

DRAFT: EMBARGOED AGAINST DELIVERY

Address by Thuli Madonsela

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Connecting the dots between the Democracy, the rule of Law and Leadership

Dear colleagues, friends and people of South Africa

Words cannot express the depth of my gratitude to Wits University for the honour of being awarded the honorary doctorate of laws.

Although this is my fifth honorary doctorate, the honour has a special place in my heart. Wits University and the University of Swaziland contributed immensely towards my formative years as a lawyer, academic and human rights activist. They helped me find and shape some of the tools I have since used to contribute towards shaping our constitutional democracy while contributing to progress towards a world that affirms all humanity regardless of human diversity.

We do our work because we must. We give everything we do our best shot out of love.

Regardless, I am supremely honoured by the recognition of the humble contribution I have made to humanity in collaboration with various women and men who have been part of the journey. The Public Protector Team, in particular, deserves an equal measure of the recognition.

Not to be forgotten are the teachers who shape our world view. Many of those who contributed to my passion for contributing towards a more just and inclusive world were lecturers and colleagues during my time at this great institution. I also have Wits to thank among those that gave me an early break as a young legal professional. Through nurturing and rigorous challenges, including being thrown in the deep end with a life guard at hand, I was placed in a position that optimises meaningful service to humanity, particularly in the areas of human rights, social justice and constitutionalism.

Congratulations to fellow graduants. You are graduating from a great institution that remains a global centre of excellence that has produced many leaders that are shaping the world. Fellow honorary degree recipients such as Patrice Motsepe are among those.

Dear colleagues

Your graduation takes place in the midst of challenging times.

You are graduating at a time our country, our continent and the world are crying out for leaders who will lead us out of the challenges we face at minimum cost to humanity.

While it is true that the entire world is going through unprecedented turbulence, some parts of the world appear more troubled than others. For example, while the entire world is facing a financial slow down, our country seems to be doing a lot worse than many, including fellow African countries such as Botswana and Mauritius. Our unemployment levels too are a source of deep concern. The same applies to social justice concerns as reflected in a growing gap between the rich and poor and persisting inequalities that are racial in character with the face of poverty remaining black and female.

I have a strong feeling though that you are equal to the task presented by the challenges of our time.

It is said that the most important and yet the most difficult leadership challenge is the ability to lead yourself. To get where you are you have had to lead yourselves in many circumstances. Not so long ago you alerted us to persisting social injustices and related hardships face by many young persons from disadvantaged backgrounds regarding access to tertiary education.

If we agree that leadership is the art of influencing and inspiring others to believe in and achieve something, you definitely are leaders.

In getting where you are today you had to give yourselves hope. You've had to inspire yourselves even when the light at the end of the tunnel seemed invisible. You had to lead yourself to forego instant gratification and command the discipline that is required to face the unpleasantness and accountability that come with the pursuit of educational qualifications.

I also believe you've had to lead others along the way with or without a title giving you authority to do so.

As the world goes through turbulence, many analysts have identified the failure of leadership as the core factor. A lot of fingers have been pointed at the Executive branch of government in this regard. One of the critics is that the complexity of the Morden state has given the Executive branch far too much power while its accountability is forever shrinking. In this regard, it is increasingly pointed out that the legislative branches of government are no longer as effective in checking and balancing the Executive to limit excesses as they used to be. In our case, where we have the advantage of being a constitutional democracy, the judiciary is

increasingly praised for stepping into the gap to help the people push back against Executive excesses and political accountability failures. I must say watching the judiciary discharge its role as the ultimate guardians of the Constitution has been a source of immense pride and joy. Even at Harvard, where I am currently based, our judiciary and the Constitution are frequently praised as important pillars of functional and sustainable democracy.

However, this burden of the judiciary has begun to bother me and others. In the last 24 hours, I have had two people ask me for a comment whether having the judiciary constantly put us on track regarding ethical governance and constitutional compliance is proper and sustainable.

That got me thinking about the need to connect the dots between democracy, the rule of law and leadership.

It is my sincere belief that our troubled world is not due to lack of leadership but rather the lack of appropriate leaders. It is my belief that for democracy to remain functional and sustainable, the rule of law must be the default position. I also believe that for the rule of law and democracy to thrive, we need appropriate leaders.

Addressing parliament for the last time as President in 1999. President Nelson Mandela said:

"Each historical period defines the specific challenges of national progress and leadership....And for me personally, I belong to the generation of leaders for whom the achievement of democracy was the defining challenge."

Appropriate leaders understand that the burden of leadership involves awareness of the burden of leadership includes understanding that both what you do and say matter and what you do not do or say matter regarding influencing others in believing and achieving something.

They know that it is not just their commands or directives that determine where others go but also their actions. They know that through unconscious actions they encourage or discourage actions in society. Above all, appropriate leaders influence and inspire people to do what will take them to the future they aspire to. They don't pronounce one future but do something else.

I believe that the fact that, for many years, South Africa was seen as a beacon of hope regarding the possibility to overcome seemingly insurmountable human challenges, was not an accident, I believe. We had appropriate leaders, with Nelson Mandela at the pinnacle. I also believe that Oliver Tambo whose

leadership we have been guided by government to study and emulate this year, was an appropriate leader.

Incidentally, despite our challenges, we remain a beacon of hope to the world although those who are observing us are increasingly worried that we may have lost our navigation compass.

Have we?

What is true is that while today is better than yesterday on many issues among them accountable and transparent governance as well as enjoyment of unprecedented freedoms and socio economic rights for historically disadvantaged groups, many of our people are left behind. The #FeesMustFall protest was wake up call to such persisting and in some way mutated disparities.

We have increasing occurrences of corruption which takes away the very resources we need for social justice. Some of our key political leaders don't think it's wrong to spend a lion's share of our scarce resources for their own comfort. Even more worrying is the growing understanding that as long as a court of law has not declared you a criminal you are fit to govern this is a departure from section 2946

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(The views are personal)