



Address by Public Protector Adv Thuli Madonsela during the Christian Leadership Conference at the University of South Africa held under the theme: Christian Leadership in the Workplace

The Role of Christian Leaders in Promoting Justice and Service Delivery in South Africa: A Perspective on National Regional and Local Government

**Programme Director Prof Louise Kretzschmar;
Dean of the College of Human Sciences, Prof Rosemary Moeketsi
Other leaders of UNISA present
Religious leaders from various backgrounds with a special mention to Dr Graham Cator of Hatfield Christian Church
Members of the media;
*Ladies and gentlemen;***

I bring warm greetings from the Public Protector SA team. I consider it a great honour and privilege to stand before you today. I particularly wish to express sincere gratitude to Prof Cretzschmar for involving me and my spiritual friend and guide Pam Ferreira for making it possible for me to attend.

I must confess upfront that I do not consider myself an expert on the theme for the conference or the subject of my dialogue with you. I'm also very aware of the fact that while our Constitution recognises God (preamble says "May God Protect our People"), it does not exalt any religion above others. When I was preparing for this address, a member of my team did point out that if we go according to numbers, Christianity is the dominant faith in most workplaces, including the Public sector. But in my very office we have a multifaith team that includes Muslims and those that follow Judaism and other faiths.

I have decided to engage you primarily on the role of Christian leaders in ensuring justice and responsive service delivery in the public sector. In doing so, I will draw on my responsibilities and experiences as Public Protector in the last three years.

At the outset I must say that I see the challenge as essentially about managing the delicate relationship between truth and power. This is true whether you are a decision-maker in the public service who has to decide who gets, services, resources and opportunities or someone placed in an oversight position such as the Public Protector with the responsibility of judging the acts of others. You always have to navigate the delicate relationship between truth and power. Where you are the decision-maker you have to constantly avoid using your position to justify

your decisions or actions and rather have the facts speak for themselves. In between there are considerations of fairness, justice and appropriateness of each decision taking into account each set of circumstances.

When in advisory or oversight role as I am the truth and power challenge arises in regard to the integrity of the process of finding and telling the truth to those entrusted with public power without fear or favour. As Public Protector we regard ourselves as one of those agencies whose role is essentially about speaking truth to power.

How does Christianity or religion enter the picture? Former President Nelson Mandela seems to have wise thoughts on every facet of life particularly questions of leadership and governance. I discovered that he has some thoughts on religion that are worth sharing for the purposes of our dialogue today.

President Nelson Mandela once said:

“Religion is one of the most important forces in the world. Whether you are a Christian, a Muslim, a Bhuddist, a Jew, or a Hindu, religion is a great force, and it can help one have command of one’s own morality, one’s own behaviour, and one’s own attitude”

The timing of the conference could not have been better.

- Our democracy turns 20 in a year’s time
- The country is facing a moral crisis characterised by high levels of corruption and plunder of public resources
- Gross inequalities in income with the inequality gap having grown rapidly since democracy to the extent that South Africa has since superseded Brazil as the world’s most unequal society
- Many workers exist as the working poor while working hard in sectors such as mining and agriculture unable to afford basic amenities in life
- High levels of unemployment, estimated at about 25-30%
- High levels of violence at a personal level and society
- High levels of hopelessness and despair
- Global economic and peace challenges with the African continent particularly battling with a resurgence of civil wars and related peace challenges

I’m engaging with you on the understanding that our country has become what we have collectively made of it. One of the reasons I cherish the opportunity to engage with you this morning is the potential we collectively have to make a contribution towards entrenching a culture of stewardship in the exercise of state power and delivery of responsive public services.

Perhaps let’s start with the notion of Christian leadership. Does it differ from normal leadership? If I go by the works of a Christian leaders who is a prolific author on leadership, it would appear that there shouldn’t be much difference between Christian leadership and leadership generally if the latter takes into account effectiveness and sustainability.

John Maxwell, a prolific writer on leadership who happens to be a Christian leader defines leadership in the following terms:

“Leadership is influence-nothing more nothing less. This moves beyond the position defining the leader, to looking at the ability of the leader to influence others- both those who would consider themselves followers, and those outside that circle. Indirectly, it also builds in leadership character, since without maintaining integrity and trustworthiness, the capacity to influence will disappear.”

I see leadership in essentially the same terms as John Maxwell. Leadership involves influencing people to tirelessly pursue and achieve a desired end or outcome.

