



**Address by the Public Protector, Adv Thuli Madonsela during the Griffiths and Victoria Mxenge Memorial Lecture in at the University of KwaZulu-Natal**

***“The University of KwaZulu-Natal’s 10th Griffiths and Victoria Mxenge Memorial Lecture - The Role of the Public Protector in Non Judicial Enforcement of the Constitution.”***

**Thursday, 19 April 2012**

**Programme Director, Prof. Stephen Pete;  
Judge Wallace of the Supreme Court of Appeal  
Mr Mbsa Mxenge, son of Mr Griffiths and Ms Victoria Mxenge;  
Deputy Vice Chancellor for Law and Management Studies, Prof. Mubangizi;  
Dean and Head of School of Law, Prof. Managay Reddi;  
Guests from the legal community;  
Members of the media;  
Students;  
Ladies and gentlemen**

It is an honour and great privilege to deliver the 10th Griffiths and Victoria Mxenge Memorial Lecture. Words cannot express how deeply humbled I am to walk on the giant footsteps of South Africa’s great human rights and legal icons that have delivered the lecture since its inception, among them former President Nelson Mandela, Prof Kadre Asmal, Justice Pius Langa, Justice Dikgang Moseneke and Justice Jacobo among others.

The greatest honour though is being considered worthy to say something in honour of two of South Africa’s icons of selfless struggle in pursuit of justice, human rights and democracy, Victoria and Griffiths Mxenge.

It is to the Mxenges and others that selflessly sacrificed their time, expertise and ultimately, life itself for us to enjoy the freedoms and rights we take for granted today. Sadly they were murdered by agents of the apartheid government just before we attained democracy. Husband and wife Griffiths and Victoria were murdered in 1981 and 1985, respectively. I attended Victoria’s funeral in King Williamstown and recall almost as if it was yesterday the mood of the people. Just the two were courageous and defiant to the end, in pursuit of justice, the funeral was characterised by the same spirit.

Personally recall a mixture of anger and sadness as I wondered what kind of state kills a mother and legal professional solely for defending justice and human freedoms. But when I look back I am filled with unlimited admiration and inspired by Victoria Mxenge for loving her country and her people enough to speaking truth to power no matter what.

You will agree with me that the Mxenge's were true patriots although the parochial public powers of the day did not realise this. It is globally accepted that as long as there is injustice somewhere there can never be peace. The wave of protest and forced regime changes in the Arab world which has come to be known as the Arab spring is instructive in this regard.

The Mxenges and others who sacrificed for our freedom rejected the apartheid society where the state was not accountable to the majority of its people. Not only did they said no to a state that legalised and sponsored sponsored systematic violations of human rights and freedoms but required a state that would play an active role in protecting the human dignity, basic rights and freedoms of all the people regardless of race, gender, age, disability, nationality, sexual orientation, or any other forms of human diversity.

It not surprising therefore that the Constitution that came out of their thoughts, sacrifices and suffering of their loved ones is one that commits to laying a foundation for the rebirth of South Africa as an inclusive constitutional democracy characterised by, among others, the rule of law, democracy, social justice and human rights. The new society is also supposed to be based on equality, which includes improving the quality of life of all citizens and free the potential of each person.

One of the investigations my team and I conducted shortly after I became the Public Protector involved state delivery on the constitutional promise in the area of socio-economic rights. The specific matter, which originated in the Eastern Cape the province where Victoria and Griffiths Mxenge originally came from, involved the right to education as entrenched in section 26 of the Constitution.

A concerned member of an Eastern Cape based school's Governing Body approached my office, complaining that the school's premises were mud structures whose condition was so bad that it posed danger to the learners and teachers alike.

The complainant alleged that numerous requests by community members to the provincial government to provide additional classrooms at Ntekelelo Junior Secondary School in Ekunene village near Mthatha drew a blank. He claimed that the School Governing Body reported the matter to the Regional Director of the provincial Department of Education, all in vain.

As part of our investigation, we visited the school and discovered that it took in learners from the level of Grade R to Grade 9, with a roll of about 581 pupils.

There were two permanent concrete wall structures. But there were three more mud-built rondavels, one of which did not have a proper roof. Built through the efforts of concerned community members, the three structures were serving as classrooms.

These were still not enough to cater for the accommodation needs of the school's nearly 600 learners as other groups of pupils had to take their lessons under the open sky. During rainy seasons, these learners had to seek refuge in other classrooms, causing a problem of overcrowding.

