



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Interviewee: Emile Short

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MAGKETLA: My name is Tumi Magketla. It's the 18th of September 2009 and I'm in Accra, Ghana. I'm here with Mr. Emile Short who's been the Commissioner of the Commission for Human Rights and Administrative Justice (CHRAJ) from its inception in 1993. He returned in August from Tanzania where he served as a Justice on the United Nations International Criminal Tribunal for Rwanda from 2004. Before we begin, can I just confirm that you understand that this is a voluntary interview?

SHORT: Sorry?

MAGKETLA: Before we begin can I just confirm that you understand that this is a voluntary interview?

SHORT: Yes.

MAGKETLA: Thank you very much for joining us and being part of this set of interviews with people engaged in reform. Perhaps we can begin with you giving us an overview of your career and how you came to be working at the Commission as a Commissioner, briefly.

SHORT: *Well, before I came here I was in private legal practice in Cape Coast for about twenty years. That was from 1973 till 1993. Prior to that I worked in the United States for about three years doing editorial work with a local publishing firm in Rochester, in upstate New York. So, I was appointed to this position in June of 1993.*

MAGKETLA: Okay. When you look back to those early days when you joined the Commission, or were beginning to set it up, what were the main challenges that were going to be priorities for you in your new position?

SHORT: *Well, I think the main priority was to acquire offices for the Commission and to recruit competent, qualified staff. When I took up office I brought with me someone whom I had worked with in Cape Coast who I thought was a very good administrator. With him I tried to look around the country to locate offices, regional offices for a start. We have ten regions in this country and so my first assignment was to travel the length and breadth of the country and to try and establish offices. That meant going to various institutions and offices, inspecting such offices as were offered to me to see whether they were appropriate. That required some time. I can't remember how long, but that was quite challenging.*

After that, of course, the other big challenge was starting to recruit staff, because I was appointed with two other people who were my deputies. That was the sum total of the staff that I had. We had to start advertising and conducting interviews for the critical positions in the Commission. Those were the two main challenges and priority areas in the initial stages.

MAGKETLA: I understand that at this time the Commission was taking on the functions of the ombudsman in addition to human rights functions. How did this affect the capacity that you needed to develop? Could you draw on some of the existing staff from the ombudsman? Did you have to source additional people or conduct training of the staff?

SHORT: *The ombudsman staff weren't all that many. The ombudsman institution was more or less dissolved, so the staff that were there had to undergo an interview. We interviewed them and those that we found suitable were recruited. It did not*

really affect us in any way because everyone had to go through a competitive interview process. We took some of them and we did not take others.

MAGKETLA: In setting up the Commission did you draw on any sort of pre-existing strategies in addition to the ombudsman office that existed or country experiences elsewhere that served as lessons or guidelines for your work?

SHORT: *I had no experience of other institutions of this kind. This was my first appointment in a public institution, a governmental institution. So, I had to sort of start from scratch and use my own ideas. Of course, I was assisted tremendously by my Chief Administrator who I brought down with me from Cape Coast. But, no, I had no previous experience in this area. In 1993 there were very few Human Rights Commissions in Africa and therefore there were few examples to go by.*

MAGKETLA: The Commission has expanded in a number of ways and it's undergone a number of significant changes beginning in those early days. What would you say have been some of its key achievements and advances?

SHORT: *Well, first of all the Commission has a triple mandate: it is a human rights institution, it also operates as an ombudsman institution, and it's an anti-corruption agency. The idea of combining these three mandates in one institution was to save resources. Instead of establishing three institutions, it was felt that all these three mandates could be combined in one institution. It hasn't worked to our advantage because those who fund the institution tend to see us as just one institution.*

From the very beginning it was a very challenging undertaking to have to carry out these triple mandates. But I think that one of the achievements that we can talk about is—the first I would mention is maintaining our independence and showing that the constitutional guarantee that we should not be controlled or directed by any person either directly or indirect was upheld. You must remember that we had just made a transition from military rule to constitutional rule and democracy, so there was still a legacy of authoritarianism in the body politic. Here we were, a democratic institution established with wide powers and we were supposed to be independent of any other institution, especially of government. It was important to assert our independence and I think even the skeptics very quickly realized that we were determined to assert our independence. And we did so.