I particularly draw a distinction between persons in leadership positions and leaders. The latter are found at all levels of the workplace because they lead without a title and if they do have a title their actions enhance the power inherent in the title rather than suck life out of it.

We were at the University of Pretoria about 10 years ago when a colleague, Advocate Mujanku Gumbi, issued a challenge to us as women who had converged at a leadership conference as “women leaders”. She said the following:

“If you think you are a leader look behind you and see if anyone is following. If no one is following you are not a leader but a position holder. If you have followers then you may be called a leader.”

An important aspect of this insight is that it should be others that call you a leader. I must hasten to point that leadership is a journey. You cannot say you have arrived. In fact the day you say or think that you have lost the plot.

Does Christianity matter? If it does, how does a Christian leader avoid the murky debate regarding the separation of state and religion? My view is that it should all be about values and action without Bible bashing.

Does it mean never disclosing your faith? I don't think so. Faith may be disclosed in appropriate circumstances but without making other faiths feel undermined. For example, in my team I have visible Muslims. It is important that although they are a miniscule minority, they do not feel undermined.

What are the values that may contribute to justice and service delivery?

Let us contextualise this in the role of my office, the Public Protector SA and the role of other leaders who are placed in the position of trust as exercisers of public power and controllers of state resources and opportunities.

You may be aware that the Public Protector is a constitutional office with a specific mandate to strengthen constitutional democracy by investigating any conduct in state affairs that is alleged or suspected to be improper, to report on that conduct and to take appropriate remedial action.

I believe the answer lies in the golden rule. Treat others as you would want to be treated. Bishop Desmond Tutu believes that *Ubuntu*, an African value, is also a Christian value.

There isn't much difference between the golden rule and *Ubuntu*. What I like most about *Ubuntu* is its emphasis in the interconnectedness of humanity and life. It helps us understand that if we hurt others and our environment we help ourselves. At the core of *Ubuntu* is respect for human

dignity.

The essence of the biblical and universal golden rule is not too different from the principle of *Ubuntu*. In my work, the principles of *Ubuntu* and the golden rule help the process of balancing of truth and power. Embedded in these are the values of fairness and justice to all regardless of identity. We refuse to tag our decisions to the identity of the actors focussing on the conduct in question and circumstances of such conduct.

This takes me to the impact of decision-making. When you are a decision-maker some of your decisions will invariably hurt others. For example if you fire a person who fails to deliver services according to specifications regardless of enormous opportunities for counselling and personal development, they will still feel hurt and so will their loved ones. But such decisions have to be made.

The same applies to judging others on conduct failure it hurts to be told you were wrong and even more if a directive is made that you have to face unpleasant consequences. But again such decisions have to be made. It is part of balancing truth and power. As long as the process is fair, just and executed with integrity, the making of such decisions is in line with value based decision-making.

Laurie-Beth Jones Further by directs us to Jesus' style of running an effective and sustainable organisation, in Jesus CEO. I have found wisdom in her work. Beyond insights such as inspiration and replication as essential keys to effective and sustainable leadership, Jones highlights values such as fairness, integrity, firmness and being responsive to situations as critical. One of her insights is that Jesus managed to strike a healthy balance between feminine and masculine leadership approaches, using each as demanded by circumstances.

In the context of public sector service delivery, where should the values of ubuntu, the golden rule and sub-values such as fairness and justice, apply? The challenge is primarily regarding how we handle truth and power. This is important regardless of whether we are decision-makers or placed in an oversight or advisory position as my office.

You will agree with me that if all public sector decisions were based on the core values of ubuntu and the golden rule, many of the injustices suffered by our people because of unjust administrative action would not occur. The same applies to imprudent use of state resources, including corruption and blatant plunder. Opportunities in the public sector would also be allocated fairly on the basis of competence.

With regard to the role of my office, lessons can be drawn from the biblical story of King David and Prophet Nathaniel. It is said that prophet Nathaniel approached the king about a ruthless person responsible for atrocities against innocent ordinary people. The king was furious and wanted a name with a view to ensuring that this person was made to account for his transgressions. Prophet Nathaniel is said to have had the courage to tell the King, it is you my Lord.

There are many truth and power lessons there for both those that find themselves in Nathaniels's position and those that find themselves in King David's position. For those in Nathaniel's position it is important to understand that telling lies to those you advise is not an act of love. For the decision-makers in positions such as King David, it is important to accept constructive feed-back on decision-making as this can help you make better decisions.

