



**Address by Public Protector Adv Thuli Madonsela during the Institute  
of Municipal Personnel Practitioners of Southern Africa's International  
Conference on Effective Human Resources Management in Cape  
Town: Thursday August 25, 2011**

***Inspiring People's Hope through Effective Local Governance  
Leadership***

**Programme Director;  
President of IMPSA- Mr Nick Pullen;  
The President –Elect of the International Public Management Association-HR (USA), Ms  
Kimla Milburn;  
Mayors;  
Municipal Managers;  
Councillors;  
Distinguished Ladies and Gentlemen**

I'm sincerely honoured and indeed grateful to the organizers of this conference, the Institute of Municipal Personnel Practitioners of Southern Africa (IMPSA) for the opportunity to address this important gathering.

It is inspiring to see a professional organization such as the IMPSA taking the lead on promoting excellence in the rendition of services at local government level. As we all know this is the most important sphere of governance in regard to public service delivery. Indeed this is the only face of government that many of our people will ever interface with directly.

Seventeen (17) years ago our people from all walks of life patiently joined long snake-like queues with hope written all over the faces. They were driven by the hope that was the dawn of a new day, where government was going to be in accordance with the will and needs of all and not just some of the people. That hope was inspired by the then Interim Constitution, which promised them a better life for all.

That hope was indeed reinforced when we adopted our Constitution in 1996, which promised a new society based on among others, human dignity, equality and freedom to all. It also guaranteed us a bill of rights that includes social and economic rights that signaled an end to the indignity of poverty, among other things.

Where are we now? Is that hope still with us?

In my culture we say “*Ithemba alibulai*”, which means “*Hope does not kill*”. Indeed a gentleman by the name of Carnegie Chapman (1859-1947) once said “*Hope is the waking dream*”. But as we all know, “*hope deferred kills the heart*.”

Do the acts of those who exercise public power in a manner that impact on people’s lives on a day to day basis inspire the hope that the vote for change in 1994 and the Constitution of 1996 inspired?

Let us talk about a few local government service examples that my office is confronted with on a day to day basis.

The story of Gogo Nkosi comes to mind.

***Inspired by the hope I’m referring to, Gogo Nkosi applied for a house, under the government’s social housing scheme, in 1996. Since then Gogo Nkosi has seen many applicants, young and old, apply and get their homes while she waits endlessly for hers. I must also mention that Gogo Nkosi was once informed that her name was on a list of houses to be allocated in a few weeks time. But when the time came Gogo Nkosi was given one story after another. She was later asked to “renew her application”. As we speak, 15 years since her hope inspired application for a house of her own, Gogo Nkosi still lives in a single room in someone’s back yard in Soweto.***

I must say I’m interested in whether or not we are talking about a renewed application or a new application. I’m further wondering if indeed Gogo Nkosi is not a victim of a systemic malady of corruption that is afflicting social housing management. The story of Mrs N, whom I met at the airport a few months ago centres on this malady.

***She lodged a complaint with my office regarding what is commonly referred to as an RDP house. Inspired by hope, she too applied for a house under government’s social housing scheme. After many years of waiting and in the meantime living in a squatter camp, she was confronted by an employee of her local municipality. The municipal employee asked: “Mrs N why are you still living in a shack given the fact that you got your RDP house a while ago?” Mrs N denied ever getting a house. The municipal employee insisted that Mrs N’s name was on the list of recently allocated houses and duly promised to bring a list of recently issued houses. Mrs N’s was indeed on the list. She alleges that through wrongful conduct by a councilor the house had been unlawfully allocated to someone else.***

***Mrs N said that she had confronted the municipality to no avail until she got help from a councilor from an opposition party. Threatened with a lawsuit, the municipality relented and gave her the house but not without threats of retaliation. She was promptly harassment by locals aligned to the councillor and related wrongdoers. Her complaint is that since then the people involved in the corrupt allocation of her house have never been brought to book and that her house has been subsequently burnt down forcing her back into the indignity of squatting. She further alleged that despite numerous requests no one in government was stepping in to help.***

If there was a hope barometer, I wonder what level of hope the scale would reflect in respect of

Gogo Nkosi and Mrs N. Considering that you represent part of the strategic leadership in local government, you be the judge.

### **Can our people's hope be sustained under these circumstances?**

More importantly though, Mrs N's case, and potentially, Gogo Nkosi's too, raise the ugly question of corruption in local government and the public sector as whole. This cancer, which has been appropriately referred to as a crime against the poor, is eating our public resources at the speed of lightning.

If the stories we have heard from our road show themed, ***The Public Protector dialogues with the Nation***, are proven to be true, then as a nation we are in trouble. We may have reached the tipping point after which trying to end corruption will be like trying to bring water up from the bottom of a waterfall.

