



PUBLIC PROTECTOR
SOUTH AFRICA

Address by Public Protector Adv. Thuli Madonsela during the Seth Mokitimi Methodist Seminary's Annual Peter Storey Lecture in Pietermaritzburg, KwaZulu-Natal on Friday, May 13, 2016.

**Programme Director;
Guest of honour, Prof Reverend Peter Storey;
Dean of Seth Mokitimi Methodist Seminary, Leadership of the Methodist Church and the Leadership of the South African Council of Churches;
Distinguished guests; and
Fellow people of South Africa**

Greetings from the Public Protector Team!

It was with great humility and a deep sense of gratitude that I accepted the invitation to speak in honour of one of our struggle icons, Prof. Rev. Peter Storey. The Seth Mokitimi Methodist Seminary (SMMS) and the Methodist church deserve to be applauded for honouring Peter Storey while he is still alive for his contribution to our hard earned democracy.

Lectures dedicated to good deeds on our road to democracy help the young ones learn about where we come from and why we rejected our dark and painful past. These also present platforms for outlining the South African dream or the South Africa we want. In so doing they assist all, particularly young

people, to find and play their role in delivering the future we all yearn for.

A lecture of this nature also presents an opportunity to highlight the role that was played by the ecumenical or faith community in combatting apartheid and what this community can still do to combat wrongdoing by authorities today and in the future. An examination of ecumenical contributions to the anti-apartheid struggle also provides lessons on the role and impact of peaceful resistance to oppression. In this regard, it is my hope that the seminary will produce ecumenical leaders who go beyond spiritual ministering and play a role in highlighting and helping address the conditions people live.

The Constitution we adopted 20 years ago, as a result of the selfless contributions of Peter Storey and others, paints a vivid picture of the South Africa we want. The South Africa we want is an inclusive social justice centred society where every person's worth and human dignity are affirmed and every person's potential is freed and life improved.

It is important to remind ourselves that the constitutional promise is that of a South Africa where every person and not some persons' quality of life, is improved. It is a South Africa where your political affiliation plays no role in your access to state-provided services. The Constitution promises a society that is based on Ubuntu, the principle of affirming every person's humanity in the context of human solidarity, as the Constitutional Court reminded us in *S v Makwanyane*.

A vivid picture of the South Africa we want is painted in the preamble to our world acclaimed Constitution, which says the following:

***“We, the people of South Africa,
Recognise the injustices of our past;***

Honour those who suffered for justice and freedom in our land;

Respect those who have worked to build and develop our country; and

Believe that South Africa belongs to all who live in it, united in our diversity.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to

- ***Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;***
- ***Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;***
- ***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...”***

In addition to the preamble, the Constitution outlines the entitlements, in the form of fundamental rights and freedoms entrenched in the bill of rights found in Chapter 2; that every human being deserves by virtue of being a human being. The constitutionally entrenched human rights transcend civil and political rights and incorporate social and economic rights. The social and economic rights include the right to access to food, water, education, health services and social security.

The Constitution also spells out the character of the state that must lead the transition to the South Africa we want. That state differs from the insular, discriminatory, corrupt and unaccountable apartheid state in many ways, including the fact that the new state must be accountable, operate with integrity at all times and be responsive to all the people. The new state is founded on values such as the supremacy of the Constitution and the rule of law, ethical governance, respect for human dignity, freedom for all and the progressive achievement of equality.

As I reflected on the life of Peter Storey, who is a white South African born into a life of unearned privilege based on his skin colour and who both rejected and used his privilege to oppose the apartheid regime, I drew parallels between his life and that of James Patrick Kinney. At the height of American racism and apathy among many white people in the face of black suffering, James Patrick Kinney, a white Christian, authored a poem titled "*The Cold Within*". The poem goes like this:

The Cold Within

*Six humans trapped by happenstance
In dark and bitter cold
Each possessed a stick of wood,
Or so the story's told.*

*Their dying fire in need of logs,
But the first one held hers back,
For, of the faces around the fire,
She noticed one was black.*

*The next one looked cross the way
Saw one not of his church,
And could not bring himself to give
The fire his stick of birch.*

The third one sat in tattered clothes

*He gave his coat a hitch,
Why should his log be put to use
To warm the idle rich?*

*The rich man just sat back and thought
Of wealth he had in store,
And keeping all that he had earned
From the lazy, shiftless poor.*

