



**Address by Public Protector Adv. Busisiwe Mkhwebane during the
commemoration of Youth Month in Mothibistad, Northern Cape on Thursday, June
22, 2017**

Programme Director, Mr. T. Medupe

Chairperson of the House of Traditional Leaders, Kgosi Bareki;

Cllr. S. Mosikatsi;

Provincial Representative of the Public Protector in the Northern Cape, Mr. M. Khanya;

Mr. B. Moremi from PANSALB;

Mr. T. Mpolokeng from John Taolo Gaetsewe Development Trust;

Ms M. Grobbelaar from Sol Plaatjie University;

Our Motivational Speaker, Dr T. Gopane;

Public Protector staff;

The community of Mothibistad;

Members of the media;

Ladies and gentlemen

Good morning,

A word of gratitude to all of you for gracing this gathering with your presence. Today we join the country in commemorating Youth Month, a very important occasion in the South African calendar.

Unfortunately there isn't much to celebrate. Young people in this country are a threatened species if data from Statistics South Africa is anything to go by.

Among the odds stacked against the youth, according to this data, are unemployment, poverty, hunger, and crime; as well as infectious and parasitic diseases such as HIV and TB.

We know that you are also troubled by academic exclusion, purely because your parents do not have the financial muscle to keep up with skyrocketing university tuition.

When you do manage to get admitted to institutions of higher learning, you don't have accommodation, food or study material.

In addition, and perhaps more worrisome, is the seemingly out-of-control situation of substance abuse, particularly in this province.

For instance, data from the provincial Social Development department shows that foetal alcohol spectrum disorder is prevalent among farming communities in Upington and De Aar but worse in Kimberley.

In Galeshewe, a township outside Kimberley, 11% out of every 1000 young people have this disorder. This, according to authorities here, means 60 out of every 1000 youths have permanent, irreversible brain damage due to alcohol intake during pregnancy.

These uncomfortable truths should shock all of us. I, for one, am shaken by these gory details.

But I am an optimist. I take solace in the fact that we have young people such as Dr Tshegofatso Gopane, our motivational speaker for the day.

It is often said that "the future of nations lies in the hands of young people". Whoever coined that saying must have had the likes of Dr Gopane in mind.

I would even go as far as to suggest that our late former President Nelson Mandela must have had young people of Dr Gopane's caliber in mind when he said "I admire young people who are concerned with the affairs of their community and nation perhaps because I also became involved in the struggle whilst I was still at school".

Like all other young people in this province, everywhere she goes, Dr Gopane sees fellow youngsters grappling with all of the problems I have just referred to.

But rather than do what has become the most obvious thing, which is to moan the situation and point fingers at government, she decided to get her hands dirty and do something about the plight of the youth in her surroundings.

I am informed that Dr Gopane, who is in her mid-30s, runs a number of successful social development and healthcare programmes that are really making a difference in communities.

These include initiatives geared at emancipating both girl and boy children through school-based programmes that focus on HIV/AIDS education, teenage pregnancy, reproductive health including contraception, self-esteem coaching sessions and so forth.

Dr Gopane, who holds a Bachelor of Medicine and Surgery from the University of Natal, also works with matric learners who require additional support to do well in their Grade 12 studies.

I must say that I am bowled over by Dr. Gopane's approach to the difficulties that young people's face.

Something about her reminds me of the attitude of the young people of 1976 in response to the challenges they were confronted with at the time.

They were dealing with far much worse than you are. They faced an insular state that did not regard them as people worthy of the rights and freedoms enjoyed by their white counterparts.

They took it upon themselves to spark the action that was going to turn their situation around. And they did, albeit at a heavy cost.

You already know the story. They refused to accept the oppressive government of the day's imposition of a crooked education system, including the use of a language they didn't speak as a medium of instruction.

They decided to take to the streets to signal their unhappiness in that regard. And they already knew the risks because sixteen years earlier, apartheid police had already shown the world what they were capable of when they opened fire on thousands of people that were protesting against pass laws in Sharpsville, mowing down as many as 69 innocent people and maiming many others.

But, in the face of all that potential brutality, they remained resolute that they had to stand up for themselves by engaging in a peaceful protest to put their message across.

