



**Speaking notes for Deputy Public Protector Adv. Kevin Malunga**

***“Bringing about change through youth engagement”.***

Nelson Mandela Leadership Roundtable

Development and Leadership Unit

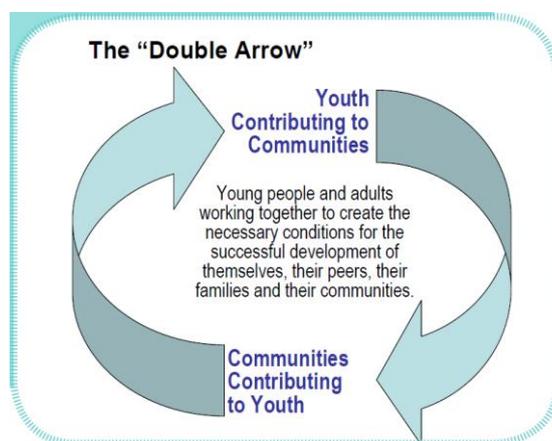
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## The Double Arrow<sup>1</sup>



- FACT** *South African communities vary enormously in the quality and quantity of services, opportunities and means available to help families support their youth.*
- FACT** *The inequality between communities is not random. Families that have the fewest individual resources live in communities with the fewest collective resources. Young people, from certain population groups and areas are disproportionately affected.*
- FACT** *The effect of this inequality is cumulative. Communities with weak schools and weak health care facilities also often have weak civic and social organisations, weak businesses and weak economies. As a result, young people often lack adequate opportunities and supports where they live, learn, work and play. Sometimes they literally lack places to live, learn, work and play.*
- FACT** *Better individual programs and services in these communities are necessary but not enough. Young people do not grow up in programs, they grow up in communities. Programs can help a few young people beat the odds, but more is needed to help youth and community members change the odds for the majority of young people in their community.*
- FACT** *Young people want to be engaged as change-makers in their lives, their families and their communities. They are disproportionately involved in and affected by the problems that beset communities – drugs, violence, poor education, poor health services, lack of services, lack of jobs – and they must be part of the solution.*
- FACT** *Change happens fastest when youth and community development are seen as two sides of the same coin and young people are afforded the tools, training and trust to apply their creativity and energy to affect meaningful change in their own lives and in the future of their*

<sup>1</sup> Adapted from: *Youth Engagement in Community Change: The Double Arrow*: Pittman, K., Martin, S., Williams, A. (2007, July). **Core Principles for Engaging Young People in Community Change**

*communities.*

## 1. Introduction

From the perspective of the Public Protector the youth is not only an important partner in the Public Protector's efforts aimed at giving people a voice against maladministration and corruption, but that this community has been a timeless voice of reason in the struggle for democracy, justice and human rights in our country.

In 1997, 3 years after we have started on this journey of building a democracy based on the Constitutional promise of a better life for all, the late Mr Nelson Mandela honoured youth for the tremendous contribution to the struggle for freedom that they have made, and (are still making). He stated:

*Every new achievement of our fledgling democracy does honour to their memory. Each candle that we replace with electricity, each new clinic that we build, each child that we immunise against a preventable disease, each house that we build, each acre of land that is redistributed, each new tap that we open, each dusty road that we have tarred brings us closer to the vision that we all prayed for on that occasion we last met - a better life for all!*

*The foundation for that better life has been laid. But there is still much more to pray for and work towards.*

I am particularly encouraged by the fact that the youth in this country is increasingly making its voice heard as part of the integrity framework within the broader society, building a united front against the problems and threats posed by corruption to the stability and security of our society, undermining the institutions and values of our precious democracy, our ethical values and justice, and jeopardizing sustainable development and the rule of law.

South Africa has a young population. The average age of the country's population is 24.9 years, one of the lowest in the world, and lower than most emerging economies (e.g. BRICS and the developed world).

The estimated global average age is 29.1 years. South Africans younger than 35 years of age constitute approximately 77.6 per cent of the country's population of over 52 million people, with 42 per cent of South Africans between the ages of 14 and 35 years of age.

