



Address by Deputy Public Protector Adv. Kevin Malunga during National Public Protector Stakeholder Dialogue in Mahikeng, North West on Friday, September 26, 2014.

Programme Director and Provincial Representative of the Public Protector in the North West, Mr Sechele Keebine;

Kgosi Molelekasilo Montshioa of Barolong boo Ratshidi;

Kgosi Mothibi, Barolong boo Mariba;

Kgosi Malefo, Mme Morake, Rre Mabe Bakwena boo Molopyane;

Mr. Dick Montshioa , Barolong boo Ratshidi;

Mr. Khumalo Molefe, Office of the Mayor: Mahikeng Local Municipality;

Mr. M Motlogelwa, HOD: Local Government & Human Settlements;

All Chapter Nine & Ten Representatives;

All Provincial Government & Municipal Representatives;

All State Entities Present;

All NGO's and CBO's Representatives;

Public Protector Staff;

Members of the media &

Distinguished guests;

Ladies and gentlemen;

I wish to convey to you, the people of Mahikeng and neighbouring areas, the Public Protector team's warm greetings this morning.

Let me also take this opportunity to wish you a happy Heritage Month, hoping that you had a wonderful holiday on Wednesday in commemoration your heritage.

I have only the highest regard for the history of this land. I want to encourage both the young and old in this province to visit some of the well known heritage sites which are scattered all over North West. On my first trip to Mahikeng some years ago the first place I went to was the Mahikeng Museum. Recently I went to see the Klerksdorp Museum. How much do you know about the amazing heritage of this beautiful part of the country? Do you know who you are? What is the blood that flows in your veins? I challenge you to refresh your knowledge of the rich heritage of the ancestors who lie beneath us.

North West is the land of the Bakgatla, the Bakwena, the Balete, the Bangwato, the Bangwaketse, the Barolong, the Batawana, the Batlokwa, the Bahurutshe, the Bafokeng, the list goes on and on. If I were to mention the various Dikgosi, we won't leave. We see a lot of versions of the history of Mahikeng as the place which is well-known for the famous siege during the Anglo-Boer war, which we are told ended in a decisive victory for the British and made a hero of Robert Baden Powell. Little is said however of the concentration camps at which many people of various races died. That has been airbrushed out of history. Do you know however that Sol Plaatjie wrote his own unique version of that era in history entitled 'The Boer War: Diary of Sol T Plaatjie: An African in Mafikeng'. Coincidentally Sol Plaatjie became one of the founders of the South African Native National Congress which later became the African National Congress.

It is therefore only befitting that we converge today, during Heritage Month, in the backyard of the Barolong-Boo-Ratshidi under the auspices of Kgosi Montshioa.

We all know that the Barolong-Boo-Ratshidi people are among the oldest Setswana ethnic groups that continue to preserve its culture to this day.

It's recorded history can be traced back to the 1800s. I am informed that the Barolong moved here between 1200 and 1350. The subsequent history involves a broad range of players such as the Batswana, the Vortrekkers, the British, the Ndebeles and Zulus under Mzilikazi etc.

It is refreshing to know that, as a people, our customs, traditions, languages and artefacts, among other things, have not been neglected, thanks to leaders such as

Kgosi Montshioa. We wish to thank Kgosi Montshioa and others like him across the land for spearheading efforts aimed at preserving our sense of identity.

Let me also thank Kgosi Montshioa for availing this venue to us. It is his correct understanding of what the Public Protector stands for in our democracy that has led him to opening his doors to us this morning. We are literally fulfilling to the letter Section 182(4) which provides that the Public Protector must be accessible to all persons and communities.

We are here today as part of the 2014 Public Protector National Stakeholder Dialogue.

Perhaps I should start my input with a brief tale of a woman, whose experiences may just resonate with many of you. We shall call her Ms M.

Like many of you, Ms M is an ordinary South African who wants the best for her child. However, circumstances, as you may be aware, often have other plans.

But Ms M knew that in South Africa we have a caring government that takes its cue from our Constitution, which provides for the right to social security, among other things.

With this knowledge, Ms M proceeded a few years ago to approach the South African Social Security Agency (SASSA) with an application for a child grant. She got the shock of her life when she was informed by an official that her application could not be approved as her Identity Document (ID) number showed that she was already getting a grant for two children.

What shocked her was not that the application had been declined. It was the point made by the official that she was already a beneficiary of the same grant. The truth was that Ms M had only one child and she was not receiving any grant for the child.

She reasoned with the official concerned until the official decided to register her anyway. However, that was an exercise in futility in that each time she went to the pay point to claim the benefits, she would return home to the hungry child empty-handed.

The explanation she would get from officials was similar to the one she got when she applied.

After several fruitless visits to the pay point, Ms M learned through word of mouth that there was a constitutional institution called the Public Protector that could potentially make her problems go away.

That was not all that she heard. She was also informed that this very institution would be holding an outreach event similar to our meeting today in her community,

where she'd be able to interact with our investigators, with a view to finding a solution to her grievance.

