



Address by Public Protector Adv Thuli Madonsela during the Public Sector Excellence Awards 2011 on Tuesday, January 31, 2012 at Sandton Sun Hotel in Johannesburg

Tuesday, 31 January 2012

**Programme Director, Ms Lerato Mbele
Former Chairperson of the Independent Electoral Commission, Dr Brigalia Bam;
Dr Sam Motsuenyane;
Chairperson and Founder of Public Sector Excellence, Mr Thebe Ikalafeng;
Mr Neil Higgs of TNS Research Surveys;
Government representatives;
Members of the media;
Distinguished guests;
Ladies and gentlemen;**

I am honoured to be part of tonight's august occasion as we take time off to duly recognise excellence and pay tribute to public sector institutions that are shining examples of what the public service ought to be about.

As we gather to recognise and celebrate those that are consistently using public power and resources to expand the frontiers of human freedom and generally create a better world, how about reflecting on the following words of wisdom from Martin Luther King.

“A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies. On the one hand, we are called to play the Good Samaritan on life's roadside, but that will be only an initial act. One day we must come to see that the whole Jericho Road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than flinging a coin to a beggar. It comes to see that an edifice which produces beggars needs restructuring.”

Indeed when as a nation we embraced a new Constitution, we sought to usher in a society where state power and resources are always used fairly, justly and in the public interest. For this dream to be realised we counted on selfless men and women that would work tirelessly as they regulate our lives and deliver public services efficiently, effectively and inclusively.

It is indeed gratifying to know that the architects of our democracy were not wrong in their hope

that if they provide the architecture for an inclusive and accountable state there would be men and women that step up and do the right thing.

The global leaders who a few years ago made bold promises known as the Millennium Development Goals were also counting on the availability of leaders and ordinary people that would make things happen when the time to deliver came.

Tonight we focus our attention on those organs of state that have excelled in the public sector as they regulate and deliver services.

This brings me to the issue of what really is public sector excellence. Reading through the documents on the Public Sector Excellence Awards, it's clear that excellence is primarily seen in terms of decisions and actions that consistently improve the lives of the people while using public resources with utmost prudence and accountability. This ideal permeates all literature on the subject, including pronouncements by Mr Thebe Ikalafeng, the brains behind the initiative.

If we examine the list of previous and tonight's recipients of the awards, the central message is consistent. The focus is on using the public space, power and resources entrusted to those exercising public power to change the lives of ordinary South Africans for the better.

Indeed ladies and gentlemen, this evening is dedicated to those bodies, leaders and ordinary foot soldiers in the public sector, that have proved in that past year that:

- They will not rest until Gogo Dlamini experiences the true meaning of human dignity;
- They will certainly not rest until Gogo Dlamini has a roof over her head;
- They will not rest until Gogo Dlamini's house has running water and lights;
- They will not rest until Gogo Dlamini is able to put food on the table;
- They will not rest until Gogo Dlamini can get access to world-class healthcare services whenever the need arises;
- Indeed they will not rest until Gogo Dlamini ultimately tastes the fruits of the Millennium Development Goals; and that
- Gogo Dlamini's children break out of the cycles of poverty and illiteracy and out of structural inequality, including gender inequality.

These are the people that know that *"True compassion is more than flinging a coin to a beggar"*. They toil tirelessly and honestly using every public rand to restructure the edifices which produce beggars.

Many of these unsung heroes and heroines that make us proud to be South Africans are here with us tonight. But why do we celebrate excellence?

Kahlil Gibral once said:

"You have been told that, even like a chain, you are as weak as your weakest link. This is but half the truth. You are also as strong as your strongest link. To measure you by your smallest deed is to reckon the power of an ocean by the frailty of its foam. To judge you by your failures is to cast blame upon the seasons for their inconstancy."

The organisations and persons we are here to celebrate are our strongest links. They give us hope. They provide examples of what we can be if we harness our full potential as people,

organisations and as a nation. They assure us that the constitutional promises are not too lofty and can be attained with the right action and use of public power and resources.

As they ascend the stage to earn their stripes this evening, let those moments serve as a morale booster and encouragement to the millions of public servants out there, who roll-up their sleeves, put shoulder to the wheel, to redouble their efforts in a manner that will inspire confidence in the members of the public.

Programme Director;

This occasion, takes place during the anniversary of a very important week in the history of this country. Next Saturday marks the 15th anniversary of the commencement of our supreme law, the Constitution of the Republic of South Africa.

It was on February 4, 1997 that our Constitution, which ranks among the most progressive across the world, came into force, replacing the interim version of 1993. This signalled the dawn of an era of hope for all the people of South Africa regardless of race, gender or any other human difference.

A foundation for an inclusive society was laid on that day. This is clearly apparent in the Preamble of the very Constitution”, which states in part:

“We, the people of South Africa ... therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to ... 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.”

Other cardinal pillars of our new society include the bill of rights and the founding values. In so far as the operations of the public sector are concerned, chapter 10 of the Constitution adds to the edifice.

Our fundamental values include human dignity, the achievement of quality and the advancement of human rights and freedoms; non-racialism and sexism; and supremacy of the constitution and the rule of law.

The Bill of Rights expands on the rights that all citizens and residents in this country are entitled to. These include the rights to human dignity, equality before the law, life, freedom of expression, citizenship, healthcare, food, water and social security; and housing.

In order to achieve all these, we, as the people of South Africa, elected representatives or a government, tasked with managing and controlling our resources with a view to breathe life into the vision of a better life for all.

The institutions and persons we seek to recognise today and beyond are those that are making this constitutional dream possible today and not some distant future.