I therefore cherish the opportunity to engage with you because the youth has the potential as the protectors of tomorrow to make a contribution to entrench a culture of stewardship in the exercise of state power and delivery of public services as an antidote to the state of moral decline that is the root cause of the problem. They also have enormous power to turn the tide against corruption and other abuses of state power and resources. As the institution of the Public Protector we welcome the opportunity for joining hands in stopping maladministration and corruption in their tracks by focusing on integrity as the core value that must permeate the structures, practices and principles of the state, the corporate sector and civil society.

## **2. Youth engagement and involvement in the political sphere**

*Today's young people are the largest generation of youth in history. We must make sure that the voices of youth are prominent at the tables of political decision-making as they are on the streets and squares around the world. We need their creativity of the young people to device ways to overcome today's challenges. We need their help... to carry out progress and change."*

*Jan Eliasson, UN Deputy Secretary-General*

Understanding the important role that youth play in the political process is vital for the future stability and growth of democracies throughout Africa. Using young people for mechanisms of change in their society through civil engagement has become an important topic surrounding recent African elections. Several international conventions and declarations, including the Universal Declaration of Human Rights, the World Programme of Action for Youth, the Convention on the Rights of the Child, the African Charter on Democracy, Governance and Elections and the African Youth Charter repeatedly emphasise the right young people to participate in political processes. The Assembly of Heads of States and Governments of the African Union also declared the years 2009 to 2018 as the Decade on Youth Development in Africa.<sup>2</sup>

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<sup>2</sup> Youth and the African Union Commission website, <http://africa-youth.org>.

However, there is strong evidence that the participation of young people in formal, institutionalized political processes is relatively low compared to older citizens across the globe. Voting, one of the most important formal avenues for political participation is a clear example as data on voter turnout from various countries suggests that young voters tend to participate less in polls compared to older citizens. In August 2013, the chief electoral officer of the Independent Electoral Commission (IEC), Mosotho Moepya, revealed that only 12 percent (185 025) of South Africans aged 18-19 were registered voters. Among the age group 20-29, only 65 percent (4 909 421) of those who are eligible to vote were registered. Shortly before the 2014 general elections the IEC indicated that the biggest decline in intention to vote was among 18-to-19-year-olds, 20-to- 24-year-olds, 25-to-35-year-olds.

Similar evidence is available for membership and leadership positions in political parties and parliaments. In a third of countries across the world, eligibility for national parliament starts at 25 years old or older. 1.65% of parliamentarians around the world are in their 20s and 11.87 % are in their 30s. The average age of parliamentarians globally is 53 (50 years old for women parliamentarians).<sup>3</sup> Interestingly enough, however, while many young people in South Africa feel excluded from formal politics, a relatively sizable proportion of Members of Parliament (MPs) are young. In 2009, 59 of the 400 (or 15 percent) South African MPs were 30 years old or younger when they were elected. However, given the way the party list system works in South Africa, it is debatable whether these young parliamentarians see themselves as having a duty to represent their generation, as opposed to primarily acting in the interests of the party they represent.

Experience and evidence suggest that youth are more inclined to participate in informal political processes. Activism, protests and campaigns are common avenues; youth are often driving forces behind reform movements. In the current world and throughout history, there are many examples of powerful youth-led protest movements. We have first-hand experience that perceptions of exclusion can result in young people seeking alternative ways to express their dissatisfaction.

When young people engage, authoritarian regimes may fall and countries' political trajectories may shift. From the dissolution of the apartheid regime in South Africa in

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<sup>3</sup> UNDP and IPU, (2012) Global Parliamentary Report

the early 1990s and the Jasmine Revolution in Tunisia in 2011 to the ‘*Y’en a Marre!*’ (‘Enough is enough!’) and ‘*Ma Carte d’Electeur, Mon Arme*’ (‘My voting card, my weapon’) campaigns in Senegal in 2011–12 and the third-term revolution in Burkina Faso in 2014, we have seen that young people remain at the forefront of democratic struggles on the continent.

Both formal and informal engagement can be understood as political participation, and both are beneficial for a vivid and resilient democracy and civically engaged youth are more likely to exhibit pro-social behaviour. Through their active contributions, democratic values can come to life, paving the way for the overcoming of authoritarian practices.