We demonstrated that by the kind of cases we took on. For example, one of the powers we had was to look at confiscations of property that were done by the previous military governments. About a year after I was appointed I started doing that. I had some petitions about confiscations, which the complainants felt were unlawful. The first case I handled I ordered the restoration of quite a number of confiscated properties. I think that came as a shock.

Then also two years later we had to investigate high public officials on media allegations of corruption. These were sitting ministers, ministers of the then government. We held public sit-ins in the full glare of the media, electronic and print media. That was also a first in the sense that prior to this, public officials were investigated after they had left office by succeeding governments. In this case our institution was investigating sitting ministers. Ministers are Secretaries of State in America or, you know, at that level. That was an exercise, which we carried out without fear or favor and issued adverse reports in respect of three of

the ministers and recommended that the President reconsider their appointments. The government did not take kindly to our report and naturally issued a white paper disagreeing with our findings. But we stood our ground and we had public support, support of the civil society, because by this time we had established ourselves as a credible legitimate institution. Eventually the government gave in and these ministers resigned. That, in my view, is another achievement.

We also, in 1995, started conducting annual inspections of prisons and places of detention and publicizing our findings. That is another sensitive area for many governments and initially it wasn't easy to gain access to these places of detention but we managed to gain access and we published—we started publishing our reports. So, that also was new ground we broke.

We also, at the same time, started training programs for the security forces, educating them about human rights, values and standards with a view to inculcating in these public officials a sense of respect and observance of human rights and the rule of law. We started creating awareness of human rights in the country and we have been doing that ever since. I think we can, without fear of contradiction, say that we have created widespread awareness of human rights in this country.

I think that in the first seven years of the Commission's existence there were great challenges—challenges of tackling highly sensitive issues like the confiscations that had been done by the previous military regime, investigation of high public officials on allegations of corruption, also drawing attention about the highly unsatisfactory conditions in the prisons and police cells and the many violations of human rights that were taking place. These, I would say, are the greatest challenges and some of the achievements, which we can talk about.

MAGKETLA: In taking some of these steps and taking on people of considerable influence, who did the Commission consider to be people that would support its effort, institutions or actors that it could turn to to support it in whatever manner.

SHORT: *I think civil society was our greatest ally in this exercise. Fortunately, Ghana had developed quite a vibrant civil society and there were a number of NGOs [non-governmental organizations], think tanks and institutions that were promoting democratic governance—institutions like the Center for Democratic Development, Institute for Economic Affairs. I think the public was quite supportive of the work we were doing once they realized that we were determined to be impartial, to be neutral. So, we got support basically from civil society which includes the academic fraternity, the universities and so on, and of course the Bar Association.*

MAGKETLA: Did you see any challenges to maintaining the support of these groups?

SHORT: *Not really. I think once we kept on track, continued to do our work in a credible manner, the support was always there.*

MAGKETLA: You've spoken of the fact that the public soon came to regard the Commission as a credible, impartial institution and that sense of the public's confidence in an institution like CHRAJ is incredibly important to the work that it does. Have you taken any specific steps to try to demonstrate to the public the Commission's credibility?

SHORT: *Well, we spoke on the airwaves, appeared on television quite often and the media landscape had improved very quickly. As you probably would have found out, you know, freedom of expression and freedom of the press is quite highly guaranteed here. So, the opportunity was there for us to speak on issues of concern to the public. I think that in itself gave us the opportunity to demonstrate to the public that we were willing to tackle highly politically sensitive issues and that we are determined to do our work in an impartial and neutral manner.*

MAGKETLA: For institutions such as the Commission, and this has been the experience in other countries, it is common for them to be accused of selecting their cases on a political bases or being influenced by political considerations. Has this ever been a concern for the Commission and how has it addressed those?

SHORT: *I don't think we've ever been accused of doing that because on the contrary, as I mentioned, we investigated people who were in office and held the reigns of power. We were not acting as stooges or pandering to the whims of the government. I think we've demonstrated objectivity and neutrality throughout. We investigated cases that we thought needed to be investigated irrespective of the political allegiance or the political correlation of the issues or the personalities involved. We have never received any such accusation. On the contrary, as I said earlier, we incurred the displeasure of the government then because of the adverse findings we made against the sitting Ministers of State.*

When there was a transition in 2001, the atmosphere of tension between the government and the Commission had waned considerably, so we did not face the kind of challenges we faced during the first seven years of the administration that took over the reigns of power, you know, on the transition to constitutional rule. But even during that period we investigated high public officials in that administration including the President himself.