She went there and found officials from my office, who told the community about the mandate, powers and functions of this institution, before taking service delivery complaints from the community, including Ms M's.

Soon my office started investigating Ms M's complaint, along with the other grievances recorded on that day.

Investigations later revealed that Ms M was a victim of the organised crime of identity theft, cutting across three government departments, namely Health, Social Development and Home Affairs.

As it turned out, the real recipient of the money referred to by SASSA officials when Ms M applied for the grant had managed to purchase an ID bearing Ms M's ID number from a corrupt Home Affairs official at a fee.

The woman in question was also able to fraudulently obtain a clinic card and also grease the palms of a crooked Social Development official in order to be in the system as a beneficiary.

In addition, she was not receiving the money from a pay point like other beneficiaries who walk the straight and the narrow. Instead, her illicit benefits were being accessed through a local supermarket.

Investigators visited the premises of the kingpins of the syndicate, with the assistance of members of the South African Police Service and discovered a heap of stolen IDs and other important documents.

To cut the long story short, soon Ms M was issued with a new ID and her child was registered for the grant. In addition, she was paid, with interest, all benefits due to her, dating back to the time when she first applied.

Meanwhile criminal proceedings were being instituted against the culprits.

I suppose the gist of this story, and maybe not its facts per se, mirrors those of some of you and that is partly why we are here this morning.

From Ms M's story, four things come out quite clear.

First, she approached government with an application for benefits she was entitled to as provided for in Chapter 2 of our Constitution.

Second, maladministration and indifference crept in to undermine government programmes that genuinely seek to improve the quality of life of South Africans in the true spirit of our Constitution.

Third, the victim knew that she could turn to us for the vindication of her rights and proceeded to approach us.

Last, with the cooperation of organs of state involved, not only were we able to live up to Ms M's expectations and restore her dignity, we were also able to ensure that the bad apples are brought to book.

In a nutshell, the story of Ms M culminates in both my office and government delivering on our core mandates, i.e. the human rights enshrined in the Bill of Rights bearing fruit for our people through government programmes and those who undermine our constitutional democracy through their actions facing the full might of the law.

In other words, both the Public Protector and the Government want the same thing. When you study government's programme of action as outlined in the State of the Nation or Province Address, you will note that it is government's priority to deliver services efficiently and effectively to the public while also dealing with maladministration, including corruption.

Section 181 of the Constitution, read with Section 182, and the Public Protector Act 23, 1994, provide that my office is empowered to support and strengthen constitutional democracy through the investigation of alleged or suspected improper conduct in state affairs, reporting on that conduct and taking appropriate remedial action.

This makes the Public Protector more of a friend of the government, rather than a foe, in stark contrast of how some in society perceive this relationship. In fact, we see ourselves as the conscience of the state in that we are its eyes and ears.

When the Public Protector and government work together, the state is enabled to deal with administrative deficiencies that tend to undermine a genuine intent on the part of government to live up to the promise of an improved quality of life for all.

Serving as a buffer between the people and the state, we whisper truth to power the moment we smell trouble so that the state can make amends and thus keep our constitutional democracy intact.

And this is the message underlining the 2014 Public Protector National Stakeholder Dialogue, under whose auspices, we meet here today.

The theme for this year's dialogue is: ***“Joining Hands in a Partnership against Maladministration and Corruption.”***

The dialogue is twofold. First, we interact with key people in government, including members of the executive, legislators, decision-making officials such as Directors-General, legal advisors and so forth.

Then we also meet with people at the receiving end of government services such as yourselves.

During deliberations, the focus is on how we can team up against the evils of maladministration and corruption, whose sole purpose is to derail plans geared towards ensuring that our people taste the fruits of democracy.

This dialogue kicked off in Gauteng in August, where it got the blessings of the provincial leadership, including Premier David Makhura. We have also been to the Western Cape, where we were also received warmly. Today is your turn as the people of the North West.

Our focus on improved cooperation should not be understood to mean that there is no cooperation at all between government and the Public Protector.

The truth is that the level of cooperation between us and government is quite good, especially on bread and butter matters or those cases that involve regular folks. About 99.9% of our work constitutes of matters that affect regular people.

It is just here and there, on matters usually involving high ranking people that we have experienced difficulties. I must add that such matters account for a drop in the ocean in our overall workload.

But because those few cases are widely reported in the media, there may be perceptions both inside and outside government that my office and the government are foes and thus eroding trust on either of the two.

If there was no cooperation, we would not have been able to do the work we have done thus far. Statistics show that during the financial year gone by we dealt with just under 40 000 cases of which more than 24 600 were finalised. In this particular province, we dealt with a total of 2 978 matters and concluded more than 2400.

In each one of the cases finalised, we received the utmost cooperation from authorities and we are grateful for that. In one of the cases finalised during the financial year concerned, the Public Protector found that a government department in this province spent a whopping R15 million in disciplinary hearings of three officials.

This means each hearing cost the department a staggering R5 million. In addition, the law firm that pocketed these resources charged R500 000 just to draft the charges.

