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# Zille should look closer to home

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It is a serious allegation against a crucial democratic institution.

Clearly, the chair of the commission, Lawrence Mushwana, has an unedifying track record. His tenure as public protector was marked by a craven attitude to the party that put him in the job, so much so that the Mail & Guardian felt compelled to take him to court over his dreadful report on the "Oilgate" diversion of funds from state-owned PetroSA to the ANC.

The report was set aside in a stinging high court judgment (now under appeal by the protector's office). It was just one instance of his weakness in this crucial role.

So Mushwana's move to the HRC was bound to raise questions about the credibility of that body and its vulnerability to political interference.

But there are crucial differences between the two chapter 9 bodies, not least that Mushwana's influence at the commission is moderated by five commissioners, and crucially by his deputy chair, Pregs Govender, who is among the most independent-minded and forthright campaigners for human rights and good governance on the national stage.

What is more, the commission has recently taken positions that are far-from government compliant, including opposition to the Protection of Information Bill. We're still cautious, but there are some promising signs.

Zille points out, however, that the commission has done nothing to investigate violent evictions in ANC-ruled Gauteng,

and that Cape Town is not the only place where toilets without walls have been installed. She believes the commission's interest is driven by the ANC, seizing on two relatively rare bungles in the sole opposition-controlled province to make political capital.

The fact is, however, that the ANC has not led the activism on these issues. In fact, its belated arrival on the scene has been resented by those most closely involved. Civil society groups like the Social Justice Coalition and the Hout Bay civic association have been to the fore and neither is soft on the governing party.

It is possible that civil society in other provinces has not been as effective in organising around these concerns and in using institutions like the commission to pursue their agenda, but that can hardly be laid at the door of the commissioners.

Perhaps what Zille ought to do is call for a broader investigation by the commission into housing rights and evictions nationally, before she suggests that it is incapable of reaching a credible conclusion.

It seems clear, too, that the metro police and SAPS officers involved in quelling the Hangberg protests were grossly ill-equipped and inappropriately trained. That too, is a Cape Town manifestation of a national problem.

The ANC's efforts to pack chapter 9 bodies with deployees have opened it up to accusations like Zille's, but in this case, the evidence doesn't stack up.

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