We all know what happened next. Gun shots rang out. By the time the firearms went silent, hundreds of bodies of unarmed school children were sprawled all over the streets.

It would take another 18 years before what they were yearning for – freedom and democracy – was realized. Today, we hold this gathering to remember the bravery of those martyrs.

Most importantly, we hold this gathering to say to you, just like them and just like Dr Gopane, you too have what it takes to do something about whatever undesirable situation you find yourself in.

Although it is not easy, we must agree that the environment is far much better than in 1976, which is why the likes of Dr Gopane have been able to achieve what they have.

Today, you have a Constitution that provides for an inclusive state, where everyone's live matters. You have a developmental state, whose constitution promises an improved quality of life for everyone and a freed potential for each person.

You live in a democracy, whose constitution provides that you have, among others, the following rights and freedoms:

- Equality;
- Human dignity;
- Housing
- Healthcare;
- Food;
- Water;
- Social security;
- Education; and
- Administrative justice

Unlike the pre-1994 setting, the constitution further spells out the character of the state, identifies the different arms of government and their respective roles in making all of the above possible.

It then makes available to you oversight bodies to help you hold the state accountable should it fail you. These include the Public Protector, whose role, as you may be aware, is provided for in detail in section 182 of that very constitution. I will touch on this shortly.

The point I am trying to make is that today is better than yesterday and that, be that as it may, today has its own set of challenges that continue to trouble our young people.

However, unlike your 1976 counterparts, you are better off and the environment is more conducive for you to take matters into your own hands to bring about positive changes in your lives and to be your own liberators.

If you don't draw inspiration from the generation of Tsietsi Mashinini and Hector Peterson, at least look to the likes of Dr Gopane for motivation.

You need not do exactly what she is doing. You may look at ways that can reduce unemployment; you may help come up with strategies on how best the police can rid our communities of crime or you may come up with innovative ways of keeping poverty and hunger at bay.

Whatever you do; let it make a difference in your community.

Programme Director;

As the Public Protector, it would be remiss of me to travel this far and not say a thing or two about where I fit in, in the struggle to make South Africa a better country and what role I see you as young people playing in that regard.

I therefore ask for your indulgence as I quickly take you through who we are, what we do, what authority we have, what the source of that authority is and why it should be your business to know all of that.

The Public Protector is established by Section 181 of the Constitution to support constitutional democracy. We get our mandate directly from the Constitution, in Section 182, which provides that:

***“182 (1) The Public Protector has the power, as regulated by national legislation –
(a) To investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result***

in any impropriety or prejudice;

(b) To report on that conduct; and

(c) To take appropriate remedial action

(2) The Public Protector has the additional powers and functions prescribed by national legislation.

(3) The Public Protector may not investigate court decisions.

(4) The Public Protector must be accessible to all persons and communities.

(5) Any report issued by the Public Protector must be open to the public unless exceptional circumstances, to be determined in terms of national legislation, require that a report be kept confidential.”

The additional powers that are referred to in Section 182(2) include the following:

- 1. The power, in terms of the Public Protector Act, to investigate, conciliate, mediate, negotiate, advise or do anything necessary to resolve disputes and rectify maladministration in state affairs and related matters;*
- 2. The power to investigate and report on violations of the Executive Ethics Code under the Executive Members' Ethics Act;*
- 3. The power to investigate allegations of corrupt activities as envisaged under the Prevention and Combating of Corrupt Activities Act;*
- 4. The power to receive protected disclosures and serve as a safe haven for whistle-blowers under the Protected Disclosures Act; and*
- 5. The power to review the decisions of the National Home Builders Registration Council under the National Protection of Housing Measures Act*

Anyone can approach the Public Protector concerning alleged improper conduct in the public sector, provided that that person has tried and failed to resolve that problem himself or herself. Although this is not a legal requirement, it is a measure we have put in place to try and manage our intake of complaints.

We have been encouraging organs of state to establish internal complaints resolution mechanisms and ensure that such avenues are effective. Some such as the Department

of Defence, the Cities of Joburg and Cape Town as well as the Department of Health have heeded our call.