There was not staff room to house the school's 14 teachers. Neither was there a Principal's office. A solitary structure served as a toilet for the school's entire population, including both staff and the learners.

When we enquired from the provincial Department of Education, we were told that the school was "not in the current financial year's list of district priorities."

Our findings were that the school was not conducive to learning and neither was it conducive to teaching and administration. We further found that the toilet structure was not adequate, taking into account the school's population figures.

We were not satisfied with the provincial department's explanation that the school was not in that financial year's list of district priorities and, as part of remedial action, directed the department considers building additional classrooms. We further directed that, as an urgent interim measure, the department considers constructing temporary classrooms, office and staff room.

Subsequently, the provincial and national department of Education undertook to address the problems at the school. It was then prioritised and with the help of funds from international donors, extra classes were built and adequate ablution facilities were constructed. A staff room and an office for the principal were also built. As we speak, the school is fully functional and the environment there is conducive to learning.

The findings and pronouncement on remedial action were accepted but an explanation given that immediate implementation was not possible due to the fact that there was no budget. I was informed that the funding comes from national and can only be used for stipulated projects and only a few can be included at a time. An undertaking was made to include this in the next batch of prioritised projects.

We have been following up on the remedial action since then and the school. We are happy to report that there has been change. That's the difference between us and the courts.

The matter of Ntekelelo Junior Secondary school also touched on issues such as human dignity and equality, the issues, at the core of the struggle that inspired the Mxenges and the rest of our selfless benefactors to make enormous sacrifices. You will agree with me that they would not have expected that 18 years after formal apartheid fell; a case such as this one would be possible. Sadly this case is one of many gaps that exist in our democracy despite the admirable progress we have made in expanding the frontiers of freedom and basic human rights. The problem does not lie in the architecture of our democracy though as our Constitution lays a foundation for a system that is built to last.

The preamble to our globally celebrated Constitution makes the following commitment:

*"We, the people of South Africa,  
Recognise the injustices of our past;  
Honour those who suffered for justice and freedom in our land;  
Respect those who have worked to build and develop our country; and  
Believe that South Africa belongs to all who live in it, united in our diversity.  
We therefore, through our freely elected representatives, adopt this Constitution as the  
supreme law of the Republic so as to-  
Heal the divisions of the past and establish a society based on democratic values, social*

*justice and fundamental human rights;*

*Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; Improve the quality of life of all citizens and free the potential of each person; and Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.*

This and other provisions of the Constitution we proudly adopted 18 years ago as the roadmap to guide us towards the new society constitute what we often refer to as the Constitutional promise. Part of the Constitutional promise lies in the justifiable bill of rights in chapter 3, which includes social and economic rights, accorded the same weight as other fundamental human rights and freedoms enshrined in the bill of rights.

The Constitution also defines the character of the state in the envisaged constitutional democracy. The founding values in section 1 of the Constitution set out non-negotiable for both the society we envision and the parameters for the exercise of public power. Such core values include supremacy of the Constitution and the rule of law, open democracy, and public accountability. They also include human dignity, the achievement of equality and freedom.

The Constitution is general strong in regard to defining parameters for the exercise of public power and accountability for the exercise of such power. For example, chapter 10 lays down principles of public administration while chapter 9, particularly section 196, thereof, lays stipulates minimum requirements for ethical exercise of public power by the executive. Section 96 goes further to provide for an Executive Code of Ethics. Interestingly, the Constitution goes further, providing in section 237 that all Constitutional responsibilities be exercised with due diligence and efficiency.

With regard to its enforcement the Constitution reinforces, with innovative non-judicial public accountability mechanisms, the traditional checks and balances based on separation of power between three branches of government, including an independent judiciary with judicial review powers of executive and legislative actions. Key among the innovative accountability mechanisms introduced in the 1993 and 1996 Constitutions, is a set of constitutional institutions entrenched in Chapter 9 of the Constitution to strengthen and support constitutional democracy.

The Public Protector is one of the constitutional institutions commonly referred to as Chapter 9 institutions or Institutions Supporting Constitutional Democracy (ISDs). ISDs though, have a broader meaning, which incorporates institutions such as the Public Service Commission, found in other parts of the Constitution.