*The black man's face bespoke revenge
As the fire passed from his sight,
For he saw in his stick of wood
A chance to spite the white.*

*And the last man of this forlorn group
Did nought except for gain,
Giving just to those who gave
Was how he played the game,*

*Their sticks held tight in death's stilled hands
Was proof enough of sin;
They did not die from cold without
They died from cold within.*

-James Patrick Kinney

Like James Patrick Kinney, Peter Storey couldn't and didn't look the other way in the face of human suffering. He took his piece of wood no matter how small it may have been and threw it into the flickering flame of freedom. Because of his act of compassion and those of others like him, we stepped out of the dark days of apartheid and left legalised oppression and discrimination behind us.

What was Peter Storey's role?

Peter Storey is a South African Methodist minister whose 4 decade ministry was defined by sustained opposition to the apartheid government and its oppressive racist policies. He started in Cape Town, where he ministered in places such as District Six and later moved to Johannesburg where continued to minister to disenfranchised communities, while often acting as a buffer between them and oppressive state functionaries. He opposed the forced removals of black people from areas close to the city under the *Group Areas Act of 1950*.

He later served as chaplain to Nelson Mandela and other political prisoners on Robben Island. As part of the leadership of the South Africa Council of Churches (SACC), which took a perilous stand against apartheid, Rev Peter Storey and Arch Bishop Desmond Tutu were witnesses-in-chief for the SACC when the apartheid regime put the organization on trial.

A contributor to Gun Free South Africa, Peter Storey was a regional chairperson of the National Peace Accord combating political violence in the Johannesburg/Soweto area. At the instance of President Mandela, he helped select members of the Truth and Reconciliation Commission (TRC), which helped provide some accountability for violent apartheid crimes against political activists and their families. He also gave evidence in the trial of former State President P.W. Botha.

He subsequently moved to the United States of America where he taught at Duke University Divinity School for several years until returning to South Africa in 2006. On return, he continued with transformational faith work aimed at enhancing social justice. He was instrumental in establishing the SMMS.

It is worth noting that Peter storey is part of a generation of ecumenical leaders that went beyond ministering to the spiritual needs of the oppressed and took a stand against oppression. Many of the peaceful resistance activities in this regard took place under the South African Council of Churches.

How can we repay our debt of gratitude to Peter Storey and others like him who sacrificed for the non-racial and non-sexist constitutional democracy we cherish?

I'm certain that most if not all of you here today are already playing your part in alleviating human suffering. Your being here tonight indicates you are concerned about fellow human beings and committed to do something about it.

In my view, the best we can do is to finish the work they started. They chose not to look the other way in the face of human suffering. We too can chose not to look the other way in the face of human suffering in our time. He chose ethics over comfort and being liked by the powers of the day. He refused to leverage racial privilege to ride the ladder of life and instead used racial privilege to make a difference for the oppressed.

Many of us are in similar situations today. Although after 22 years of democracy, today is better than yesterday, at least for most people, there is still gross human suffering around us. As many of us battle to cope with the automated or digitalised world referred to as the fourth industrial revolution, others are yet to access the benefits of electricity, which was the main benefit of the second industrial revolution.

Many of our people, including students in tertiary institutions, go without food for days. Speaking of students, some are forced to abandon studies due to lack of finance and others cannot commence work in areas of they have qualified for because institutions of higher learning withhold results on account of unpaid fees.

In basic education, there are still learners that are learning without books and basis infrastructure such as classrooms toilets, laboratories, computers and roads.

Many of our clinics and hospitals, on which people without medical aid rely, have inadequate staff, beds, medicine and life-saving machines and related infrastructure. Some cannot access emergency medical assistance because the health facilities do not operate on a 24 hour basis.

Many people, particularly young people, are unemployed and every day, many small businesses die. Sometimes, such businesses are murdered by the state's failure to pay on time. Some small businesses die because of irregular or corrupt withdrawal of contracts or awarded tenders. At times small businesses die because of regulatory lapses or the state's failure to regulate adequately or effectively to prevent others taking advantage of small businesses.

Needless to say, there is a lot of anger and despair around us. Learning from Peter Storey and James Patrick Kinney, what are we to do?

I believe we can do nothing more than examine what log we have in our hand and place that log in the flickering frame of freedom to expand the frontiers of meaningful freedom for all.