Regarding value based decision-making, where are we in our democracy today? Marikana tells us about how workers lived in subhuman conditions at Lonmin, the violence that ensued and the state's response to it. The same applies to farm workers who recently resorted to striking and again violence. Could the golden rule and *Ubuntu* have yielded different results? The question applies to leaders at all levels and in all entities that have participated.

In a year's time we will be marking 20 years since President Nelson Mandela was inaugurated as democratic South Africa's first President. Many of us recall, as if it were yesterday, how the atmosphere on 10 May 1994 was filled with excitement, pride and above all hope. Finally, we had abandoned our unjust, exclusive and painful past and were poised for the realisation of an inclusive constitutional state anchored in the rule of law, human rights and a better life for all.

My own reflections on the journey we have travelled thus far as a nation elicit a mixture of joy and sadness.

I get a sense of joy to note that on many fronts of the human conditions in our country today is better than yesterday. For example, many more people have homes of their own, access to education, access to water and access to social security grants such as the disability and child grants. There is more even distribution of employment opportunities, particularly in the public sector. Inclusivity in the ownership of and control over the economy has also grown steadily, albeit slowly.

But I cannot help feeling sad that many of our people are unemployed with the figures currently being estimated at about 25-30%. We also know that unemployment continues to have a predominantly black face with the majority of those affected being young African persons.

During the site visits under the RDP housing systemic investigation, my team and I have come face to face with the ugly face of poverty. We found people living in abject poverty, subhuman conditions really. For some the situation was compounded by the shoddy workmanship which had delivered homes beneath the standard normally reserved for chicken runs.

My reflections have centred on the challenges of maladministration and corruption and the impact of these on the constitutional promise of a prosperous South Africa with improved quality of life for all citizens and the freed potential of each person. We often refer to this as the constitutional or South African dream.

This South African dream is after all what powered the struggle that saw President Nelson Mandela being inaugurated as democratic South Africa's first President, 18 years ago. That is the struggle the faith community joined sometimes at personal cost to some its members, among those Dr Beyers Naude, Father Smangaliso Mkhathshwa and Bishop Tutu and Sister Bernard Ncube and Reverant Chabaku, among others.

The question I ask, not for the first time, is have we done all we could to deliver the South African dream which powered the struggle? Can we legitimately continue to blame the lack or poor progress on some of the fronts, particularly the elimination of poverty and under development on apartheid? For example can we blame the lack of basic services such as water and sanitation facilities or education facilities on apartheid? Can we honestly say to a child who studies under a tree or a class with 3-4 grades or at a school with no electricity or toilets, we have done all we could we the time and resources we had in the last nineteen years to give you a better life. Can we say to this child your current circumstances are beyond our control, part of the ugly legacy of apartheid.

My experience, particularly in the last nearly three years as Public Protector, has convinced me that maladministration mainly in the form of gross administrative injustice, neglect of duty and corruption are responsible for many unfulfilled aspects of the South African dream.

The story of the people of Gogo J of Nala in the Free State supports my conclusions. Towards the end of April my team and I visited the Monyakeng township, within the Nala Municipality in the Free State province, where I had been invited by community leaders mainly young people. The complaint was that a forensic report seeking to address the causes of systemic service delivery failure and ensure accountability for related misconduct, including fraud and corruption, had not been implemented and as a result the problems continued unabated.

Nothing had prepared my team and I for some of the human conditions we discovered during the inspection around the community of Monyakeng. We started with incomplete RDP (social housing) homes that we were told had been in that condition, mainly installed foundations, since the eve of the last national elections in April 2009. Then we went to see an unused community park that had allegedly been paid for but had virtually nothing and had grown wild. We then went to various sites reflecting a dysfunctional sewerage system. This included a pump that was no longer in use, a stream of sewerage water that we were told had just been pumped out shortly before our visit after having overflowed to nearby houses for along time, and a purification plant that had not worked for weeks.

The image that has haunted me since the visit though, was the encounter with a grandmother and a dysfunctional bucket toilet system. A classical example of the marginalised complainant my team and I habitually refer to as Gogo Dlamini, I'll refer to this grandmother as Gogo J.

When we visited Gogo J, the bucket had not been collected for days. She informed us that we were witnessing a regular experience for her and her family. She advised that she often dug holes in her backyard to empty the buckets. But she complained that her children often excavated the waste when playing in the yard and that in any event, when the buckets were full, the children regularly relieved themselves in the back yard. She advised that four members of her family had TB, which she attributed to her appalling living conditions.