MAGKETLA: Was the Commission ever under pressure despite its constitutional independence from political pressure to pursue certain cases or types of cases?

SHORT: *To do what?*

MAGKETLA: To pursue certain cases?

SHORT: *No, not to pursue any type of case. No, we were never under pressure to pursue particular cases. There was subtle intimidation in the form of adverse publications in some of the private newspapers at the time, sort of trying to malign me and to publish stories, which were totally untrue. It was a kind of subtle way of trying to discourage or intimidate me for the things I was doing then. There wasn't pressure to do particular cases but rather pressure to abstain from doing some of the things that we were doing.*

MAGKETLA: How did you respond to, say, those accusations and papers?

SHORT: *I mean, I didn't respond in any way. I've never found it worthwhile to respond to such attacks because it only engineers a cycle of controversy. Somebody published something untrue about me, only one or two occasions we wrote protesting, but in many cases we thought it was better to just ignore those publications rather than take them on. The media like you to take them on and then they could publish another one, and so on. From my experiences it's better in many of these cases just to ignore them and to let them know that you're not paying much attention to what they're doing. Some of the papers that were*

publishing these untrue and false matters about me do not have such a wide circulation anyway, you know. So, I didn't really respond publicly. There were a few people who I spoke to about what was being done. The people who I knew in the government who I spoke to privately, but I've always avoided open confrontation. I never thought it a good policy.

MAGKETLA: Did you ever have to address the matters in front of your staff to clear the air?

SHORT: *I think the staff read right through the publications. They knew what was behind them so it wasn't necessary.*

MAGKETLA: Okay. You mentioned earlier that when you first began operating you did have to encounter this legacy of authoritarianism. How did that affect your work? Was that purely in terms of people who were being investigated and never imagining they would be under investigation by a body such as the Commission? Were there other ways in which that affected the initial atmosphere when the Commission came into being?

SHORT: *How did—?*

MAGKETLA: You described a sort of legacy of authoritarianism in the body politic, and I wanted to ask if you're considering the atmosphere of the Commission's first few years, how did that affect what the Commission did and how it went about accomplishing it?

SHORT: *It did not affect our work in any way. When we came to office we decided that we were going to stick to the oath which we had sworn to discharge our functions without fear or favor and impartially. It didn't deter us in anyway to do what we felt was right.*

MAGKETLA: The people who you investigated, for example, with regard to the confiscation of property or the ministers later, did they—was there any push back from them? How did you address that?

SHORT: *Push back? You mean retaliation?*

MAGKETLA: In any sort, whether they tried to use political influence indirectly on the Commission or directly coming out against the Commission.

SHORT: *No, there wasn't any public sort of attack as I said. The first investigations we did about the ministers, there was government negative reaction in the form of a white paper disagreeing with our findings. Other than that, you did have a sense that some people in government did not appreciate what we were doing. I think basically some people did not think we would assert our independence the way that we did. You would hear people in private talk about it but I think openly and publicly, apart from the government white paper, there wasn't any—there was of course one occasion in which there was a public attack on me by the then President during the inaugural speech in the beginning of the year, which as I said I ignored.*

MAGKETLA: You also mentioned that you began conducting annual inspections of prisons and places of detention and that you had initially some resistance in getting access to them. Can you describe how you went about getting access?

SHORT: *Well, we just insisted that we had to get into these places of detention, particularly the prisons. Initially the attitude was that these are security premises or installations, but that is not something we bought and we just kept putting pressure and eventually the authorities gave in and allowed us in. We went in with the media and made public the kind of conditions that people were living under and continued to issue reports on an annual basis. It was a nation-wide exercise, actually. I would normally inaugurate the exercise in one of the medium security prisons here and then my staff in my regions would also do the same. I think, by dialogue and pressure we managed eventually to convince the authorities that this was a legitimate function of the Commission to find out whether the human rights of persons in detention were being observed.*

MAGKETLA: The relevant authorities here, being the Ministry in charge of—?

SHORT: *The prisons. The Ministry of the Interior, the IGP, Inspector General of Police in terms of the police cells, for the police cells. The main institutions were the prisons and the police cells. Later on we also looked at psychiatric hospitals, but in the beginning, the major places of detention we went to were the prisons and police cells.*

MAGKETLA: In terms of the nature of the appeal that you made it was, as you mentioned, in terms of your constitutional mandate. Were there any other appeals that you made?