I'm privileged to address you as we approach our 18th birthday as a new nation born on April 27 1994. I thought I should honour the memory of these giants that gave us the gift of their lives over and above their time and intellectual contribution to who we are today, by engaging you very briefly on *"The Role of the Public Protector in Non-Judicial Enforcement of Human Rights."*

I've decided to focus on the role the Public Protector has played in enforcing the implementation of the constitutional promise through this office's oversight work as mandated by section 182 of the Constitution. Often referred to as the people's voice and the state's conscience, the Public Protector's primary focus is the righting of administrative wrongs of the state while exacting accountability in the areas of ethical governance and control over state resources. The Public Protector has emerged as a key non-judicial enforcement mechanism for rights guaranteed in the Constitution, particularly administrative justice rights, socio- economic rights and ethical

governance, including anticorruption.

I will briefly engage you on the enabling constitutional and legal framework. I will proceed to touch on key impediments to the achievement of constitutional promises, highlighting government planning as a weak link. I will talk briefly about the role the academic community can play in developing knowledge in the area of non-judicial enforcement of rights and responsibilities in the public sector, and contributing to civic empowerment to enhance direct public accountability. I will end with future prospects for this institution's impact on maladministration entrenching good governance. Let us start with the history and enabling constitutional and legal framework.

*Ladies and gentlemen;*

In a paper titled *"Human Rights and Non-judicial Remedies - The European Ombudsman's Perspective"*, former National Ombudsman of Greece and current Ombudsman of the European Union, Prof. Nikiforos Diamandouros, made a very interesting remark, which I think is central to our discussion tonight.

Presenting the paper during a joint event with the European Institute at the London School of Economics in 2005, Prof. Diamandourus said the following:

*"Most European countries have a national ombudsman with a mandate to handle complaints against public authorities. Within the European Union, there is an emerging consensus that an ombudsman applies principles of good administration that require, among other things, compliance with legal rules and principles, including human rights.*

*"Many ombudsman institutions also emphasise their proactive role in promoting the rule of law and respect for human rights and in raising the quality of public administration. Vis-à-vis the courts, the role of the ombudsman is characterised by cooperation, complementarily and choice of remedy for citizens."*

The Public Protector is a unique institution belonging to what is globally referred to as an Ombudsman, an institution formally introduced for the first time in Sweden about 202 years ago to close public accountability gaps left by courts and other traditional public accountability mechanisms.

As we all know courts tribunals have for many years been the key avenue for vindicating rights against state actors and private actors. In many countries, including ours, tribunals were added. For example, when I was in the labour movement, the Industrial tribunal provided access to justice in certain employment matters. It is generally accepted that courts are important but that their process restricts access to justice, due to among others, complexity and costs. It is sadly true that many tribunals soon resemble courts.

It is worth noting that courts treat cases involving the state the same as cases between private actors. In a company share-holders have internal dialogue and accountability mechanisms. It's often said that citizens are shareholders in a democracy. The question is should there be mechanisms to expedite accountability by those entrusted by citizens with public power?

I must say that elections provide one form of accountability and so do parliamentary processes such as petitions committees. But often this is not enough as we've seen in many democracies, including countries Affected by the Arab Spring.

Some democracies provide for constitutional recall mechanisms between regular elections. A state within a country I visited recently has a recall mechanism for state governors. They were engaged in process to recall one while I was there. But in most instances you may recall one dispo and replace them with another when all citizens want are accountability, integrity and responsiveness from those they've entrusted with public power.

It is said that the king of Sweden introduced the Ombudsman as an office to serve as a buffer between the people and government as an informal mechanism to curb excesses in the exercise of public power. The role of this institution, which we are told was modelled against something the King had seen in Turkey during his visit, was to serve as a voice for the people while being the conscience of the state.

Interestingly, my office has uncovered evidence of similar ancient buffer institutions within pre-colonial African traditional societies. The Venda Makhadzi has found resonance at the Public Protector South Africa and we regularly use this institution in our institutional symbolism. You may see this, for example, in the cover of our Strategic plan.

In Europe today the Ombudsman office is one of the requirements for EU membership. Why attach so much value to this office? If properly used the Ombudsman or in our case Public Protector is an innovation whose nature allows for unique ways of bringing justice to the people in a manner that builds relationships between the people and the state. The modus operandi allows for transformational rather than adversarial engagement.