The sad reality is that Gogo J's home did have a modern toilet next to the make shift one which used a bucket. During the discussion with Gogo J and later the team of community representatives that were taking us around, we were informed that the reason the proper toilet had become a white elephant was that the piping ended just in front of the toilet and did not link to any reticulation system. It was further alleged that the company that did the shoddy and to be honest fraudulent job, had been paid in full and even more than the original contract price.

The complaint that had brought us there was that a forensic report that had uncovered everything and advised on action to be taken against wrong-doers was gathering dust. The community representatives further alleged that the alleged wrongdoers were being protected because they had powerful connections.

If it is true that contractors were unlawfully favoured resulting in abuse of state resources because of powerful connections, that is corruption as defined in the Prevention and Combating of Corrupt Activities Act. That also fits in with Transparency International's definition of corruption as abuse of entrusted power for personal gain. What we know for now is that the forensic report does confirm allegations of corruption, fraud, abuse of state resources and other forms of maladministration. What we also know for sure is that what happened in Monyakeng

cannot be consistent with service delivery in pursuit of the better life all as promised by the Constitution. We can also confirm that money will have to be found somewhere to redo what should have been done properly in the first instance. In ombudsman terms we refer to the conduct in question as maladministration.

An encouraging facet of the Nala story is the fact that despite the extreme conditions, which include occasional spills of sewage into people's homes and which has led to them being ordered by the municipality to stop using the modern toilets until the problem is fixed, the community has still chosen to pursue an avenue provided by the Constitution to engage with organs of state involved.

I must indicate though that when we went back there a few weeks ago. We were encouraged by efforts being made to change the situation. We were sad when we visited Gogo M, to find that the toilet situation remained unchanged. An agreement was reached on a short-term solution while short term measures that involve reinjection of funds while the pursuit of accountability regarding the previous contactors goes ahead.

This brings me to the mandate of the Public Protector, which is one of the public accountability avenues given to the people by the Constitution.

Established under section 181 of the Constitution the Public Protector's constitutional mandate, as articulated in section 182, is to investigate alleged or suspected improper conduct in state affairs or the public administration; to report on that conduct and to take appropriate remedial action.

The Constitution further states that the Public Protector has additional powers as determined by national legislation. It further enjoins the Public Protector to be accessible to all persons and communities.

Essentially the Public Protector helps people exact accountability from those they have entrusted with public power when direct accountability fails. This includes ensuring justice for state wrongs or maladministration and accountability for control over state resources.

Beyond the Constitution, the Public Protector Act(PPA) regulates the work of the Public Protector and extends to powers to include authority to resolve maladministration complaints in state affairs through conciliation, mediation, negotiation and related mechanisms. We collectively refer to these as Appropriate Dispute Resolution Mechanisms (ADR) and use these to resolve most of the complaints we receive. ADR accounts for more than 90% of the complaints resolution.

Introduced in Sweden about 203 years ago, the Ombudsman office, the institutional family to which the Public Protector belong, sought to strengthen public accountability by adding a non-judicial office to address gaps left by traditional accountability mechanisms such as direct accountability to the public, accountability through Parliament and accountability through the courts.

In the South African Public Protector's power transcends the classical Ombudsman's powers. Firstly the constitutional mandate to investigate improper conduct covers virtually all administrative conduct in state affairs. Secondly, the constitutional requirement that the Public Protector takes appropriate remedial action is broader than the traditional requirement that the Ombudsman recommends remedial action.

The PPA itself goes beyond maladministration, making reference to abuse of power and abuse of state resources, in addition to maladministration. The PPA further expands the Public Protector's functions to include resolving disputes concerning conduct in state affairs through conciliation, mediation, negotiation and any other means deemed by him or her as appropriate.

A combination of the Constitution, Public Protector Act and Prevention and Combating of Corrupt Activities Act gives the Public Protector power to investigate corrupt acts and where evidence of criminality, to refer the matter to the National Prosecuting Authority for prosecution. You will note here that as the referral power under the Public Protector Act is not to the police, the Public Protector may only make such referral when he/she has gone as far as the police would have gone.

The Public Protector is also a safe refuge for whistle-blowers under the Protected Disclosures Act. Under the PDA the Public Protector, the Auditor General and others to be determined by proclamation, have the power to receive information from whistle-blowers believing that criminal conduct or impropriety has occurred at their place of work.

The Public Protector is also the sole agency with the power to assist the President in the enforcement of the Executive Members' Ethics Act and the Executive Ethics Code. The statutory mandates include the power to act as one of the information regulators under the Promotion of Access to Information Act (PAIA) and a review agency for decisions of the Home Builders Registration Council under the Housing Measures Protection Act.