SHORT: *No, we wrote to the authorities concerned and that's the way in which we handled the matter. We wrote letters and made visits.*

MAGKETLA: Did you seek support from any other actors or parts of the government such as the National Assembly or the President's office?

SHORT: *No, they never intervened in any of these matters.*

MAGKETLA: Okay. I'd like to ask you about deployment. By that we mean how people organize and manage human resources and others to achieve the work that they'd like to. You mentioned that earlier on one of the first things you had to do was to build up the staff of the office. Can you describe how you went about identifying people that had the necessary skills for the Commission?

SHORT: *Well, we had a team with some input from government as to the criteria we should use for recruiting different kinds of staff. We had to recruit legal officers, we had to recruit administrators, and we had to recruit investigators and people from the different disciplines.*

We had some assistance from those who are already in public office at the Public Service Commission and the representative of the government. They helped us to identify the necessary qualifications and competence that was needed for the various positions. Then we went ahead and advertised in the public, in the media. Then we conducted interviews. We normally conduct interviews for recruitment with a member of the Public Service Commission. We always have to have one representative from the Public Service Commission. Aside from that, the rest would be Commission members and staff. So, this is how we went about it.

MAGKETLA: Were there any particular challenges that you faced in doing this?

- SHORT:* Not really. We had a lot of applications. Now the question of conducting interviews to determine how we were going to determine whom to appoint, we didn't have much challenges in that area because we based our decision on the outcome of the interviews and their service.
- MAGKETLA: The integrity of people working in an institution such as this, one might expect that it would be important to seek out individuals with integrity who can be trusted to do the work of the Commission. Was there any strategy that you employed to find individuals that you felt were suited in that respect?
- SHORT:* Well, of course that's very difficult, because unless you know the background of people, you wouldn't know whether they had integrity and so we had to rely on their CV's and the interview that we conducted. Obviously, if—and we had to rely on the reference that they submitted. It was important to get people of integrity, but we just had to rely on the interviews we did and the references they gave us and hope everything went well.
- MAGKETLA: Were there any particular types of skills that were difficult to attract or, sorry, rather find that were necessary in the Commission?
- SHORT:* Initially there wasn't because it was a new institution and many people wanted to work with the institution. As time went on, we started losing lawyers and we've continued to lose lawyers ever since because their salaries and the conditions of service for the lawyers are not very good. So after a while, a lot of them left for the private sector or for even public institutions that had better conditions of service. That has been one of our biggest challenges over the years—that we've had a high turnover of the legal staff, because our salaries and conditions of service are not competitive with other institutions. We gradually started losing people after we trained them. A lot of them went to the bench. A lot of them went to other public institutions, and to the private sector. Initially there was no difficulty, but as time went on this was the biggest challenge we had and which we still do have.
- MAGKETLA: Is there anything that you've tried to do to address this problem?
- SHORT:* Oh, well, we petitioned government. We've done that time and time again. It has never been addressed properly.
- MAGKETLA: I understand that the Commission also inherited investigators who had operated in the Peoples' Courts, was it—?
- SHORT:* It operated?
- MAGKETLA: That it operated under other justice systems, say in the 1980s, so people who were from the Peoples' Court structures—.
- SHORT:* Not from the Peoples' Courts. We recruited some retired police officers because of their experience in investigation work and also because we wanted to use them to do our investigation into the security agencies. We thought that it would be easier for them to get easy access to those institutions and to be able to get the information that we need, or to get cooperation from those institutions. So those are the people who we engaged. I don't recall recruiting people from the judicial services. There may have been one or two.
- MAGKETLA: In those—.
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SHORT: *I remember there was one person who I think had worked under the previous military government. But we made these appointments on merit. Even if someone who had worked with the previous military government came for an interview, if we found that person to be competent and appeared to have integrity we would accept.*

MAGKETLA: Did that attempt to recruit people from that particular field in order to get information that they might have a particular access to—was that successful?

SHORT: *It was. It was, particularly in our investigations into complaints against the police service because there were quite a number of complaints against the police service. They were able to go into a police service and get access because people knew them. They were respected. There was no resistance when they went in.*

MAGKETLA: Were there any unforeseen obstacles associated with that strategy?

SHORT: *Any?*

MAGKETLA: Unforeseen obstacles associated or things that you later had to address?

