



**Address by Public Protector Adv. Thuli Madonsela during the launch  
of the National Stakeholder Consultative Dialogue on Wednesday,  
June 26, 2013 at the Orange Hotel, Cape Town**

**Programme Moderator, Prof. Di McIntyre  
Co-Chairpersons of the Committee on Ethics and Members'  
Interest, Hon. Mashile and Hon. Turok;  
Deputy Public Protector, Adv. Kevin Malunga;  
Chief Executive Officers from local hospitals;  
Academics;  
Members of the media;  
Ladies and gentlemen**

Greetings on behalf of the Public Protector SA Team! We sincerely appreciate your presence as we launch the 2013 Public Protector Stakeholder Consultative Dialogue, which is our 4<sup>th</sup> since we started engaging with the nation through this vehicle in 2010.

Your presence signifies your commitment to join hands with us in our quest to strengthen constitutional democracy through rolling back maladministration with particular emphasis on service delivery indifference, ethical violations and corruption.

This year's theme is ***“Strengthening Government’s Ability to Deliver on Ending Poverty, and other Millennium Development Goals.”***

You may be asking what is the link between Millennium Development Goals and my office's constitutional remit of investigating and redressing maladministration or bad administration in government.

As you may be aware, improving health and halving poverty by 2015 feature among the eight Millennium Development Goals that our country and other nation states committed themselves to achieving by 2015. The full Millennium Development Goals are the following:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases

7. Ensure environmental sustainability
8. Develop a global partnership for development

What does this have to do with maladministration?

Let's take the cases of young Patrick Khanyile, a bright hard-working young man from an extremely poor family, in Alexandra township, Johannesburg. Young Khanyile worked hard for good grades at school, seeing education as a gateway to a better life. Indeed he passed his grade 11, and was rewarded with a scholarship to study at the University of KwaZulu-Natal after receiving his matric results. But when he had to collect his matric results the following year, they were not there. He was told by officials at the Department of Education that this was because he had a duplicate ID number. The Department of Home Affairs (DHA) told him his ID number was fraudulently shared by another. For five years he battled in vain to get the ID sorted out by the DHA. Only after two years of my office's involvement did he get the ID. It took another two (2) years to get his matric results out, from the DOE. Seven years after matric only now is he in a position to enroll for higher education? Did it have to take that long or was indifference a factor? My team and I remain totally awed by young Khanyile's resilience. Where would he be today if it was not for maladministration? Can you spot the link between poverty and maladministration?

How about the case of young Ntokozo? Can we identify the link between health and maladministration in her experience? My office got involved in young Ntoko's case after a learner from Laudium Primary school requested me to investigate her matter. The allegation was that maladministration at a hospital had led to the unnecessary loss of the toddler's legs. She had been admitted for burns on her hand and arm, sustained during an accident that occurred while she was being prepared for a bath. The allegation, which was confirmed during our investigation, was that applicable hospital protocols had not been followed.

There is no arguing that looking after a sick child impacts on a family's ability to earn an income. There is further no arguing against the reality that young Ntokozo's earning ability was affected by the disability. Since families are interdependent, the entire family's income earning ability has been impaired. The matter eventually went to court, with the child being awarded R2.8 million in compensation. You'll agree with me that R2.8m is cold comfort to the discomfort and impaired future for little Ntokozo and her family.

I often say that the cost of maladministration, particularly maladministration in the form of indifference in public service delivery is sometimes worse than the impact of crime.

I could go on about the schools that go without basic resources such as classrooms, desks, laboratory equipment, computers, and text books as the money gets siphoned into unplanned projects, overbilled projects etc.

At Bapo Ba Mogale, a village in the North West province, many young people languish at home due to lack of bursaries and funding for self help projects, while we investigate the fate of their money, which was kept in a so called "D account". Exacting accountability in this case has been like climbing Mount Everest. Yesterday the investigating team informed me that a palace for the local traditional leader initially budgeted for R29 million has since milked R82 million from the community while it is yet to be completed.

Do you agree with us that making a difference against maladministration, including public service indifference and corruption, can make a difference in the pursuit of a poverty free world and healthy nation?