However, I must indicate that we are happy that Parliament is considering taking away the PAIA mandate with a view to granting it to a specialised agency. We have also asked that the power to review the decisions of the Home Builders Registration Council need to be given to a specialised agency

In pursuit of section 182(1) (c), we also follow up to ensure that the remedial action we have directed is implemented expeditiously. This is done to ensure that the office does not become a gate to nowhere. However, our enforcement is non-judicial and relies primarily on a persuasive public pressure or moral suasion. The media's facilitation of dialogue in this regard is priceless. This is an area where the faith community can also play a critical role.

What else can we do together? I see accessibility of Public Protector services as a key area of impact for the faith community. My office is required by the Constitution to be accessible to all persons and communities. We are constantly making efforts in pursuit of this constitutional injunction but resources make it impossible for my team and I to reach all in an effective way.

We have 20 offices across the country where people can lodge complaints anytime during office hours without appointment.

Complaints can also be lodged through a toll free line, a letter, a fax, e-mail and via our website. We also have mobile offices and other outreach facilities through which my officials and sometimes myself and my deputy visit communities to inform them about our services and to take complaint or reports of maladministration.

We also use the media, particularly the radio, TV and newspapers to reach out to communities. Our outreach efforts include an annual Stakeholder Consultation Dialogue in July to August and an annual Good Governance Week in October.

The issue of accessibility is an area where the faith community can help. Accessibility is not only about physical availability of services but also includes people knowing about those services and using them effectively whenever need arises. The faith community attracts a huge audience, particularly on designated religious days such as Saturdays and Sundays. This makes you a powerful platform from which word can be spread about the roles of institutions such as my office so that our people do not suffer in silence, not knowing where to go. Assistance can also ensure that complaints are lodged early enough before evidence disappears and before people lose everything, including homes. People often approach my office 5 and up to 10 years down the line. This is often the case in matters we prioritise as bread and butter matters such as owed pension moneys and outstanding ID document matters. My office tries to resolve these in a short-time frame as early resolution matters, from a day to a maximum of 3 months.

The faith community is also well placed to play an effective role in efforts aimed at combating the twin evils of maladministration and corruption in state affairs. This is not to say there is no corruption in civil society. In fact quite the opposite, we have corruption in the public sector because there is corruption in civil society. Otherwise who corrupts those who exercise public power? Furthermore persons in the public sector are members of all our communities. If our communities have zero tolerance for corruption like communities in countries such as Denmark, New Zealand, Denmark and Singapore, there would be no corruption in any part of our society, including the public sector.

This is why I believe we are where we are in terms of state behaviour because of the choices we have made collectively as a society.

Christian and other faith leaders are excellently positioned to play a role in generating a proper public service ethos that informs public sector decision-making to ensure that exercise of public power is viewed as stewardship. Those exercising public power need to know it is not their power they exercise but its power given by the people on the basis of trust to be used in service to the people and not the self interests of those entrusted with such power.

The faith community's contribution to moral regeneration, should also include entrenching anticorruption attitudes and behaviour both in the public sector and civil society. This should include ensuring that all understand that government money is not orphaned money but public money to be used to give effect to a better life for all as promised by the Constitution.

The power to turn the tide against maladministration and corruption in pursuit of the consolidation of our democracy lies in our collective hands. We can make decisions that ensure that never again does a Grandmother J find herself with a toilet without piping that links it to a main sewer system when public funds have been paid for a fully functional sewage system.

Value based leadership generally applies to the way we conduct ourselves. This includes the way we treat our staff. The treatment of staff is paramount and ultimately the treatment of the people on whose behalf we exercise stewardship over public power, resources and opportunities.

Christian and other faith leaders have 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.

Together as patriots we are more powerful than forces for maladministration and corruption. Most of it is essentially about negotiating truth and power. Each of us can play a role in envisaged in the Constitution and deliver the South Africa that our people dreamt of. You can manage truth and power as Prophet Nathaniel if you operate in advisory or oversight advisors roles and King David did if we are decision-makers. Can the values of ubuntu and the golden rule make a difference? I believe they can.

You may further contact us on the toll free number **0800 11 20 40** and for those with access to internet and email, we are reachable on **www.publicprotector.org** and complaints can also be lodged on **registration2@pprotect.org**.

Thank you.

Adv Thuli Madonsela

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