Anecdotal evidence suggests that the most serious crisis lies in our state procurement system. It appears that if we don't take drastic action there will soon be no money for service delivery. Billions of Rands that are meant to deliver on the constitutional promise of service delivery in pursuit of a better life for all are unlawfully and greedily siphoned into the private pockets of persons within and outside government.

Even where there is no proven corruption, billions of Rands are still wasted through lack of diligence in public sector procurement management. It's a well known joke that if you want to sell any goods or service at multiple market value -from pencils to multibillion construction projects, target government. Who hasn't heard about the pens that are bought from stationery shops for three Rands and sold, in bulk to government for R15 or more? How about stories that lap top computers that are purchased from retail outlets at the cost of R5000 or so bought by government through bulk purchasing at R40 000 per laptop computer? Ordinarily bulk purchasing gives you leverage for lower pricing but that does not apply to our government.

During our stakeholder consultations last year, a municipal leadership implored us to ask provincial and national government to step in with about R130 000 to fix street lights as the municipality's budget had been exhausted. An investigation into allegations of corruption within the same municipality in an unrelated manner revealed that millions of Rands had been wasted in a contract issued irregularly and without due diligence in regard to pricing control. We get these kinds of cases at all levels of government, including state entities such as Transnet, Telkom and Eskom. In one of the provinces, during the current stakeholder consultations we were told about a company that was paid R8 million for building one RDP house.

What worries me and my team most, are ill considered projects that will bind this nation for years to come and whose cost keep escalating to the point that they may bankrupt us as a nation. The possibility of national bankruptcy is not a farfetched possibility. It is a real threat. National bankruptcy has afflicted a few nations recently. Think about Swaziland and Greece among, others.

Back to the question of ill considered projects. Two weeks ago, I visited a residential area in one of the provinces where people live in squalor in half built homes. The people were poor and looked hopeless and despondent. My team and I were told by the South African National Civic Organisation (SANCO) and locals that residents had been given "RDP" houses from which they were later removed due to irreparable structural defects. They were meant to temporarily relate while new houses were being built for them. During that period government did not provide

alternative housing, they had to rent their own homes regardless of the fact that many are unemployed. When we visited the people had occupied the new incomplete homes as no construction was proceeding. We have since established that the project was a result of poor planning and contract management from the start. An untested idea was experimented with and didn't work out. As a result people have suffered and the state is paying more for the same service.

Regardless of the above, your initiative gives me and many South Africans hope that local government in this country will turn the corner and deliver the service that our Constitution promises the people. This gathering indicates that there are leaders in this important sphere of government who are concerned about mainstreaming leadership in people management in pursuit of service excellence.

Indeed the service ethos of any organization depends on human resources management and leadership. All aspects of the human resources management value chain matter from recruitment, development and the values we inculcate particularly through rewards and sanctions. Needless to say that the service ethos of our public sector, including the local governance sphere is heavily influenced by human resources management and leadership practices.

That is why I am deeply encouraged by your efforts in pursuit of service excellence in local governance, create an inspiring basis for a partnership between, my office, the Public Protector and you as key role players and leaders in public sector service delivery.

As many of you know, my office exists to support and strengthen democracy by ensuring meaningful service delivery and good governance in the public sector. The Public Protector is directed by section 182 of the Constitution to investigate report and take appropriate remedial action in respect of any conduct in state affairs or the public administration, in any sphere of government that is alleged or suspected to be improper or likely to result in any impropriety or prejudice.

The Constitution states that the Public Protector has additional powers as assigned by legislation. The key legal instrument that gives such additional powers is the Public Protector Act of 1994 (PPA). The PPA gives the Public Protector wide discretionary powers to resolve any disputes relating to administrative acts of government through investigation, conciliation, mediation, negotiation or any appropriate. Like many, you are probably only familiar with the investigative powers and not the other dimensions of my office's role in strengthening and supporting constitutional democracy.

Many of the complaints my office gets are from local government entities. The complaints include billing problems, failure to provide infrastructure such as water, electricity, social housing and other basic services.

We investigate and try to resolve these bread and butter matters expeditiously in line with our strategic objectives of prompt remedial action and acting as a catalyst for change in pursuit of good governance as an overriding objective. In order to do our work effectively, we need your cooperation and that of others in government. For example, when we don't get answers, we cannot deliver promptly. Similarly, when my findings and pronouncements on remedial action are not implemented or are not implemented promptly my office cannot fulfill its constitutional responsibility of taking appropriate remedial action or statutory obligation of resolving administrative disputes between the people and the state.

In our stakeholder dialogue this year we are highlighting the appropriate responses we expect from government when the Public Protector discharges the responsibility of exerting accountability in the exercise of public power. We say that without remedial action or redress for transgressions, the Public Protector cannot ensure administrative justice or accountability in the exercise of public power, including control over state resources.

