eye to our presence for an apple and an orange. In 1980, I saw my angst-ridden father giving Johannes "*Spyker*" (nail in Afrikaans) van Wyk, a leading member of the feared Security Branch,[4] fruit to (unsuccessfully) protect my brother from his interrogation.

After decades working as a hawker, my grandfather was able to afford a bank loan to buy property in the early 1940s to open a fruit and vegetable shop. When his family built apartments on part of the property, they could not live in them because only white people could be tenants. When it was possible, they transferred the property to a closed corporation in which a white person whom they trusted held the majority shares. A soured relationship meant that he could easily claim the property as his own. A family managed to stay in District Six after the forced removals through regular supplies of samoosas to senior officials of the Cape Town municipality.

These experiences are not unique and were pervasive throughout South Africa at the time. It was a mutually beneficial ecosystem. Traders needed to continue trading in areas they were in before 1950, and the "poor whites"[5] were entirely dependent on the financial support provided by them. Relationships were forged and favours extracted from 1948 well into the 1980s.

3. Transitioning from apartheid to the post-apartheid: Exclusion of progressive planners and community alienation

Joining the Western Cape Regional Service Council as a Town and Regional Planner in 1990 introduced me to the corruption ecosystem of the nexus between property developers and their influence over officials and politicians.

South Africa embraced "neoliberalism". Privatisation and corporatisation of state-owned enterprises began. For local governments, this meant employing fewer people and ballooning contracts with consultants. Some officials resigned and established consulting companies or joined long-established ones. These officials-turned-consultants leveraged relationships with remaining officials to secure contracts. Progressive planners in the system were hated and confined to insignificant work.

[1] According to this Act, urban areas were to be divided into racially segregated zones where members of one specific race alone could live and work. Group areas were created for the exclusive ownership and occupation of a designated racial group. It was a criminal offence for a member of one racial group to reside on or own land in an area set aside by proclamation for another race.

[2] The Natives (Abolition of Passes and Co-ordination of Documents) Act (1952) was a cornerstone of apartheid, replacing various regional permits with a single, mandatory and more rigid "reference book" (or dompas) for all Black South Africans over 16 years.

[3] An old Cape Town slang word meaning a freebie

[4] Operating with cold-blooded efficiency, the Security Branch had wide powers to track down, detain and torture suspected activists and opponents of apartheid.

[5] The rise of the Nationalist Party and its racial laws can be traced back to the social and economic upliftment of poor white Afrikaners.

The spatial consequences of the relationship between officials and developers manifested in numerous coastal towns. They share common traits of similarly designed face-brick houses. Senior officials exercised extensive decision-making power to adjudicate urban development applications. Approvals by the Administrator of Cape Province were based on the advice of the officials. In return, officials received plots, drew up the building plans and approved them.

Under apartheid, local government administration for racially designated Indian and Coloured areas was the responsibility of collaborators called management committees. They were focused on feathering their own nests and I once had to write a report recommending that a collaborator be granted public land for a service station under the guise of his family's dispossession under the Group Areas Act. At some point, I started engaging informally with the local civic organisation in Grassy Park on planning-related matters since I believed that development decisions could no longer be exclusively decided by these management committees. Despite that collaborator's opposition to this being formalised, he was later welcomed into the ANC, the liberation movement. I had to work with them; however, I chose to also start engaging with democratic organisations. In Grassy Park, I advised starting consultations with LOGRA, the local civic, on planning-related matters. All development recommendations could no longer be solely and exclusively decided by apartheid's management committee. I was directed to draft a report—which I reluctantly wrote—recommending that my senior be granted a service station site because his family was dispossessed by the Group Areas Act. Members of the committee were mainly interested in feathering their own nests; that is, capturing public property was the primary objective.

A report that I was permitted to omit my name from as the author was the rezoning of the Steenberg Golf Estate from a grape farm. The application, I argued, should be refused on that basis and based on limits placed on urban development. These arguments did not convince my seniors. The result, successful land claimants have had to settle for property elsewhere of measurably low(er) value.