Perhaps the words uttered by our icon former President Nelson Mandela, to whom we send our love and well wishes, shed more light on this matter. During his Nobel Peace Prize acceptance speech the global icon said:

***“We live with the hope that as she battles to remake herself, South Africa will be like a microcosm of the new world that is striving to be born...Let it never be said by future generations that indifference, cynicism or selfishness made us fail to live up to the ideals of humanism which the Nobel Peace Prize encapsulates.”***

Earlier on in the same speech he had said the following:

***“The children must, at last, play in the open veld, no longer tortured by the pangs of hunger or ravaged by disease or threatened with the scourge of ignorance, molestation and abuse, and no longer required to engage in deeds whose gravity exceeds the demands of their tender years.***

***“The reward of which we have spoken will and must also be measured by the happiness and welfare of the mothers and fathers of these children, who must walk the earth without fear of being robbed, killed for political or material profit, or spat upon because they are beggars.”***

How about making sure that paying our debt of gratitude to him and others that sacrificed for our constitutional democracy is to honestly and enthusiastically play our part in delivering the country they sacrificed for.

We are inviting all of you from all walks of life, from ordinary people and organized civil society to the legislatures, government and political parties, to make your voice and action felt against maladministration in the pursuit of MDGs.

Why MDGs now? In two years it's accountability time at the United Nations (UN). According to the Food and Agriculture Organisation of the UN, only 16 countries have thus far met the target of ending extreme poverty, including hunger. Sadly, our country is not one of the 16. In fact, in Africa, only Ghana made it into the list. Anecdotal evidence links success to good governance.

On the issue of health, the Department of Health under different Ministers has done excellent work. The current Minister, in particular, has done well on the issue of HIV/AIDS and in developing the National Health Insurance Scheme.

The systemic investigations and public hearings that we are conducting therefore seek to reinforce that good work that is already being done, focusing on the maladministration that threatens to undermine this good work.

This year, like last year, our dialogue with the nation incorporates public hearings. As you may recall last year we focused on RDP Housing and illegally converted panel vans. At the conclusion of the public hearings we prepared a Voices and Views report that was shared with:

1. Cabinet;
2. Portfolio Committee on Human Settlements;
3. Municipalities;
4. Premiers; and

## 5. The Department of Human settlements.

Based on the Voices and Views report, work in response to identified and conceded challenges began immediately. We have called for and received reports from most of the provinces.

As we move forward, accessibility remains central to our dialogue with the nation. This is in pursuit of section 182 of the Constitution, enjoining the Public Protector to be accessible to all persons and communities. I believe the drafters of our Constitution added the Public Protector to the pillars of constitutional democracy to strengthen democracy as a dialogue. A complaining nation is a nation in dialogue.

Even in ancient times, democracy was never about just electing people and seeing them again after five years at the next election. It has always been about dialogue.

When other avenues for ensuring that citizens remain engaged with those they've entrusted with public power fail, my office is there to support the system. All of these avenues seek to complement and not to compete with each other.

Over the years, the stakeholder dialogue has emerged as an important Public Protector accessibility vehicle.

We have consistently used it to reach out to the most remote and marginalized communities not only to raise awareness of the existence of our office but also to render the much needed services to the people of South Africa. We thank the media for its important role of facilitating the dialogue.

Since its inception four years ago, the dialogue has taken us to places such as Nkowa-Nkowa in Tzaneen, Limpopo; Cala in the Eastern Cape; Brandfort and Kroonstad in the Free State; De Aar and Pampierstad in the Northern Cape; and Malelane and Glenmore in Mpumalanga.

Over the next two months, we will pick up where we left off last year and travel the lengths and breaths of South Africa, spending at least three days in each province.

We look forward to hearing from the people of Vryburg in the North West, Belfast in Mpumalanga, Paarl in the Western Cape, Ngqamakhwe in the Eastern Cape, Ulundi in KwaZulu-Natal, Thohoyandou in Limpopo, Postmasburg in the Northern Cape and Trompsburg in the Free State.

You might wonder why accessibility is so important to us. Well, section 182(4) of the Constitution, as I have already indicated, demands that the Public Protector be accessible to all persons and communities.

Juxtaposed with our investigative mandate, one often gets the sense that this requirement to be accessible to the people of South Africa tends to be overlooked as unimportant.

But if what my counterpart from Namibia says is anything to go by, in instructing the Public Protector to be accessible to all persons and communities, the constitution was actually giving the people of South Africa a right to the services of my office.

We have observed that as the office evolves and more people get to know about its existence and mandate, the number of complaints also realizes an upswing.

During a debate on his department's budget vote last month, Deputy Minister of Justice and Constitutional Development, Hon. Andries Nel, noted that in its first year of operation, the office of the Public Protector registered only 1 989 cases between October 1995 and September 1996, with a budget of only R1.6million.