At the same time, however, the UNDP has warned that in countries where informal engagement and youth led protests have led to action and change, significant frustration is likely to arise if youth are not included in **formal** decision-making procedures. Therefore, the inclusion of youth in **formal** political processes is crucial to longer-term stability and peace.

*“If young people have the perception that formal political processes are not accessible and/or attractive for them, this can shape their attitudes for a lifetime, with potentially long-lasting negative impacts on a country’s political culture”*

*UNDP*

If the youth are beginning to lose trust in formal means of engaging with government, elections would also most likely be seen as another formal platform that might not work as a means of voicing concerns. It is not a question of whether or not this sentiment is correct; it is rather a matter of how the youth in South Africa perceive formal platforms of democracy.

The solution to include youth in political processes cannot lie in the capacities of individual youth alone. The socio-political environment, organisations, communities and youth all have to change

### **3. Challenges faced by the youth within the various sectors of society**

Young people today constitute roughly one-fifth of the world’s population. The vast majority lives in developing countries. This demographic phenomenon is referred to as a ‘youth bulge’. Africa’s youth is also the most vulnerable segment of the

population however, suffering from systemic poverty, lack of education and a high rate of disease. Recent data show that unemployment amongst Africa's youth is high, as 60% of the unemployed are between the ages of 15 and 24, making unemployment one of the continent's most pressing issues. Young women are particularly vulnerable to unemployment and must also withstand greater acts of gender based violence and sexual assault

Based on studies by the Institute for Democracy in South Africa (Idasa) in 1998, and by Afrobarometer from 2000 to 2008, the proportion of the so-called "**Born Frees**" has increased rapidly from 5% of eligible voters in 2000, to 31% in 2008. This cohort is now the second biggest segment of voters, just behind the Struggle Generation (43%). Significantly, the Born Frees is 83% Black African and 43% urbanised.

Yet, despite their coming of age in an era of political stability and change, research suggests that a large proportion of South Africa's youth are alienated from contemporary South African democratic political culture.

Significant barriers to meaningful and effective youth political participation occur at the three levels of capacity:

On the level of the **individual** one of the major contributing factors is that a vast number of young people in South Africa still live with high levels of physical and material insecurity. A major impediment faced by South African youth is societal instability. This is evident in the high levels of poverty (26.3% of South Africans were living below the food poverty line in 2008-2009), unemployment (25.5% in 2012), HIV and AIDS (life expectancy for South Africans was 52 in 2010) and violent crime.

Young voters judge the efficacy of democracy around whether it delivers services and other benefits. Writers such as Gerard Boyce (2010)<sup>4</sup> are of the view that the majority of youth do have faith in democracy in South Africa and its social institutions but that they, along with other age groups, are dissatisfied with public service. According to some experts the youth's interaction with government officials or elected representatives are "generally negative" and is leading to a situation that the post-apartheid generation is less committed to democracy than their parents:

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<sup>4</sup> Boyce, Gerard. 2010. "Youth Voices in South Africa: Echoes in the Age of Hope." In Benjamin Roberts, Mbithi wa Kivilu and Yul Derek Davids (Eds). South African Social Attitudes 2nd Report: Reflections of the Age of Hope. Cape Town: HSRC Press.

*“... Whatever advantages might accrue from the new political experiences of political freedom and a regular, peaceful, electoral process, are diminished by frustrating encounters with the political process, victimisation by corrupt officials, and enduring levels of unemployment and poverty”<sup>5</sup>*

In deeply frustrated communities, allegations – well-founded or not – of corruption and mispending easily gain traction.

Other barriers on individual level comprise the lack of technical skills; motivation, especially to participate in formal, adult-led processes; economic resources; and awareness and knowledge.

On **organisational level**, formal political organisations, such as parties and parliaments, internal mechanisms, rules and procedures do not favour the inclusion of youth. On average, African leaders are 42 years older than the median age of their constituents, and although age does not determine an individual’s capability to lead a younger population, it does show the generational divide that exists throughout African politics<sup>6</sup>. The UNDP observed that in general, “(political) bodies may lack processes for which youth have an affinity, or use technologies and language that are off-putting to youth.”

