



Response

11th August 2021

The Auditor-General's Achievement

Good news on governance issues has been in pretty short supply for some time in our country, so the announcement that the South African Auditor-General has been ranked by the World Bank as one of only two national audit offices that are fully independent and able to carry out their work without undue influence, is particularly welcome.

The office of the Auditor-General is one of the Constitution's 'Chapter 9' institutions, or 'State Institutions Supporting Constitutional Democracy'. Its key tasks are to check how public money is spent at all levels of government, to make recommendations for improvement and, where necessary, to institute legal steps against malfeasance or unlawful expenditure.

Unlike some other Chapter 9 institutions, the AG stayed faithful to its purpose through the state capture years, and was indeed an important bulwark, along with the Reserve Bank and the National Treasury, against the complete undermining of the country's public finance credibility. The AG's office was led for many years by the late Kimi Makwetu, widely acknowledged as an exemplary civil servant, and his successor – who served as Mr Makwetu's deputy – Tsakani Maluleke, has taken up where he left off.

It must be noted that the achievement is not quite as international as it sounds at first. The ranking includes only client nations of the World Bank, as a result of which no Western European countries, nor other developed nations like the USA, Canada, Japan, Australia, New Zealand or South Korea were ranked. It is probably fair to assume that some, perhaps most, of these countries have fully independent state audit institutions.

Other countries not ranked include many in North and West Africa and the Middle East, as well as Cuba, Venezuela, Malaysia and North Korea. It would be surprising to find that many of these countries have independent audit institutions.

But this does not detract from South Africa's performance, or from that of the only other country out of the 118 measured which scored maximum points, our fellow African nation, the Seychelles. Even if you tie with a dozen others, it is simply not possible to do better than 'all independence indicators were met'.

Much credit for this accomplishment must go to the drafters of the Constitution and to those who framed the Auditor-General Act 12 of 1995, which together created the framework for an independent, credible and reliable public accounts watchdog. But many other institutions have a

sound legal-constitutional basis, and yet fail to carry out their work with the necessary independence and rigour. A lot has to do with the people involved.

There are some 400 auditors employed by the office of the Auditor-General, as well as other support staff, and all of them are due congratulations for this achievement; it is certainly not all down to one or two outstanding leaders. However, the leadership of these institutions is crucial, as recent experience at another of them, the office of the Public Protector, shows, and there are lessons to be drawn from the contrast between the way the present Auditor-General and the present Public Protector were chosen.

In both instances there were public nominations followed by interviews before a committee of the National Assembly. However, the process of choosing the Public Protector was highly politicised and questions raised by the official opposition about the history and suitability of Adv Busisiwe Mkhwebane were ignored. In addition, the then deputy Public Protector, Adv Kevin Malunga, who had spent five years imbibing the ethos of Adv Thuli Madonsela, the country's most effective and capable Public Protector to date, was excluded from selection at the last minute because he did not have a security clearance. Many observers felt that Adv Malunga was the obvious choice to succeed Adv Madonsela, offering as he did experience, continuity and a strong track record.

When Ms Maluleke was appointed last year there was no politicisation of the process and her nomination by the National Assembly was unanimous. Importantly, she had been with the AG's office for six years at that stage, and like Adv Malunga, had learnt from a fine leader and made the organisation's ethos her own.

There is certainly more to these questions than just the methods of choosing leaders. Ultimately, those chosen must have the necessary personal and professional integrity, they must take pride in delivering independent and non-partisan findings, and they must be imbued with a sense of public service. If those qualities can come together in one constitutional institution, and particularly in its leadership, they can do so in all of them.

The full World Bank report is available to read or download at <https://openknowledge.worldbank.org/handle/10986/36001>

Mike Pothier
Programme Manager

This Response, or parts thereof, may be reproduced with acknowledgement. For any further enquiries or suggestions, or to receive our regular publications, please contact events@cplo.org.za.