As apparent from the above, my office's ability to add value to our people and government depends on cooperation from those within government, like yourselves. Although as an oversight body the image you have of my office and others like it is that of a watchdog, we see ourselves as a support structure for you to deliver on what you already intend to do in pursuit of your constitutional, legal and policy obligations. As my colleague, the Ombudsman of Ontario, Andre Marin said yesterday at my office, *"We are here to oil the machinery, no to create the machinery. Government creates the machinery"*

This brings me back to you. Your gathering is hope inspiring. I hope it yields value based leadership and an ethos of service first beyond the local governance sphere.

It was not only the act of voting together as a nation for the first time in 1994 and the adoption of the Constitution in 1996 that have anchored the hope of our people. Pronouncements by the leadership within government have also inspired the same hope.

During his inauguration, for example, the first president of South Africa, President Nelson R Mandela said:

***"Today, all of us do, by our presence here, and by our celebrations in other parts of our country and the world, confer glory and hope to newborn liberty.***

***Out of the experience of an extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud.***

***Our daily deeds as ordinary South Africans must produce an actual South African reality that will reinforce humanity's belief in justice, strengthen its confidence in the nobility of the human soul and sustain all our hopes for a glorious life for all."***

Those that have come after him have made similar pronouncements. The question is can our people's hope continue to be anchored on promises?

In my view the ethos that makes it possible to deliver on the constitutional promises that have inspired hope can't be one where the customer is always wrong. There's a tendency in the Public sector and other non-profit entities to treat service failure complaints as a bother rather than assertion of rights by citizens as shareholders in our democracy. In my office, the top leadership team tries to inculcate is that of public service delivery that is accountable, based on integrity and always responsive to all our people. A prerequisite for this is that the message from the top must be consistent.

This brings me to the question of how do we provide the necessary leadership to transform our human resources management process to deliver the caliber of people and managers that deliver services that continue to inspire hope among our people. That doesn't mean delivering all our people's needs at once. It means delivering on a steady pace towards the constitutional vision of a better life for all, while treating our people with equal consideration and the respect

for human dignity that is promised by the Constitution.

How do we deliver the right caliber of people? One of the human resources measures available for this purpose is that of fair treatment of all our people and rewarding excellence. Equally important is ensuring that poor performance is dealt with effectively.

But if sanctions for both great and poor performance are not directly linked to the quality of service to our people, we'll continue to reward people who kill hope among our people. For example, it's never been clear to me why we are not prepared to impose the same sanctions for the violation of the Municipal Finance Management Act (MFMA) on those that violate *Batho Pele* Principles and the public management principles in section 195 of the Constitution.

Think about the men and women within our employ who fail to implement plans to deliver desperately needed infrastructure for residents. What about the official who refuses to professionally assess a complaint from a resident who has received a ridiculously high bill and simply insists that the resident must pay or make an arrangement to pay? That is not only unjust but inspires anger and despondency which easily convert to riots at the slightest provocation.

In fact the main source of anger among our people is the feeling of being ignored as if you did not matter. Often when there is feedback and a sense of being heard, there is calmness among residents even when there is service failure. Indeed when my office conducts systemic investigations or interventions, we ensure that the solution includes the immediate strengthening of internal complaints mechanisms. This for example, is the approach we took when we assisted the City of Jo'burg with the systemic billing problem the city was experiencing earlier this year.

On the issue of managing our people fairly as part of the exceptional leadership essential in effective management of human resources, the following story should provide food for thought to you as local government HR practitioners and leaders.

Together we can rebuild our people's hope. Indeed despite everything, many of our people still harbor the hope that institutions such as the Public Protector that the Constitution has placed at their disposal when they seek justice, are their last resort. They do not have money to go to court. Last Friday, a group of recently unemployed mostly young men and women patiently waited for me at my office until I had concluded my business for the day. When I finally saw them at about 17h30 they patiently said it was simply an honour that I could see them and that they could have waited until midnight if a need arose. They passionately told their story and how they had dedicated themselves to the public service despite poor conditions of service because they loved their jobs and that some had taken injuries on duty for granted as they loved their jobs. These are people about whom reference was made by a human resources practitioner who like you and me is guaranteed a salary at the end of each month about the spirit of entitlement. When they engaged with me, I saw no such spirit of entitlement. All I saw were human beings in search of justice and human dignity. Strangely, they appeared to be still firmly grounded on hope as inspired by the Constitution and the avenues of justice that the Constitution promises.

In ending, I hope the following words from Marriane Wright Eldeman will add impetus to your efforts towards achieving the noble vision that brought you here:

*"We must not, in trying to think about how we can make a big difference, ignore the small daily difference we can make which, over time, adds up to big differences that we often cannot see."*

Thank you.

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