I take it that you have heard of the Military Ombudsman, the Cities of Joburg and Cape Town Ombudsman and the Health Ombudsman of the Life Esidimeni saga fame? In addition, Human Settlements Minister Lindiwe Sisulu recently revealed in Parliament that plans are afoot to establish an Ombudsman for housing.

These are welcome and commendable efforts. People must use these forums to hold the state to account. Only when all else fails should they come to us.

This approach frees the hands of the Public Protector to focus on systemic investigations, which essentially seek to address the underlying causes of chronic problems in the public sector with a view to ensuring that the problems concerned are addressed for good and do not recur in the future.

Such investigations also ensure that our systems are not clogged by matters that could have easily been resolved at the level of organs of state themselves.

Our caseload is a mixed bag of service delivery grievances. These include problems related to the processing of applications for social grants, official documents, RDP houses, pension benefits for retired civil servants, Unemployment Insurance Fund, Workers' Compensation; the provision of water, electricity and public healthcare services, among other things.

We also investigate alleged corruption, abuse of power, abuse of state resources, improper enrichment and unmanaged conflict of interest. These include irregular award of tenders, irregular appointments of staff, nepotism and so on and so forth.

We have 19 offices spread across South Africa, one of which is only a stone's throw from here, in Kuruman. We have two more offices in the provinces; one in Kimberley and the other in Upington. We realize that due to the vastness of the Northern Cape, our attempt to bring our services to the doorsteps of communities through these three offices is as good as scratching the surface.

We have then come up with innovative ways of increasing our footprint. We are in talks with the Ministers of Justice and Cooperative Governance and Traditional Affairs, exploring the possibility of utilizing Magistrate Courts, municipal premises and tribal offices to reach more people.

In fact, two weeks back my office and the South African Local Government Association (SALGA) entered into a Memorandum of Understanding, which covers among other things the use of municipal premises to enhance access to our services.

Over the next seven years, my work will be dominated by efforts to take the services of my office to the people located at the grassroots because I am of the firm view that they too deserve to taste the fruits of freedom.

I want to communicate to them in their mother tongues, so that they get to understand what exactly we do thereby using this office to improve their lives. It is high time people, especially the poor and the marginalized, begin see this office as their stronghold, a safe haven. Some already know this but there are a lot of people who think this office is only about the so-called big cases involving big names. That needs to change.

It is my wish that when I bid this office goodbye in the year 2023, I leave behind an empowered public that is made up of people who are their own liberators and Public Protectors in their own right.

This does not mean, I will turn a blind eye on matters of wrongdoing that involve the powerful. You would have noticed that a few days ago I announced my decision to launch a preliminary investigation into new allegations of state capture, which brings me to the role that I think you as young people can play in ensuring good governance in all state affairs and in the private space.

You will agree with me that a lot of our problems as a country are occasioned by bad governance; whether at the level of local government, provincial or national.

There are a lot of statistics out there that show the cost of corruption in our country. For example, the Institution of Internal Auditors told us in 2015 that South Africa had lost up to R700billion to corruption in the 20 years leading up to that announcement.

The institute said that people who tried to report corruption were often muzzled, with whistleblowers intimidated.

You will agree with me that all these billions that are said to have been lost to corruption could have come in handy and helped in the fight against the challenges that you face as young people.

With a budgeted of R700 billion we could really push back against academic exclusion, lack of student accommodation and lack of study material. We could also reduce poverty, hunger and unemployment. We could acquire medical supplies needed and invest in education programmes that advocate for preventative measures to fight disease.

What then am I asking you to do about it? My plea to you is that report corruption when you witness it. Do not look away because corruption steals from you, it denies you the quality of life that you are entitled to. Get inspired by the 1976 generation's rebellion against injustice and start a peaceful uprising against corruption wherever it manifests itself.

Draw inspiration from fellow young person Dr Gopane, who had identified a problem and done something about it. If you agree that corruption is a problem in society, take a stand and do something about it too, as a young person.

It was again President Mandela, who said: "Young people are capable, when aroused, of bringing down the towers of oppression and raising the banners of freedom."

Indeed, you are capable of bringing down the towers of problems plaguing the country and in particular problems troubling you, and raising the banners of freedom from all this bondage. It is in your hands.

Happy Youth Month.

Thank you.

Adv. Busisiwe Mkhwebane
Public Protector of South Africa