



**Address by Public Protector Adv Thuli Madonsela during the Institute  
for Security Studies & Hanns Seidel Foundation Pan-African Anti-  
Corruption Conference in Cape Town**

**Monday, 27 February 2012**

**German Consul General Hans-Werner Bussmann;  
Dr Peter Witterauf, CEO, Hanns Seidel Foundation;  
Dr Hennie van Vuuren, of the Institute for Security Studies;  
Willie Hofmeyer, Head of the Asset Forfeiture Unit in South Africa  
Ms Futhi Mtoba, Chairperson of the National Anti-Corruption Forum  
Delegates from all over Africa and various sectors of society, including academia,  
business and NGOs;  
Members of the media;**

**Ladies and gentlemen**

I am humbled by the honour of addressing this very important conference of African luminaries on anticorruption.

The organisers of the event, the Institute for Security Studies and the Hanns Seidel Foundation should be applauded for the initiative. I'm particularly encouraged by the thematic focus of the conference. The issues of strengthening compliance and sharing of best practice have emerged as central to an effective fight against corruption and maladministration in my experience as South Africa's Public Protector or Ombudsman, as commonly understood, and as the Secretary of the African Ombudsman and Mediators Association (AOMA).

Poor compliance enforcement not only breeds systemic maladministration but also fosters impunity, which is a major factor behind systemic corruption.

There is no questioning the wisdom that ending maladministration, the opposite of good governance is a major key to eradicating corruption. The focus on best practice is also an important part of the key to ending maladministration. It is another area that we have identified as a key focus area as AOMA. To be inspired, people are often looking for assurances that it can be done and for examples on how it can be done.

The timing of the conference is particularly significant as African leaders are once more stepping up and promising to lead this continent to success. We are also left with about three years before we all report back to the United National (UN) on what we have achieved against our undertakings on the achievement of Millennium Development Goals (MDGs) which include halving poverty by 2015,

I recently listened with pride as African leaders made impassioned pleas to their world counterparts, particularly those from the western world for Africa to be given an opportunity to resolve its own problems and consequently determining its path to the future.

At the last World Economic Forum, Africa's leaders, among them South Africa's President Jacob Zuma, Ethiopia's Prime Minister Meles Zenawi and Tanzania's President Jakaya Kikwete made a strong case for the continent to be given space to resolve or drive the process of resolving Africa's problems under the leadership of the African Union. Indeed that was not an odd request as the other continents too, including Europe generally take charge of resolving conflicts in their jurisdiction.

I recall the Prime Minister of Ethiopia going further, during the dialogue in Doha, to make a bold statement that Africa was poised to become the fastest growing economic hub in the world.

As I watched the deliberations on a news channel, caught myself involuntarily playing Vicky Sampson's song, "*The African Dream*" in my mind. The chorus has the following lyrics:

*"Cos in my African Dream  
There's a new tomorrow  
My African dream  
Is a dream that we can follow 'Cos in my African Dream  
There's a new tomorrow  
My African dream  
Is a dream that we can follow"*

However, when I got an opportunity to engage with some of my peers a sense of reality emerged. Some questions whether we are really witnessing a new dawn, at the conclusion of which we are to see Africa rise like a phoenix. Questions were raised as to whether this was the kind of rhetoric that has been heard in the last century or this time Africa finally poised to rise like a phoenix and stand tall as a giant among nations as was originally envisaged by pan Africanists such as Nkwame Nkruma Amilcar Cabral, Patrice Lumumba, WEB Dubois and Charlotte Maxeke.

The cynical voices mentioned among others the continued war in Africa which in many instances is fuelled by greed among the corrupt elite who will do anything to gain political or military control over the continent's resources, particularly mineral resources, for their selfish interests. Examples of wars and civil conflict in countries such as the Congo and Nigeria were advanced.

I suppose it is fair to ask whether African leaders really have the ability and conviction to help Africa realise the "African Dream". Africa does have a history of unfulfilled grand promises by its leaders to transform the continent into a giant characterised by democracy, human rights, economic growth and equality of opportunity.

Many of such promises are intertwined with the concept of an African renaissance, which has hitherto remained elusive. Of course the question we have to ask is whether the African renaissance or African dream is a dream derailed or a dream delayed.

Perhaps this is a good place to go straight to the issue of corruption and the role this monster has played in the elusive African dream. I must admit upfront that Africa's troubles could never be reduced to a single factor such as corruption, important as it may be. But corruption has played an important role not only in sabotaging Africa's quest for economic growth and development but has also undermined efforts aimed at the consolidation of democracy, human rights and the rule of law.

We do know, for example that corruption has been cited as one of the factors that led to the uprisings that we have come to refer to as the Arab Spring.

December 18, 2010 will probably go down in history as the day that marked a turning point in the African struggle against government corruption and gross human rights violations.

On that day in Tunisia, a man set himself alight reportedly out of frustration and in protest against alleged police corruption and ill-treatment. When Egypt was engulfed in flames, allegations of corruption involving the siphoning of obscene amounts of public funds into private accounts out of the country, was one of the key driving forces behind the calls for a new deal.

The scenes we have seen in the Arab world and North Africa are indeed a far cry from the dream that Nkrumah and others had for our continent. They envisioned a continent that would, at best, be characterised by peace, stability and development. The dream was premised in the understanding that a continent, generously blessed with an abundance of raw material would be able to use its natural resources to rebuild itself and improve the living conditions of its people in a sustainable way.