SHORT: *No. Eventually lots of them left, but it was an experiment that worked quite well for us.*

MAGKETLA: Okay. Can I ask about the steps that you've taken to develop the capacity of your staff in terms of training?

SHORT: *Well, we've always taken advantage of overseas as well as internal and local courses. And we consider the training of our staff extremely important. We continuously expose our staff to all manner of training programs. We get sponsorship for a lot of these programs. From the very early stages we had funding from Danida [Danish International Development Assistance]. They have been our biggest development partner. They provided money for training, both overseas and locally. We used some professionals locally. We at the top, the commissioners and the directors, also improved our capacity, built our capacity. And then we started training our own staff. So right now, most of the training we do of our staff is done by people from the Commission itself. Occasionally we would get outside experts to join us, but we've always had support. We had some support from USAID [United States Agency for International Development] and from the British High Commission for a lot of these programs and to attend training courses abroad. So, that's a constant permanent feature of our work and training. The unfortunate part of it is that we lose quite a number of the people that we train because of the unattractive conditions of service.*

MAGKETLA: Do you employ any special incentives or management techniques to motivate your staff in any particular ways?

SHORT: *Well, we used to have awards, especially the long service awards when we had money. When we don't have money we can't. Normally at the end of the year when we do our sort of end-of-year farewell party we make these awards. We try and identify people who have distinguished themselves and recognize them, both here and in the regions. We also initiated a policy of recognizing people who have served for certain lengths of periods continuously—like five, ten years, fifteen years.*

Then, of course, there is promotion. People are promoted if they demonstrate excellence. Those who also show promise are given the opportunity to attend courses when they are available. Also, there are people who we allow to take a leave of absence to pursue a course to further their education, maybe a masters or some graduate course. Normally after three years of service the staff become eligible for that. They would be granted leave with pay to improve their academic qualifications. That of course would be done on merit. These are some of the ways in which we encourage and motivate the staff. We have staff durbars as we call them, or meetings, occasionally to discuss issues of concern with the staff and give them the opportunity to express whatever grievances they have. These are some of the ways we try to motivate and encourage them.

MAGKETLA: For your more senior staff members, did you identify people that who've known from before or was there a way you were able to attract people that would help you form a team to develop the institution early on? You mentioned, for example, the assistant that you brought with you from Cape Coast.

SHORT: *Yes, you know, generally to fill positions in a Commission you have to advertise. We can't do it privately. So, even if we saw somebody or someone identified someone who would be of help it would have to be through the normal recruitment process. Under our Public Service regulations we have to advertise for vacant positions and we have to conduct interviews with a representative from the Public Service Commission being present. Being a state institution we couldn't just go and handpick people. It has to be through a competitive process.*

MAGKETLA: Related to that, many of the people that we've spoken to in many different countries say that it's very common for them to come under pressure to hire certain people or appoint people they are important, because they come from difficult factions, or because they're friends or family. Is this something that either you or your staff have had pressure to do, and what would you suggest are good ways to deal with that pressure?

SHORT: *Of course, in the African setting you do have relatives and friends bringing people and asking you to employ them, but I've always taken the position that—I've always frowned upon favoritism and patronage. I would normally just tell them to put in an application and if you're successful, fine, because you have to go through an interview process involving many staff members. Even my own staff, house staff help, would sometimes come and say some brother of mine has just finished school. Can you help? I just say well, let him write an application and if there's a vacancy then he will be invited for an interview. If he succeeds then he'll be appointed.*

But we've tried, at least I've tried, to maintain a very transparent method of recruiting people. Yes, sometimes people would try to get into the Commission by the back door but we don't encourage it. There's only one instance in which there was a vacancy and someone from the top political echelon sent someone with a letter to fill the position, which I resisted and I said—in part I spoke to the Public Service Commission Chairman and protested against it. We then advertised the position and he didn't even apply for it.

MAGKETLA: Another concern that people have voiced quite frequently is the difficulty that they face in working with civil servants or politicians because they may not share the vision of people who are trying to build a new institution or implement policy change. What successful strategies would you suggest to deal with these

examples of civil servants or politicians who are perhaps conservative, or not willing to change or interested in change?

SHORT: You mean working with people who do not share your vision?

MAGKETLA: And, in particular, people who come from the civil service. They have a way of doing things, a tradition of doing things, and are resistant to change.