What is meaningful freedom? Meaningful freedom is freedom from poverty and want. It is freedom from violence and other forms of crime. It is freedom from hunger. It is a life of human dignity where your vote cannot be bought with a food parcel, a blanket or a timely delivered RDP house. It is freedom from all corrupt practices in state affairs and private life. It is freedom from inequality and other forms of social injustice, including racism, sexism, xenophobia, child abuse and other forms of discrimination and violation.

Practically, what can each of us do?

If you are in government you have to ensure that you operate in terms of the dictates of the Constitution, particularly the

principles of public administration in section 195 and the injunction in section 237 of the Constitution requiring that we give priority to constitutional obligations and perform such obligations diligently.

If you work for the state in whatever capacity, you have to ensure that your decisions and conduct, are at all times, purposes driven, democratic and in line with principles of good governance, including transparency, inclusiveness and democracy.

A high level of ethics must also be maintained, which includes avoiding and eliminating conflict of interest and corruption in the exercise of public power and control over public resources. To extend the constitutional promise to all, state functionaries must ensure that public power is always exercised in accordance with the law, for the purpose it was designed and in the public interest.

Ultimately, all state functionaries must subject themselves to the accountability measures designed to empower the people to exact accountability in the exercise of public power. That includes responding directly to the people in a timely and accurate manner when they ask questions and provide remedies when the people have been wronged regarding public service delivery.

Public functionaries must also submit to the scrutiny of bodies given the power of scrutiny by the Constitution. Such bodies include internal executive oversight bodies, political oversight structures, constitutional oversight bodies such as the Public Protector and judicial oversight by the courts. Submission to scrutiny transcends going through the motions with an eye to lengthy appeal and review processes. True submission to scrutiny must be premised on accepting the rules being enforced which rules, in any event, are developed by the public functionaries themselves.

Members of the public on the other hand, must play their part in consolidating democracy by not being part of the problem. This includes not participating in maladministration, abuse of state power and corruption. They must also play their part in improving their own lives and those of their communities.

For the constitutional promise to be realised without further delay, members of the public must play a meaningful role in expanding the frontiers of freedom for all by pushing back the frontiers of poverty and inequality thus accelerating the achievement of social justice for all.

Members of the public must also play their part in preventing, identifying and eliminating all forms of improper conduct that undermine good governance, democracy and accountability in state affairs. They also should work with democratic institutions to correct any improper conduct or deviation from the roadmap entailed in the Constitution. Those that are educated should help others understand what questions to ask to which authorities when not satisfied with public services or any conduct in state affairs.

Like Peter Storey and James Patrick Kinney, we are not called upon to move mountains in delivering the South African dream or constitutional promise. We are simply asked to use whatever we have, based on our positions in society, including the power and resources we command, to expand freedom for others. We can use the Constitution as a bridge to get everyone to experience the promised land or the South Africa we want.

While such may be acts of compassion, they are, essentially, acts of self-preservation, which is the essence of Ubuntu. Ubuntu as you all know, holds that: I am because you are and that: my survival depends on yours.

In any event, none of us can be truly free as long as others are not free. Indeed as long as there is injustice somewhere there can't be sustainable peace anywhere. I believe that is the spirit that drove the compassionate actions of Rev Peter Storey, James Patrick Kinney, Nelson Mandela, Olive Schreiner and Charlotte Maxeke and many church leaders, among who contributed to the end of apartheid. These leaders did not look the other way. They abandoned relative privilege to fight against the oppression of others thus bringing about inclusive democracy.

As the Public Protector South Africa, we are ready to partner with you in delivering the South Africa we want using the Constitution as a bridge, our roadmap and our common Lodestar. Our contribution is, as envisaged in section 182 of the Constitution, to protect and work with the public in eliminating improper conduct in state affairs thus promoting good governance, ethical governance and ultimately strengthening constitutional democracy.

It is my considered view that with good governance and ethical governance, we can speed up the delivery of the South Africa we want, which is one that is inclusive, founded on human dignity and where everyone's potential is freed and life improved. If we all strengthen our efforts in this regard, we shall have meaningfully honoured Peter Storey, Nelson Mandela and others who sacrificed for us and future generations.

Thank you
Adv Thuli N Madonsela
Public Protector South Africa

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