4. Consulting to the post-apartheid state: Appointments and connections

The democratic state absorbed and amalgamated apartheid-era bureaucracies. Unsurprisingly, corruption became hardwired into the DNA of new administrations. Some post-apartheid appointees quickly learned the opportunities in enculturation. As the embodiment of the developmental state, all three spheres of government were allocated large sums of money for spatial planning. With newly established transparency, more creative ways had to be mined to extract personal benefits.

Around 2022, the consulting firm I belonged to (MCA) was awarded a tender to undertake municipal planning and local economic development assessments in the North-West Province of South Africa. The official whom the firm was instructed to appoint was unable to draft a simple report.

To this day, irregular appointments remain pervasive, undermining social justice that democratised administrations are compelled to deliver in spatial and development plans. Consequently, public resources are squandered, and communities become victims of haphazard and chaotic spatial decisions of municipalities. This is a national problem and when combined with weak land use control, results in formal and informal settlements found on land prone to environmental disasters and residents fall prey to extra-judicial and violent rent-seekers.

The Southern Cape often goes through cycles of drought and floods, hence, water management factors into development planning. Dairy farmers in that region have experienced financial strain due to the specific functioning of the value chain. The large retail chains determine prices paid to farmers, the price takers. The combination of water stress and the rapid rate at which farmers were selling their properties to developers of residential estates was a concern for the Western Cape Provincial Government. Fertile land was being sold to big property developers for the construction of upmarket residential units with high water usage. These residential developments were far outside urban boundaries, contrary to national and provincial policies. Customarily, many property developers partnered with politically connected people as shareholders to manage relationships with communities and politicians. In 2005, MCA was awarded the tender to develop guidelines for the provincial government and local municipalities to consider when assessing rezoning applications for golf and polo estates. By 2006, pursuant to explicit inter-governmental objectives of spatial transformation, MCA produced guidelines detailing location, public transport for workers, environmental and agricultural assessments and water use. The developers did not like this and a government minister approached me to tone down the guidelines. In the end, the reduced market demand, rather than policies or guidelines, limited the proliferation.

5. Working in the post-apartheid state: Capture, developers, the mafia and death threats

In September 2010, I became the Chief Operations Officer in the national Department of Public Works. The new Minister suspended the director-general in early December, and a week later, the acting director-general suspended me. In my short employment stint at the Department, I learnt of the endemic corruption in the government's leasing of property. The Department is responsible for providing office accommodation to all government departments and receives requests based on their requirements. The Department should follow supply chain management processes, which also entertained unsolicited bids, but under exceptional circumstances. Person A has a property and approaches the Department to lease it. Someone in the Department contacts Person B—not in the Department—who approaches Person A, saying: 'I believe you have a property to let, I will buy it from you'. Person B does not have the funds to purchase the property yet submits an offer well beyond its market value. On the back of this deal, Person B approaches his contact in the Department, who starts the formal process of approval. The rental per square metre is overblown, that is, higher than the quantum of the inflated sale agreement and the market value. Upon getting approval, Person B approaches a bank to fund the purchase based on the value of the lease. The seller and enabling officials are paid, while the rest is pocketed with minimal renovations. The property is hardly maintained during the lease period, which explains why government buildings in Pretoria are in a parlous condition, and why some government Departments have sought alternative means to find suitable offices. When I was acting director-general, the owner of one of the properties under consideration insisted that I sign the lease. I refused, and he seethed with rage. Sixteen years later, the current Minister of Public Works still battles this endemic corruption.

As Director of Economic Development and Planning at Drakenstein Municipality (Western Cape), two cases stand out. The first relates to a charity operating in Lesotho that was hosting a fundraising event at a high-end private estate. A well-known South African was the marketing director who approached the municipality for sponsorship. We had not budgeted for this, and neither was it a priority in a municipality that provides monthly assistance to registered indigent households. I was not keen to sponsor this event, however, was persuaded to legally redirect funds from economic development and tourism for the sponsorship. When I met the representative to discuss the terms of the financial assistance in my office, he said: '[Name of a politician withheld] owes me. I raise a lot of money for the Democratic Alliance'.

