



## STATEMENT IN SUPPORT OF THE PUBLIC PROTECTOR

It is with deep dismay that we have observed the responses of the President and the African National Congress to the report of the Public Protector on the Nkandla project, and the degeneration of these responses to a personal level.

When launching the Office of the Public Protector in 1996, President Nelson Mandela said the following:

***“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.”***

In the Constitution of the Republic of South Africa 1996, in which the state institutions supporting constitutional democracy are introduced as Chapter 9 of the Constitution, it is stated in Clause 181 (2) that: “These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice”

From the above, it is clear that the Public Protector must be free to carry out her duties without fear or favour, regardless of the subject of her investigations. In our opinion, she has carried out this mandate with absolute integrity, and has not whitewashed the findings of the investigation into Nkandla because it is the President who is under scrutiny. This ought to be applauded by those in whom the electorate has placed its trust as guardians of our constitutional democracy. Instead they have accused her of bias for the very reason that she has shown none, and has not pandered to the “whims of individual rulers”.

The Constitution does not provide for the referral of the findings of the Public Protector to a host of committees and commissions and individuals who are not bound by the Constitution to act without fear or favour, and whose jobs and access to power are dependent on the President who is being investigated. It provides only for those affected to respond and follow her recommendations.

We express our unwavering support for the Office of the Public Protector, and for the person of the current incumbent, Ms Thuli Madonsela, and applaud her courage and her integrity. We can only wish that there were more people in public office with that degree of courage, and that level of integrity. If there were, the demands of her office would be less onerous.

We urge those whom we supported in the days of the struggle against the evil monster of apartheid to not disappoint us now and take us into their version of a “monster state” in which all are afraid to speak their mind and undertake their tasks with courage and integrity. We urge them to respect the Constitution we have, and to work within the constraints of the Constitution, and not out of personal or party interest. Respect the Office of the Public Protector and the person appointed to maintain our integrity as a nation, and deal with those who do not.

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