SHORT: Well, that's very difficult because you can only encourage them and get them to change their attitude, and if they don't eventually you might have to issue a warning and take disciplinary action. But the way we handle such situations is if some people are not working the way they should then they're given warnings. Sometimes it might be an oral warning followed by a written warning and then, eventually, if it gets too bad they will have to be dismissed. Of course, you have all kinds of people. Some people don't take government work seriously. They also want to engage in their private work. That's a difficult one.

Most public service institutions you'll find that there are a lot of people who are just passing through. You can identify those who are very efficient and they are carrying the burden of the work. As I said, you have to encourage those who are not measuring up to standard and when it gets too bad, or out of hand, then we start taking disciplinary action against them.

MAGKETLA: Is there anything that you've ever consciously done to try and change a culture in an office, or the way people go about doing things, before it comes to disciplinary actions and trying to remove them?

SHORT: I think in most cases we just call them and talk to them—get their superiors, the people under whom they work to talk to them. I think by persuasion and also if they see that their colleagues who are working harder have been promoted above their heads that might encourage them to work harder. But you can only try and persuade them to change their attitudes and if they don't, then some of them don't get promoted.

MAGKETLA: You've spoken of the resource constraints that the Commission has faced. How has the Commission responded to these? Is there any way that it has prioritized its work or had to sequence some of the changes it would like to see within the commission in response to those constraints?

SHORT: Well funding constraints in terms of money for logistics, and so on. What we've done is try and get funding. Initially, when we started, we wrote proposals to development partners all over. We were quite successful; especially after the development partners saw the manner in which we were working. They saw that we were discharging our functions in a very impartial manner. We won the admiration of a number of development partners. So, this is how we were able to meet those challenges. I guess what you wanted to know is how we addressed the problem of the funding?

MAGKETLA: For example, you mentioned earlier that the Commission has this triple mandate and in establishing itself and developing the capacity of the Commission to fulfill these objectives on three fronts. Has the Commission had to prioritize its efforts or do anything to achieve the most within its resource constraints?

SHORT: What we've tried to do is prioritize the kinds of cases we accept for investigation, especially at the headquarters here. Our experience has been that a lot of people

bring complaints, which are not within our remit. They are outside our mandate. They expect us to take those cases because either they don't have the means to take these cases to court (our services are free) or because they have confidence in the Commission. Consequently, it got to a state where we were completely overwhelmed at the number of petitions we were handling. So, we had to prioritize the kind of cases we take. So really, what we did was to lay down guidelines for those who receive the cases, to give them some sort of direction as to how we can limit the number, or the kinds of cases we accept. That was one way in which we went about it.

Obviously, the funding restraints have also limited our ability to do as much as we wanted to do in terms of training target groups all over the country. We can only do so much, so we would select the target groups on a priority basis. For example, the security agencies would be at the top of our priority list because they are prone to committing human rights violations—the police, the military and so on.

Then we have done training for nurses, teachers, people who we think can help to sensitize others about human rights. So we draw up our priority list based on our objectives we want to achieve.

MAGKETLA: In terms of the guidelines you mentioned earlier, what are some of the criteria in forming how you suggest people prioritize cases?

SHORT: *Well at the headquarters, for example, we try to avoid landlord and tenant cases. People bring those kinds of cases here. We try to avoid land disputes, except where it is a case of the state trying to deprive someone of his or her property or compulsory acquisition without compensation. But land disputes between individuals, we try not to get involved even though the right to own property is a human right. But because we want to limit the number of cases we take, we're very particular about the kind of property case that we would accept for investigation.*

We get all kinds of cases—breach of contract, all manner of cases. Over the years we've tried to direct our staff as to the kind of cases they should accept and those they should reject. The biggest problems we have is in our district offices where our people, the masses of the people there, a lot of the cases they bring there are not within our mandate. They see the Commission as their only recourse. We have tried to deal with that problem by sometimes allowing the staff to mediate such cases if both parties agree and understand that we don't have jurisdiction in this kind of case but recognize this is a particular problem in this community. And so, we see how best we can help to address those particular problems by doing mediation. That's how we handled that problem.

MAGKETLA: Do child maintenance cases fit into that?

SHORT: *In fact, in the districts a lot of the cases are child maintenance, a lot. Child maintenance and spouse maintenance. Unfortunately, a lot of the cases are that. Now we do have, under the Children's Act, to protect children especially parents who neglect their obligation towards their children and wards. But in the districts, a lot of the cases are about child maintenance.*

MAGKETLA: Prior to the Act though, is that an example of a case that you might take up through mediation because it was a concern?