The worst part is that the department in question had on its payroll men and women who were not only capable but also qualified to conduct the disciplinary proceedings concerned. In other words these people outsourced their jobs, something which is of great cause for concern for the Auditor General as well. I do not believe that the

founders of this country's Constitution would have wanted the culture of "something for nothing" that is taking root. The question that all of us need to ask as we deliberate is "What is the real cost of maladministration and corruption?"

Indeed, counting the cost of this maladministration leaves one reeling with shock.

If we agree that one RDP house costs the state R90 000 to build, as suggested by a provincial Department of Human Settlement, then it means that money for the bogus hearings could have provided a roof over the heads of 166 households.

The Special Investigating Unit and the Auditor General say that South Africa loses up to R30 billion a year to corruption. This translates to more than 33 000 much needed houses.

I make the example about housing matters because it is among the majority of complaints that we deal with in this province, which involve ordinary people's needs.

We are inundated with a lot of housing problems in this province, particularly in Mahikeng and Matlosana. These include unlawful occupation of houses.

We also receive a lot of complaints about filth in the City of Mahikeng, in particular the dump site that stands adjacent to the Mahikeng Provincial Hospital, thereby posing a health hazard to the local community. A lot of people tell me that standards have gone down in Mahikeng. What is sad is that the municipalities here, in particular Mahikeng Local Municipality and Ngaka Modiri Molema District Municipality, are becoming the national face of bad governance. The citizens should not allow this to happen. Just a few hours ago Premier Supra Mahumapelo tweeted that the North West High Court dismissed a case by Ngaka Modiri Molema councillors challenging an EXCO resolution to dissolve the municipality. Coincidentally the same municipality did not show up to a hearing that we called for them to address the complaints of citizens. Instead of appearing before the Public Protector to answer questions about improving the lives of citizens the Mayor, Speaker and two other officials appeared in court early this month on fraud accusations. The Mahikeng Local Municipality has also not been cooperating lately and I am told the results of this lack of cooperation are there for all to see in terms of diminished service delivery.

In addition to the above, we receive a myriad of complaints on the provision of water by the Ngaka Modiri Molema District Municipality as some of you might be aware.

We further deal with complaints involving Small Micro Medium Enterprises that are owed money by organs of state, with no end in sight.

We recently helped a small business person who was awarded a contract to provide traffic management solutions to the Tswaing Municipality. He came to us after

exhausting all other available avenues and we helped him get an amount of just under R300 000 that he was owed by municipality.

Cases such as this one prove that if we work together as the Public Protector and the state, we all win. My office has, however, been struggling with cooperation by some of the municipalities in this province. These, unfortunately, as I have indicated, include our hosts Mahikeng and Ngaka Modiri Molema.

Fortunately, Mahikeng is represented here and therefore I wish to take this opportunity to humbly call on the municipality to join others in embracing our noble efforts for, in the end, all of us want the same things that is an accountable state that operates with integrity while being responsive to the needs of the people.

In the same vein, we would like to laud those municipalities that have been responsive whenever we knocked on their doors in response to calls from members of the public. These include Ventersdorp Municipality. I am encouraged by improvements at Tlokwe after the mayhem from last year. Matlosana Municipality can also do better. We also want more co-operation from Ramotshere Moiloa Local Municipality going ahead. I work here a lot and therefore know the issues well.

It is of paramount importance that municipalities and other organs of state understand that we are not an alternate government. In other words, we are not here to govern on their behalf or usurp their roles. We are just here to unblock the bottle necks to ensure that anything that undermines government programmes and constitutional democracy is dealt with and we are empowered by the Constitution and the law to do just that.

The irony is that about a year ago I compared a list of municipalities that don't respond to our processes with a list that Deputy Minister of Cooperative Governance Andries Nel has of problem municipalities and they were almost the same. So there is a direct link between indifference to the concerns of citizens and failure to deliver. Coincidentally these appear to be the more corrupt as well. As I was preparing for this event I had newspapers in front of me with screaming headlines "water outage outrage" and "Madiba loot returned" i.e in reference to money allegedly stolen by Buffalo City (East London) municipality officials resulting in even the mayor's account being frozen. It is so much clearer now why we were created as an institution that is to make sure that impunity does not become an acceptable way of life. If we let this become the culture of doing things this country will literally go to the dogs.

Today we will engage in a dialogue about these issues. We will also grant you an opportunity to bring to our attention pressing service delivery matters, particularly those affecting communities as opposed to individual matters. A team of investigators from my office are here to register the complaints.

My request to you is that use this opportunity to air your views. Most importantly, make use of the opportunity, which our Constitution has availed to you under Section 182(4) thereof, which instructs the Public Protector to be “accessible to all persons and communities”. Remember to ensure that, even if you have spoken during plenary, you fill-in a complaint form because that is the only way we will be able to follow up on the matters you bring forth.

Just like we helped Ms M, whom I referred to earlier, and everybody else who has managed to exact accountability on state actors and vindicate their rights through the office of the Public Protector, we can help you too.

I look forward to a fruitful engagement.

Thank you.Kea le boha

Adv. Kevin Sifiso Malunga

Deputy Public Protector of South Africa