A common law creature amid a civil law jurisdiction, the Public Protector has power deriving from section 182 of the Constitution to investigate, report and take appropriate remedial action, when conduct in state affairs is alleged or suspected to be improper or prejudicial. The powers as expanded by the Public Protector Act include resolving disputes in state affairs through conciliation, mediation, negotiation or any other means deemed expedient by the Public Protector .

A unique power of the Public Protector is the power to redress both service and conduct failure. This allows the Public protector not only to provide recourse in maladministration involving service failure but to also ensure there is no impunity when public power and resources have been abused. Powers in this regard derive from a combination of the Constitution and 16 pieces of legislation. The following six statutes give or recognise substantial powers:

- The Public Protector Act, 23 of 1994, which focuses mainly on maladministration and appropriate resolution of state-related a disputes;
- The Executive Members' Ethics Act of 1998 and the Executive Ethics Code, which relate to the enforcement ethics on the executive;
- Prevention and Combating of Corrupt Activities Act 12 of 2004 read with the Public Protector Act, gives me the anticorruption mandate;
- The Protected Disclosures Act 26 of 2000, which mandates me to protect whistleblowers;
- The Promotion of Access to Information Act 2 of 2000, which gives me the information regulation mandate; and
- The Housing Protection Measures Act 95 of 1998, which empowers me to review decisions of the Home Builder's Registration Council.

The power includes own initiative investigations and systemic investigations. The ability to conduct a systemic investigation is yet another unique power as it allows the office to act as a catalyst for change to redress systemic administrative deficiencies beyond a single or individualised acts maladministration or injustice.

Another unique feature of the office is the power to deal with acts of service failure and conduct failure collectively. This is often the case when investigations on maladministration involving service failure such as service delayed, denied or offered inadequately reveal acts of conduct failure such as corruption.

This was a case when my office investigated service failure involving denial of a child benefit only to uncover organised corruption. Ms M, a young woman approached our Eastern Cape office a little while ago when she was not getting joy from the South African Social Security Agency (SASSA). She had approach the state's social grant disbursing agency to register her child as a beneficiary of the child grants. However, SASSA would refused insisting that the woman was already receiving the grants for two children. Her denial of the two children and request that they be removed fell on deaf ears.

After being given the run-around, Ms M turned to my office to act as her voice in demanding accountability from SASSA. The investigation found that Ms M was a victim of identity theft and organised corruption involving a syndicate cutting across three organs of state and a supermarket in the private sector. For R300 a duplicate ID was bought from the Department of Home affairs followed by health cards for R30 at a local clinic. A fraudulent application was loaded at SASSA for another fee while a local supermarket dispersed the money instead of the usual pay points.

The remedial action included her being loaded as a beneficiary and pay backdated to date of application. It also included the institution of disciplinary and criminal action against the officials and private persons involved in the scam.

As part of taking appropriate remedial action in pursuit of section 182 of the Constitution, my office does not leave things at reporting my findings. We follow up on the implementation. This is another advantage of the office that allows it to be effective as a non-judicial avenue for enforcing rights.

While office primarily deals with administrative wrongs, these often impact on one of the rights protected in the Constitution. Ms M's case for example, centres on the right to social security, a socio-economic right protected in the Constitution. It also touches on children's rights. The school case mentioned earlier also involves the enforcement of a socio-economic right, the right to access to education.

Another typical socio-economic rights case dealt with recently involve a refusal by the Unemployment Insurance Fund (UIF) to pay UIF benefits to Mrs B. The matter revolved around whether or not she had applied in 2007 as Ms B alleged or in 2009 as the UIF alleged and on the basis of which UIF was refusing to pay arguing lapse of right to claim. Our investigation revealed that UIF had lost her papers. A short e-mail sent to her in 2007 requiring her to submit bank details was enough evidence for me to hold that she had approached UIF in 2007. UIF has since paid after refusing for many years to pay.

Systemic investigations we are currently conducting into sanitation and housing problems Bramfischerville Gauteng and Nala Municipality in the Free State also centre on socio-economic

rights. While on the cases of Bramfischerville and Nala, I must say that the human conditions there are deplorable.

I cannot forget my visit to one grandmother's place where I was exposed for the first time in my life to the horrors of the bucket system. The bucket on its own lacks human dignity. The situation is exacerbated by the fact that according to the grandmother, the buckets are left uncollected for days on end leading to flies and worms. She informed us that she tries to alleviate the problem by digging holes in her backyard and emptying the uncollected buckets. She also complained that children often relieve themselves in the backyard when the buckets had been left uncollected for days. She reported that five members of her family had TB, linking the health challenge to hygiene hazard of the bucket, which she claimed had been part of her life for almost a decade.