The second experience relates to a rezoning application of a wine estate owned by the director of a well-known affordable housing company. The development proposal contravened national, provincial and the municipality's policies related to the protection of agricultural land, and the traffic engineers also raised concerns about access. I advised my team to find a compromise to take to the Mayoral Committee (Mayco). The director's consultants were satisfied with the compromise; however, I was blindsided at the Mayco, which vetoed it. During a comfort break, I asked a member of Mayco: 'Councillor, what is going on? Does this developer fund your party?' Later, during a closed session, the Mayco member asked the question, and according to him, all "hell broke loose". In the end, the developer triumphed. Policy be damned!

When I was Chief Executive Officer, from 2018–2022, at the Mandela Bay Development Agency (MBDA) in the Eastern Cape Province, we worked in New Brighton township. Funding was allocated for infrastructure upgrades. Extortionists, commonly termed the "construction mafia", demanded payments received by contractors for work completed. The community and the collective of councillors were unable to stop the extortionists who threatened to derail legitimately and legally approved infrastructure projects. When our project manager, who hails from New Brighton, was threatened by someone who said, 'We know where your mother lives', I stepped in and called the extortionists to our offices to explain that if they were to continue in this way, the projects would be cancelled and funds allocated to another township. They were enraged. Protecting my staff, ensuring that public resources were safeguarded, and delivering the project incurred hefty increased mental and personal costs to us as individuals. It need not be this way! The MBDA also worked in Helenvale, a Coloured township besieged by gangsterism. Using funding from the German Development Bank, we built a sports stadium, sidewalks and public lighting on time and within budget, employing youth at risk and people who had spent time in jail on the construction sites. The agency trained people in construction techniques, paid fair wages, and worked closely with the local community representatives.

In 2024, I was Governance and Support Officer at the City of Tshwane (Gauteng Province) responsible for economic development and planning, fleet management, legal and administration. An elderly official in the building plans section approached me. He had lodged a complaint about corrupt practices against a young colleague. After an initial enquiry, the offending official unsuccessfully approached the complainant, requesting the withdrawal of the complaint. Minutes after the refusal, the complainant received WhatsApp messages containing firearms, the official's home address and a threat of assassination. Fearing repercussions, the official refused to lodge a complaint with the police. Corruption is so endemic in the building plans and land use application unit that some officials were reported to carry approval stamps and certificates of compliance in their private vehicles. Once a plan is registered on the system, these officials effectively bypass it, issuing their own approvals for fees for as low as ZAR5 000 to unknown numbers for larger-scale projects. In Tshwane, there are buildings with legal authorisations that do not comply with the zoning of the property or the building regulations, creating structural safety concerns for the occupants, liability considerations and revenue loss for the municipality.

6. Concluding thoughts: Today's legal corruption and the corruption of wealth

My experience with the democratic state since 1994 reveals that degraded service delivery and the psychological impacts on ethical officials are incalculable. Examples provided demonstrate that corruption is not merely one of ethics. My family was well respected as trusted and ethical people, yet they believed they had little choice but to provide *pasella* for economic survival during apartheid. It is not different from contemporary informal traders seeking permits to trade in towns and cities, or desperate people seeking to establish informal dwellings on public land. Compliance and anti-corruption initiatives fail because they focus on compliance regulations, forensic audits, and tighter procurement controls. This arsenal and regime are simply not working to stem the tide of corruption, as they are either ignored or loopholes are mined for legal corruption through opaque administrative actions and self-serving bureaucracies enabled by short-term enrichment, especially in the property sector. Perhaps the remedy for this type of corruption lies outside the state. When citizens are absent from oversight, when politicians are insulated from social sanction, and when corruption is so endemic and entrenched, there is no place or space for symbolic beacons or positive outliers. Public policy and development planning will continue to be subverted and corrupted at the behest, instruction and financing of those with influence.

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