Fast-forward to 2013, with a budget of just under R200million, the office –last year- handled 33 777 cases, the highest in the history of this 18-year-old institution.

Even as the figures continue to rise, one can't help but get the sense that this is one of the most underutilized offices in the country.

In a country that is home to nearly 52 million people, all of whom receiving this or that service from the state, 34 000 complaints can't be reflective of the extent of maladministration in state affairs.

Perhaps the answer lies in only two things. It is either the overwhelming majority of the populace is happy with the services it receives from the state, which is unlikely or many of those dissatisfied with services do not know who to turn to for help.

The latter qualifies the need for my office, an institution starved of resources, to spend its last penny on a tour of all nine provinces.

This is backed up by research too. A recent baseline study commissioned by my office and carried out independently by the University of Pretoria revealed that only 43 percent of the sampled 1000 respondents were aware of the location of our offices. The rest were in the dark. Sixty-five percent were not aware of our public campaigns such as this one and only 6 percent had attended our public events.

But it was not all doom and gloom. Across-the-board levels of awareness stood at 77 percent while an impressive 80 percent were aware that the Public Protector exists to promote good governance. Seventy-nine percent were aware that the Public Protector fights corruption and misconduct in state affairs while 78 percent were aware that the Public Protector helps to protect people's rights against the state.

The National Stakeholder Consultative Dialogue therefore becomes an important platform for continuing with efforts to raise awareness about this office and to render services that locals in the areas we visit would otherwise not have been able to access on any other day.

Importantly, the dialogue has also been used to lend an ear to our key stakeholders. The inaugural dialogue, for example, became a platform for us to use our stakeholders as a sounding board for the then proposed vision and the strategic direction that we had just crafted. We also used that dialogue to check if our stakeholders, including Parliament, political parties, government and the public, had the same understanding of our constitutional mandate as us. It was refreshing to have all these stakeholders affirming our interpretation of our constitutional mandate. We have also used the dialogue to solicit stakeholder feedback on our work, which, I must say, was constructive and we took it as such.

Going back to our investigation into the RDP programme, which was the center of last year's dialogue, we have been negotiating a deal with the National Home Builders Registration Council (NHBRC). An MOU will be signed in the coming week. We hope that this will not only boost our

investigation but will also assist us in ensuring that we bring to the surface systemic problems that give rise to the challenges as we see them, with a view to seeing to it that we prevent future recurrences.

Among the preliminary issues we identified as problematic areas in the social housing programme, as we have already reported in the Voice and views report, were planning, procurement, allocation and post-allocation concerns. The outcome of our investigation will provide more details.

As indicated earlier, this year we are focusing on MDGs, with particular interest in the link between maladministration, poverty and health. Regarding ending poverty, we want to boost government efforts geared towards realizing this ideal. However, we are saying good governance is central to the eradication of poverty.

We also want to fix our eyes on the public healthcare sector. The trend of complaints that my office has been receiving and media reports on the state of some healthcare facilities as well as sporadic complaints from some healthcare givers necessitated this focus.

Currently, my office is conducting three systemic investigations concerning the public healthcare sector. The first investigation follows alleged irregularities in the procurement of medicine and equipment at Chris Hani Baragwanath Hospital in Soweto. The second one looks into neo-natal, infant and child mortality in public hospitals. The last one focusses on a mixed bag of health-related complaints received during the last stakeholder dialogue. Information obtained during this year's public hearing will enrich these investigations.

My team and I call on all communities affected by some or all of these problems to attend the public hearings and share their experiences and views with us. Details of where we will be and when, will be in the press in a few days. People can also make use of our website and social media pages to get more information on the public hearings.

It is important that people participate. After all, we all have a role to play in ensuring that ours is an accountable state that operates with integrity while being responsive to the needs of its entire people.

Help accelerate our country pace in the achievement of Millennium Development Goals, particularly goals relating to health and ending extreme poverty, including hunger. Good governance requires an engaged citizenry and good governance requires an engaged public sector.

Remember that a government that is accountable, operates with integrity is better placed to be responsive to all its people. An accountable government that operates with integrity is also better placed to deliver meaningful on the commitment and to end poverty, improve the nation's health and deliver on all eight Millennium Development Goals.

Make your voice and action count against maladministration in the pursuit of a healthy and poverty free South Africa.

As Madiba once said: ***"The time is always right to do right"***.

Thank you

**Adv. Thuli Madonsela**

**Public Protector of the Republic of South Africa**