The most shocking part was the fact that there are modern toilets. These are not used allegedly because the contractor provided piping that only ends in front of the toilet and does not link to any sewer system. Now if this is true, we are not talking about poor service delivery but simple fraud. Indeed according to the community, there is a forensic report to that effect and part of the reason my office had been invited for an inspection in loco was a complaint that the municipality and province had failed to implement the report and that the contractors and officials were accordingly enjoying impunity.

The impact of my office on non-judicial enforcement of human rights, transcends socio-economic rights. Most of the work involves vindicating the right to just administrative action as entrenched in section 33 of the Constitution. However, the powers derive not from section 33 but from section 182 of the Constitution read with the Public Protector Act and any of the pieces of legislation that either grant the Public Protector additional powers or recognise the constitutional mandate of the office. The jurisdiction is proper conduct which transcends legality and administrative justice.

Using section 182 allows my office to provide remedies beyond legal remedies offered by the courts. It also provides an opportunity for a transformational dialogue with organs of state about good governance or the right was for a state to treat its own people. The dialogue includes candid conversations about the recourse that the people should have when service fails so seriously that their lives are irreversibly devastated. The idea is to endeavour to place each complainant as close as possible to the position they would have had the state acted properly in the first place.

An example in this regard is a case where a minor, Ms R had been gang raped and her case postponed in the courts for 48 times over an 8 year period. By the time the culprits were brought to book she was a 22 year old adult whose life had been ruined by the rape trauma and secondary victimisation in the hands of the justice system. My office investigated the matter as an own initiative. I found that the acts and omissions of the organs of states involved in the criminal justice system amounted to maladministration. Remedial action in terms of section 182(1) (c) of the Constitution included an apology and financial compensation for disbursements and for pain and suffering.

Incidentally, the state initially protested, citing the absence of remedies in the Criminal Procedure Act and the Victim's Charter. This was missing the point as the remedial action was not based on these but on the Public Protector's constitutional power to take appropriate remedial action. Such Power is also supported by the Public Protector Act, which requires the Public protector to investigate and redress maladministration through, making findings,

expressing a point of view, recommending or resolving related disputes through conciliation, mediation, negotiation or any other means he or she deems appropriate.

Our non-judicial enforcement occasionally spills over to areas beyond administrative justice. We often provide recourse in contractual and delictual disputes involving the state under the rubric of improper conduct in state affairs. If the state wrongfully fails to honour a contract with a small business person our maladministration jurisdiction provides recourse. This has provided much needed relief to small business people since the court route gives the state an advantage in terms of time, money and human resources.

We recently secured justice for a grandmother in the Western Cape who had a delictual dispute with the state involving the smashing of her wall by a municipal truck. When she approached the municipality on her own it refused to pay advising her to sue the driver in a court of law. The matter was conciliated under the Public Protector Act, concluding with her being paid about R40 000, for the repair of her wall.

The Public Protector's non-judicial accountability powers are particularly helpful in bread and butter cases such as the ones above where time and financial relief are essential. The office though also uses the non-adversarial dialogue that ensues to guide the state on good governance thus serving as a catalyst for systemic change helping the state to move closer to the character envisaged in the Constitution. This often involves advice on correcting internal complaints mechanisms. The opportunity is also used to reconcile the state and the people, primarily achieved in systemic investigations.

The unique opportunity to act as a catalyst for change, has been visible in a few cases where we have dealt with service delivery involving infrastructural deficiencies such as the Eastern Cape school.

One of the questions we have begun to ask in instances of systemic service delivery failure involving basic needs is what exactly is the responsibility of the state regarding the advancement of human rights through budgeting and expenditure priorities. Ordinarily when a matter is regarded as a priority, this should entitle it to a ring-fenced portion of the budget. But is this happening in regard to human rights obligations of the state? If it is happening, how is it that 16 years into democracy we still had learners and teachers operating under conditions such as Ntekelelo Junior secondary?

Responsive fiscal planning accordingly emerges as a fundamental issue when analysing the experience in Ntekelelo Junior secondary and related rural infrastructural deficiencies primarily impacting on socio-economic rights. What do fundamental rights mean? Shouldn't human rights obligations take precedence over the purchasing of new furniture and elaborate office and/or residential renovations for the comfort of those entrusted with public power? In other words shouldn't there be money ring-fenced for a basic needs approach as envisaged in *Batho Pele*, the White Paper on Transforming Service Delivery? I am interested in your views.