SHORT: Yes.

MAGKETLA: As we wrap up I'd like to ask you if there is anything in your personal management style that you think has enabled you to develop the institution as it has successfully done?

SHORT: *I was brought up to be hard working, to be honest, and to demonstrate integrity. I think this is how my father brought us up, to be principled and not to compromise on our principles. I've tried to instill that in my staff. I'll give you an example. One of the greatest problems I have encountered in this Commission is with the lawyers who want to do private practice during office hours because they claim that their salaries are very low and they claim that they can't make ends meet, which is true.*

So, some of them insisted on taking on private cases and going to court during office hours. At various times I did not have the support of all of management to resist such practice. Some who would say you have to be realistic and allow them to do it. I always maintained that given the function that we exercise, we must set a good example. We cannot adopt a moral high ground of investigating people on corruption, embezzlement of state funds, and abuse of office when our own staff is doing similar things—moonlighting, using office time to do their private work.

For me it is a question of principle, so I stuck to it. It got to a time when I actually had to send all the names of our lawyers to the Chief Justice and to distribute it to the judges to make sure that they don't give them audience if they come to do matters that have nothing to do with the Commission. I encountered the displeasure of some of the lawyers and even some of the top-level management staff. They said some people are leaving. I said that's too bad. But I think that in the long run it has helped us to present an institution that has credibility. So, my style of leadership has been to set an example and also, not to compromise on my principles. I think people know, for example, that nobody can come and influence me here so they wouldn't even try. People also know that most likely, they would receive justice when they come here.

There are people who are willing to compromise to please authority, to get certain privileges or perks. But I have always maintained that my legacy is what is important, my good name is what is important. That has been at the forefront of my work or the way I carry out my work, and to also be hardworking and very disciplined. That has been my style of leadership and to discipline people when they fall below the standard, which I expect of them. I've always told my staff that the Bible says, "To whom much is given much is expected," so I keep telling them. I say to them, "Given the type of functions that we have been given, we must set high standards," and so that has been my way of running this office.

Initially, as I explained to you, it resulted in my incurring the displeasure of the government in some of the decisions I took, but I think it has paid dividends. In 2005 I was awarded an honorary doctorate degree by Northwestern University in Evanston, Illinois in recognition of my leadership and the fact that the citation, of course, mentioned the moral courage that I have demonstrated in tackling highly sensitive, politically sensitive issues. So, that has been my style of leadership.

MAGKETLA: Was it these principles that attracted you to the job? Were you recruited? How did you decide to enter this difficult area?

SHORT: *I thought it would be a challenge. I was in private practice and I didn't actually apply for it. I was approached and I thought it would present a good challenge, especially during that time of our history when we were moving from despotic rule to democracy and constitutional rule. I thought that this was a good opportunity for me to serve my nation and accept a challenging position. I had always been involved in human rights work, even in private practice. I was a member of the Legal Aid Committee and the Human Rights Committee. So, I had interest in human rights work. I did some pro bono work. This seemed a very challenging and attractive position and an opportunity to serve my nation at a critical point in our history. That's what led me here.*

MAGKETLA: It sounds like it has been all that. This program is designed to help people engaged in reform share their experiences about the challenges that they faced. Is there anything that you'd like to add that you think we missed?

SHORT: *Well, the only thing, which I have mentioned already, is that bringing about reform in institutions requires moral courage. You're going to face a lot of challenges. I think that is one of the important—I think for example, when I sometimes train commissioners in human rights commissions in Africa and I tell them that when they take up office they must make a decision, a quality decision, as to what their objective is. They must decide that they want to make a difference and make an impact in the lives of people. They must think about the legacy they want to leave. If you undertake an important position, which requires bringing about changes, you must have a vision of what you want to do, what you want to achieve and you must have moral courage. I think it is very important, especially here in Africa where we face all kinds of challenges in our work.*

It is not easy and unless you have that kind of spirit, determination and the will to go through difficult times, you'll never succeed in achieving what you want. Otherwise, you would either give in easily or you would end up running an institution that has no credibility or public legitimacy. That's what I would say. Those are some of the qualities I think people need to be able to make a change—to make a difference wherever they find themselves—to bring about reform in running any institution whatsoever.

MAGKETLA: Thank you very much for taking the time to share you thoughts on this.

SHORT: *You are welcome.*