Those who exercise public power affect, through their decisions and actions, the lives and aspirations of the 50 million or so people of South Africa. This makes this sector a critical piece of the puzzle wherein lies the key to the success of our teenage democracy.

It is indeed encouraging to note that the importance of the public sector in creating the society we have promised our people is not lost to the public sector leadership. During the launch of the Presidential Public Liaison and Hotline Service in 2009, President Jacob Zuma said:

“We committed ourselves to the service of the nation with dedication, commitment, discipline, integrity, hard work and passion. We called for faster service delivery, and said we have to implement the undertakings we made to our people, without delay. We emphasised that there was no place for complacency, cynicism or excuses in the service of the nation. We made it clear that everything we do in government must contribute in a direct and meaningful way, to the improvement of the lives of our people.”

Tonight’s occasion therefore aims to give due credit to those in the public sector, who have demonstrated the commitment, discipline, integrity, hard work and passion necessary to transform our society into an inclusive one that treats all fairly and enhances their life opportunities through effective public sector service delivery and regulation.

Ladies and gentlemen;

With a lot of publicity given to the ills of our society we often forget that there is a lot that is going well and that in many areas we are global leaders. Are we not the society that produced Mervin King? Isn’t our Independent Electoral Commission celebrated globally? How about SARS? Can we think of any world class organisation anywhere in the world that beats our South African Revenue Services (SARS) A few months ago I sat proudly listening to global leaders in the supreme auditing sector sing endless praises about our Auditor General.

According to the SAIRR, on average, about 1019 formal housing units were built per day in the period between 1996 and 2010. In stark contrast, only about 79 shacks were erected per day in the same period. Thought some of the houses were built by the private sector, the majority thereof were constructed by the government.

The report went on to say that the number of households with flushing and chemical toilets increased by 90 percent to 8.6 million during the same period, registering notable sanitation improvements.

Furthermore, households with taps on site sky-rocketed by a whopping 179 percent to 4.1 million.

If these statistics are anything to go by, there is a lot to celebrate and by celebrating we will not necessarily be saying we have achieved the vision contained in the Constitution. We will simply be acknowledging the little inroads made possible by the government, thanks to the men and women who swell the ranks of the public service.

While it is not wrong to complain, even by way of protests –so long as such demonstrations are not violent and results vandalism of the much needed infrastructure- we need to acknowledge the positives.

The public has a very important role to play in seeing to it that government delivers on its mandate. Through active citizenship and public participation, a lot of developments can be recorded. There is a need for a constructive dialogue between the people and their government.

One of the remarkable elements of the initiative that has brought us together today is its

empowerment of the people. I'm reliably informed that the judges behind the results are ordinary citizens.

The issue of citizen empowerment is very close to me personally. It is also part of the foundational thinking behind the concept of a public sector Ombudsman, or Public Protector.

The Public Protector is a constitutional officer appointed under Chapter 9 the Constitution to support and strengthen constitutional democracy through exacting accountability in the exercise of public power and control over state resources. The key focus of the office is the investigation and resolution of grievances involving allegations of maladministration, which in simple language is bad administration.

Section 182(1) of the Constitution places a responsibility on the Public Protector to investigate any conduct in state affairs or the public administration that is alleged to be improper or prejudicial, to report on that conduct and to take appropriate remedial action.

The scope covers all three arms of government and the three spheres of government and entities in which the state holds a controlling share such as Telkom, Eskom and the South African Airways, amongst others. The only matters in state affairs that are excluded from the Public Protector's scrutiny are court decisions.

The idea behind the establishment of this office was to have a senior public officer to help balance power between the state and citizens beyond the traditional checks and balances within democracy while serving as a buffer that reconciles the two parties.

This idea was meant to provide another mechanism to curb excesses in the exercise of power by those entrusted with public power and stewardship over public resources. This was due to a realisation that the courts and other accountability mechanisms in the classical architecture of democracy were inadequate.

The modern Public Protector or Ombudsman also has a responsibility to act as a catalyst to engineer systemic change to end maladministration or bad governance. We refer to this as the promotion or entrenchment of good governance thus ensuring that organs of state consistently take appropriate actions and decisions.

In so far as the pursuit of good governance, my office shares the same aspirations as the architects of the Public Sector Excellence Awards. This is not only in terms of improving public sector service delivery and the brand worth of the public sector. The common interests include the partnership approach. We too see the people and government as partners in our quest to support and strengthen constitutional democracy. In this regard we often liken our role to that of the Makhadzi in Vhenda culture. The Makhadzi is there to light a candle to help those in power identify and remedy distractive excesses in the exercise of public power which may in the long run undermine the relationship between the people and those they have entrusted with public power and in the long run even threaten peace and ultimately, democracy. democracy.

I accordingly applaud this initiative which provides a platform for communities to play an active role in transforming the state to that which serves them well and acts in accordance with the constitution and international human rights obligations.

I hope that as tonight's guests of honour receive their accolades for a job well done and selfless service to the people of this country, that moment will trigger a sense of healthy competition

among organs of state so that those who don't get anything tonight can be here next year to shine.

A people centred and performance-driven culture is what many want to see in our public sector and with initiative such as this one, why hard work and devotion are duly recognised, we will begin to see the emergence of more individual who epitomise service excellence and selflessness.

To Dr Brigalia Bham and Dr Sam Motsuenyane, we say "Halala". The honour bestowed on you is well deserved. We are proudly look up to you as symbols of excellence in the public service.

From the Public Protector team we pledge to work with all those that love our country to make the ideal of an accountable state that acts with integrity at all times while being responsive to the needs of its entire people, possible in our lifetime.

Thank you.

Adv Thuli Madonsela
Public Protector of the Republic of South Africa