The link between service delivery and resource allocation is one of the factors that inform our work when investigating allegations relating to ethical governance and corruption. We move from the premise that public resources are not unlimited and therefore should be used not only in accordance with the law but also in a manner that puts people first.

As you know the office has a unique opportunity to invoke ethical governance standards without this being invoked in any pleadings. This again is one of the advantages of this civil law creation

amidst a common law jurisdiction.

But for optimal impact as a non-judicial accountability mechanism that can advance human rights, the Public Protector needs to be understood and given its constitutional space. The same applies to the other constitutional institutions. In my presentation to Parliament not so long ago, I pointed out that we have not yet fully understood the import of chapter 9 of the Constitution or made enough space to accommodate these institutions in our thinking around public accountability, including the enforcement of rights. I compared the experience to that of Alice in Wonderland.

This is where you come in academics. What role can you play with regard to enhancing public accountability, particularly in the area of non-judicial enforcement of constitutionally entrenched rights and responsibilities?

Perhaps we should look no further than your rich history of advancing human rights through public interest research, litigation, public dialogue and legal empowerment of marginalised communities.

It is a well-documented fact that the Howard College School of Law was among those at the forefront of the struggle against the oppressive apartheid regime. Who will forget the 1970's groundbreaking conference on legal aid held here as part of efforts to affirm the right to legal representation for anti-apartheid activists who could not afford lawyers?

The views espoused in this centre of legal excellence then were later affirmed by the judiciary in cases such as *State vs Khanyile*.

Drawing on this history of applied legal studies you could contribute to better understanding and effective utilization of the public protector as a public accountability mechanism and non-judicial mechanism for access to justice in state affairs. My team and I are particularly interested in research and academic views in the civil law aspects of this institution and possible resonance between its inquisitorial character and the experiences of ordinary South Africans. We are also interested in views on the meaning of "take appropriate remedial action".

During my address at the University of the Free State a few days ago, I also invited the academic community to play a visible role in our country's anti-corruption efforts. I specifically highlighted law reform research to strengthen the protection of whistle-blowers as they play a key role in anticorruption efforts.

This centre's anti-apartheid history includes a strong street law tradition which has provided legal education and services to trade unions and to the poor. This legal empowerment of the marginalised could be extended to civic empowerment of our people to strengthen role in exacting accountability in the exercise of public power. Students can be particularly helpful in outreach activities that combine legal empowerment with constitutional and governance education.

When service fails, communities need to know how government works and engage effectively. This can avoid the frustrations that often lead to public protests. More often than not the real culprits of service failure are officials and contractors that enjoy impunity because all anger is directed at politicians, particularly counsellors.

Of course politicians should provide leadership, oversight and non-interference in the

administration.

The academic community can also help provide support to improve government planning. Criticism on the sidelines won't deliver the post-apartheid dream that inspired people like Victoria and Griffiths Mxenge. We must all play our part to ensure that the Constitutional promise is delivered to all including rural children such as the learners at Ntekelelo Secondary and the grandmother at Nala Municipality. This is the least we can do to honour the Mxenges and others that sacrificed for the rights and freedoms enshrined in our Constitution. It is our duty to ensure that the constitutional promise becomes real to all in our country.

*Programme Director;*

At the Public Protector South Africa we will continue to play our part in righting specific administrative wrongs of the state while acting as a catalyst for change to ensure that there is good governance which includes constitutionally aligned, particularly human rights aligned planning and related budget prioritisation. Our action will continue to include helping the state curb abuse of state resources and corruption and claw back resources already lost through such maladies. Our actions further involve working with all stakeholders, including organs of state and academics to foster optimal accountability, integrity and responsiveness in the exercise of public power and control over public resources.

We invite the academic community to join efforts aimed at reflecting on 18 years of democracy and ensuring that constitutional promises are delivered expeditiously to all.

We count on you to play your part, drawing on your history and academic freedom to make constitutional democracy deliver a better life for all our people. This is the honour I believe Victoria and Griffiths Mxenge would expect.

Congratulations to students receiving well deserved awards this evening.

Thank you

**Adv TN Madonsela**  
**Public Protector of the Republic of South Africa**