Social media and communication technology have played an important role in connecting Africa’s youth and empowering individuals to become involved in the political has become common to refer to young people born in the information age as ‘digital natives’.<sup>3</sup> But many if not most youth in the global South are all but digital natives. In sub-Saharan Africa and southern and western Asia, more than 20 percent of young people are not even literate and urban-rural literacy gaps remain notable. While it is a global phenomenon, declining levels of trust and confidence in political parties has particularly acute consequences for a divided society such as South Africa’s.

On the **environmental level**, structural constraints may include a high eligibility age to contest for elections as well as cultural or social norms that inhibit them from

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<sup>5</sup> Mattes, Robert. 2011. “The ‘Born Frees’: the Prospects for Generational Change in Post-Apartheid South Africa.” Afrobarometer Working Paper no 131. [www.afrobarometer.org](http://www.afrobarometer.org)

<sup>6</sup> Chuck, A., ‘The decisive African youth vote’, Atlantic Council, 21 December 2012, <http://www.acus.org>.

participating. Engagement in political parties often requires long-term commitments, which is difficult for youth trying to obtain an education and to establish themselves in the labour market.

A youth-friendly legal framework is an important component of an environment that enables youth political participation. In a survey conducted by the UN IANYD in August 2012, a majority of 13,000 respondents expressing their voices from 186 countries highlighted that the main challenges for youth were limited opportunities for effective participation in (formal) decision-making processes. With limited opportunities and exposure to meaningfully participate in inclusive decision-making processes, young men and women feel excluded and marginalized in their societies and communities.

#### **4. Promoting effective and meaningful youth political participation**

According to a UNDP practical guide on *Enhancing Youth Political Participation throughout the Electoral Cycle*, effective and meaningful youth political participation has one of three attributes.

- a) **Consultative** - where young people's voices are heard in a consultation process, where they have capacities, a mandate and information to fully perform their roles, or through a youth-led advocacy initiative.
- b) **Youth-led participation** - where young people have a direct impact on decision-making within their own youth communities, such as through youth-led NGOs, student councils, youth parliaments with competencies and budgets, etc.
- c) **Youth collaborative participation**, where young people effectively take part in regular political decision-making processes, including as voters, or as members of parliament, political parties or advocacy groups.

We know from the side of the UN's "Global Partnership for Youth in the Post-2015 Development Agenda" Member States are expected to incorporate the following youth focused target areas in the post-2015 development agenda:

- a) Ensure **universal access to quality primary and post-primary education** and expand equitable access to tertiary education

- b) Reduce the number of youth not in employment, education or training and increase access to **decent work and livelihoods** amongst young people.
- c) Ensure young people's meaningful and inclusive **participation** in decision making processes, governance and peace building ... in the framework of the World Programme of Action for Youth.
- d) Improve the **physical, social and mental health** of adolescents and youth and promote healthy behaviours ...
- e) Ensure universal access to **sexual and reproductive health and reproductive rights**, including HIV, birth control, etc.;
- f) Promote **human rights and gender equality** and eliminate all forms of **violence and discrimination** against adolescents and youth.
- g) Strengthen collection and analysis of **data** on adolescents and youth.

Most of these development areas appear to have been taken into consideration by the National Planning Commission, established in 2009 and charged with the mammoth task of developing what was effectively the administration's blueprint for development, the National Development Plan.

Similarities can be drawn between certain areas of development prioritised in the NDP and some of the developmental goals established by the United Nations following its Millennium Summit in 2000, where the Millennium Declaration was adopted by all UN member states at time. The NDP has since been adopted by government and welcomed by virtually everyone. All that is left is its effective implementation.

## 5. The role of the Public Protector

During recent round table discussions at the World Conference on Youth in May 2014 there was general consensus by all participants that "**good governance** is one of the main drivers of social well-being and is vital to the achievement of long lasting development." The Conference, inter alia concluded that -

*"Corruption, nepotism and abuse of power and privilege prevent the development of meaningful intergenerational dialogue and engagement..."*

*Young people are often disillusioned with political leadership and political institutions and are excluded from policy development*

*Restrictions on freedom of expression and the right to information, open data and resources limit transparency, and disable accountability for all stakeholders.”*

The Conference called on Governments to abide by the principles contained in the United Nations Convention against Corruption (UNCAC), which *inter alia*, states that the rule of law and development are interrelated and mutually reinforcing, and that advancement of the rule of law must occur at the national and international levels.

