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Accountability • Integrity • Responsiveness

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Overview



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Overview



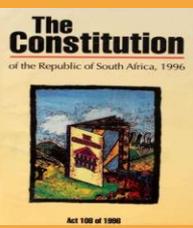
- A citizen's thoughts
- Why Globalization compels the corporate world to get involved- (Shared destiny: James Patrick Kinney's 6 humans)

**“ They did not die from the cold without
They died from the cold within” The Cold
within by James's Patrick Kinney**

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South Africa 21 Years of Constitutional Democracy



Dreaming is easier than doing but doing yields more satisfaction than dreaming

- When South Africa (with the help of the world) closed the door to colonialism and apartheid, it undertook a journey into the unknown.
- All it had was the Constitution as its lodestar with a clear vision of what it sought to become, a strong will of its resilient people to undertake the journey and a beautiful country with a great heritage, including natural resources, human diversity and a supportive world.
- The Constitutional promise was an inclusive SA, founded on social justice, human dignity, human rights and freedom, transparency, accountability and Rule of law



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A Nation at Cross Roads, Can the Foundation Stand?



“ We were mindful from the very start of the importance of accountability to democracy. Our experience had made us acutely aware of the possible dangers of a government that is neither transparent nor accountable. To this end our Constitution contains several mechanisms to ensure that government will not be part of the problem; but part of the solution.....

“However, we are not yet out of the woods; much still needs to be done in terms of transformation. In this sense, therefore, our Public Protector's Office is not only a critical instrument for good governance. It also occupies a central place in the transformation of the public service by, among other means, rooting out the arrogance, secrecy and corruption so rampant during the apartheid years.” Nelson Mandela

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A Nation at Cross Roads, Can the Foundation Stand?



The expectation that things may not always go according to plan was repeated by the Constitutional Court during the certification judgement when it directed government to further fortify the Public Protector, Auditor-General and Reserve Bank arguing that these institutions may in future have to make unpopular and even embarrassing decisions and therefore needed the strongest constitutional protections.

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A Nation at Cross Roads, Can the Foundation Stand?



*Even the most benevolent of governments are made up of people with all the propensities for human failings. The rule of law as we understand it consists in the set of conventions and arrangements that **ensure that it is not left to the whims of individual rulers to decide on what is good for the populace.** The administrative **conduct of government and authorities are subject to scrutiny of independent organs.** This is an essential element of good governance that we have sought to have built into our new constitutional order. An essential part of that constitutional architecture is those state institutions supporting constitutional democracy. Amongst those are the **Public Protector**, the Human Rights Commission, the Auditor General, the Independent Electoral Commission, the Commission on Gender Equality, the Constitutional Court and others...*

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*"It was to me never reason for irritation but rather a source of comfort when these bodies were asked to adjudicate on actions of my government and office and judged against it. One of the first judgments of our Constitutional Court, for example, found that I, as President, administratively acted in a manner they would not condone. From that judgment my government and I drew reassurance that the ordinary citizens of our country would be protected against abuse, no matter from which quarters it would emanate. Similarly, the **Public Protector [Ombudsman]** has on more than one occasion been required to adjudicate in such matters."*

- Concerns over Nkandla, ethical leadership in government and corruption should take these observations into account.

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The Institutional Framework Supporting the Constitutional Dream



- A strong network of institutions supporting constitutional democracy with extensive powers entrenched in Ch. 9 of Constitution:

#Public Protector

#Auditor General

Independent Electoral Commission

Human Rights Commission

#Commission for Gender Equality

Commission for Cultural, Linguistic and religious Rights

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The Institutional Framework Supporting the Constitutional Dream



- Other Institutions Supporting Constitutional Democracy Such as the Public Service Commission, Fiscal Commission and Reserve Bank
- Other Integrity Bodies such as the Hawks, SIU,
- A strong and independent judicial system
- A vigilant and independent media
- A vigilant and engaged civil society
- SA membership of international bodies, including OECD and UN.

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Implementation, incl. Access to Justice for Ordinary Persons



- SA has a history of deference to administrative scrutiny as may be seen in former president Mandela's statement on government benevolence human failings and the need for judgement by independent bodies.
- Current President HE JG Zuma expressed similar sentiments at the opening of the African Ombudsman Research Centre in Durban March 2011.
- General ongoing cooperation by organs of state as Public protector and AG among others whisper truth to power. NB Gauteng's pledge to transparency and implementation.
- Implementation NB for credibility, legitimacy and ultimately sustainability of constitutional democracy and stability
- NDP endorsement in Chapter 14.

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The Next Chapter: NDP, Agenda 2063 and UN SDGs



- As SA completes 21 years of democracy, a new chapter is being written using past lessons and given new impetus by new roadmaps such as the **National Development Plan(NDP)**, AU Agenda 2063 and UN **Sustainable Development Goals (SDGs)** (the post **Millennium Development Goals (MDGs)** Agenda)
- Key among these instruments are human solidarity, NB elimination of poverty and social justice and good governance emboldened by strong institutions such as institutions supporting constitutional democracy.
- Assistance in (road)map-reading & implementation is a key requirement

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Opportunities in Challenges



Many of the life situations we see as challenges have, embedded in them, many opportunities

- Our response depends and ability to harness opportunity on whether we focus on the opportunities or challenges. In the last 21 years South Africa embraced many of its challenges as opportunities. Even energy challenges have opportunities.
- By living the Constitution through day to day state decisions including constitutional jurisprudence on social and economic rights, SA courts have become global leaders.
- The Auditor General has earned its place as a global leader, including being appointed as the external auditors of the UN for many years. IEC & SA's financial services sector are global leaders.

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Embracing Possibility: Together We Must and Will



Some things seem impossible until they are achieved. It takes vision, faith and resilience to get there.

In our globalised world, no country's problems are its exclusive burden

- No challenge SA has transcended the constitutional architecture, incl. institutions for public accountability.
- Challenges in 21 years of democracy part of the pain of transition from the known to the unknown by first time travellers with a competent map
- South Africa has proven over the years it has these in abundance. With our diverse but complementary logs we help South Africa and world to become a place where everyone's potential is freed and life improved by ensuring, among other things, that there is optimal public accountability, integrity and responsiveness.

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Thank you!

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