But the dream has thus far eluded most African countries. As the battle for political power and control of resources waged on, an enabling environment to breed corruption, underdevelopment, poverty and a disregard for human rights was created.

If we agree that corruption was one of the key factors in the continent's 'failure to launch', how do we ensure that it is not once gain a key factor in sabotaging the new commitment from the AU to take the continent to unprecedented heights.

The organisers of this conference have identified the strengthening of compliance and sharing of best practices as key factors. Let us start with the question of strengthening compliance. How do we achieve that?

Some of the factors that keep showing up in discourses on combating corruption and promote good governance are the following:

1. Political will;
2. Leadership;
3. Functional democracy based on diffused state power, incorporating the separation of powers, independence of the judiciary, the supremacy of and the rule of law;
4. Effective and efficient governance systems;

5. Strong institutions, including courts and independent constitutional institutions such as the Ombudsman (Public Protector/Mediator), a Supreme Audit Institution (Auditor General) and a Human Rights Institution and an Independent Electoral Body.
6. A sound legal and policy framework;
7. Strong synergies between enforcement mechanisms
8. Openness and transparency, underpinned by freedom of expression, incorporating freedom of the media; openness about rights and service standards; and the protection of whistle-blowers.
9. Civic engagement
10. Values

Writing on an American news reporting and opinion website, Daily Beast, on Africa Day (May 24) in 2010, African diplomat and former United Nations Secretary Kofi Annan said the following:

**“Over the last decade, we have learned a great deal about what is needed [for Africa to prosper]. Ingredients include determined political leadership to set and drive plans for equitable growth and poverty reduction. Technical, management, and institutional capacity are vital if policies are to be implemented. Good governance, the rule of law and systems of accountability are essential to ensure that resources are subject to public scrutiny and used effectively and efficiently.**

**“So what is the problem? Lack of knowledge and a shortage of plans are not the problem. Good, even visionary agendas have been formulated by African leaders and policy makers in every field, from regional integration to women’s empowerment. Moreover, we have myriad examples of programmes and projects that are making a tangible positive difference in the people’s lives across the field.**

**“Given the continent’s vast natural and human resources and the ongoing, often illicit, outflow of wealth, lack of funds is not the barrier either, even though more are needed. It is political will that is the issue both internationally and in Africa itself.”**

Perhaps Mr Annan has a point in saying there is a need for political will, especially in strengthening and deepening democratic rule in the continent.

Coming from an Ombudsman institution (or the Public Protector in South Africa), one of the ways of ensuring that democracy is entrenched is through capacitating and supporting our checks and balances.

About 202 years ago the Swedish conceded that the traditional checks and balances were inadequate for helping citizens hold those they had entrusted with public power and the common resources. The outcome was the birth of the Ombudsman, an institution whose potential in the areas of administrative justice and public accountability is yet to be fully explored. In the African context though, the Ombudsman may well be the answer as it is closest to the justice paradigm most of the people resonate with.

AOMA (African Ombudsmen and Mediators Association), which is accredited by the African

Union, holds the view that the Ombudsman institution is one of the good practices African countries ought to embrace. The same applies to other oversight institutions.

Such bodies were never meant to replace the traditional checks and balances that I referred to earlier. Instead, they were meant to offer a unique service that ensures quicker accountability and justice as a way of complementing legislatures, courts and other traditional checks and balances.

In countries, where such institutions exist, they should be given the necessary support to function independently and effectively.

It was refreshing to hear Finance Minister, Pravin Gordhan, indicating in the National Budget Speech last week that institutions such as my office and the Independent Complaints Directorate were to be allocated an increased share of the budget so that they can continue supporting and strengthening our constitutional democracy.

That went to show the political will that Mr Annan was talking about. If governments invest in such institutions, they are taking very bold steps to safeguard democracy.

As I draw towards my conclusion, I am informed that this conference seeks to realise:

- An increased awareness about the strategic role of the private sector in fighting corruption;
- The continuation of international dialogues on methods of fighting corruption;
- The opportunity for the private sector to engage with the public sector and government agencies on strategic issues; and
- The development of an instrument, possibly an African Charter for Ethical Business Practice, for commendation and adoption as a guide for advancing the fight against corruption throughout Africa.

These are very important issues that will surely make a significant contribution to the African offensive on the scourge of corruption, which continues to eat on resources set aside for the eradication of poverty and underdevelopment.

One of the best practice areas that need to be strengthened is people empowerment and civic participation. South Africa has always had strong civil society. However, corruption was not, until recently an area of civic activism. Things have changed. Among others, there's a recent initiative called corruption watch. There are also transparency and whistle-blower initiatives which include ODAC's programmes. We have a national good governance week, which seeks to ensure among others, the strengthening of synergies. There's also an integrated anticorruption strategy, which includes a National Anticorruption Forum and a national anticorruption hotline.

One of the good practices from other countries that is worth a closer look is an integrated anticorruption framework and a dedicated agency.

As you deliberate these issues, I urge you to incorporate the role of the Ombudsman in the pursuit of good governance and combating corruption. Where do we place the Ombudsman or the Public Protector in the fight against maladministration and corruption in the continent? How do we strengthen these institutions for the greater benefit of the continent? Are they adequately

recognised as agents of change in the quest for good governance in and a corrupt free Africa?  
Do we see them helping to deliver the elusive African dream?

I wish you a productive conference and may discussions be robust and lead to tangible solutions to this great challenge that stands between Africa and prosperity.

Thank you.

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