Our view as the Public Protector South Africa is that the government has what are arguably the best policies, programmes and plans, including the NDP. It is our view that all these instruments have what it takes to deliver the constitutional dream of an improved quality of life for the people of South Africa and a freed potential of each person in the country. In addition, as a nation, we have nearly enough resources to deliver this dream to our people. We also have the political will to deliver the dream.

However, we are equally concerned about the impact of maladministration, bad governance and corruption on the sustainable development of the goals that we have set ourselves, and the South Africa that we promise to our youth. We often find, in the execution of our constitutional mandate, that these noble policies, programmes and plans get undermined through acts of maladministration, indifference and corruption, among other things.

I must hasten to indicate, however, that it is not all people in government that engage in actions that amount to these maladies. The average public servant does the best they can and have the country's best interests at heart. It is only a few bad apples that have been caught with their hands in the till or failing to live up to the Batho Pele principles in their interactions with members of the public.

In a Constitutional democracy such as South Africa, the framework of Constitution and law exemplifies essential elements of good governance and accountability by, *inter alia* -

- a) Prescribing the powers of government and the procedure of exercising powers.
- b) Ensuring equal treatment and equal protection of law.

- c) Guaranteeing protection against arbitrariness of government and excess of administrative powers.
- d) Creating accountability mechanisms for the exercise of powers and formulation of policies to the people/ representatives of the people
- e) Ensuring procedural transparency of exercising all administrative powers.
- f) Providing remedies against any kind of maladministration and injustice done to the aggrieved citizens, as well as institutional mechanisms to redress grievances.

This brings me to the point where I can categorically state that the institution of the ombudsman (particularly a hybrid ombudsman such the Public Protector) is at the heart of the promotion of democracy, good governance and efficient administration that is directly linked to the development and democracy questions that we are discussing here. These questions are heavily linked to the issue of power relations between the political executive, civil society and oversight institutions.

The place of the Public Protector in our democracy is defined by sections 181(1) and (2) of the Constitution, which outlines the mandate and powers of this office. Section 182(1) of the Constitution empowers the Public Protector 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; to report on that conduct and take appropriate remedial action.

At the same time the Public Protector represents an evolution of a modern democratic oversight institution -moved away from a “mere complaints department that handles complaints of the citizens against the government, to an “architect of good governance.”

The Public Protector plays a dual role by promoting, protecting and supporting the principles of good governance that underscores the implementation of the principles of UNCAC, as well as the African Charter on Democracy, Elections and Governance, at local (national) level.

The network of young people is well placed to play an effective role in efforts aimed at combating the twin evils of maladministration and corruption in state affairs.

The power to turn the tide against maladministration and corruption in pursuit of the consolidation of our democracy lies in our collective hands. One of the things we need to do is to stop politicising corruption and take responsibility for it. Corruption thrives because it tends to be posed as a disease that only affects politicians. What about the public servants? And what about the civil society people that offer or pay bribes to those in the public sector.

Going back to collaboration between the Public Protector and the youth, it is imperative that our constitutional democracy work as a constant dialogue between the people and those they have entrusted with public power, our people need to be empowered to understand how government works.

In addition to communities making informed inputs into policy processes, empowerment should bolster their role in exacting accountability in state affairs. The idea is to ensure that people ask the right questions to the right persons through correct channels. Such empowered engagement should reduce the frustrations that often lead to rioting and destruction of the public infrastructure that communities need for effective service delivery. In conclusion, the youth has enormous power to help promote ethical governance based on public service as stewardship. This should contribute to ending maladministration and corruption. With a stewardship ethos and the absence of maladministration and corruption, we will achieve the ideal of a state that is accountable and operates with the highest level of integrity at all times while being responsive to the needs of all its people.

Thank you.

**Adv. Kevin Malunga**

**Deputy Public Protector**