

Open Government Partnership
(DRAFT) Action Plan for South Africa, August 2011

1. Introduction

South Africa transformed from a racially exclusive, closed and secretive apartheid state to a fully fledged democratic state in April 1994 following the first national democratic election. Democracy in South Africa is premised on a progressive and transformative Constitution enshrining a Bill of Rights with universal adult franchise. The very process of Constitution making was consultative in the broadest possible sense involving the majority of South Africans in every corner of the country.

The first decade of democratic transformation was characterised by legislative reforms and democratising the state with an emphasis on increasing the capacity of the state to advance the objective of reconstruction and development. Significant progress was made during the first ten years resulting in unifying and rationalising the public service and setting in place a framework for new structures, systems and a democratic ethos based on the principles of transparency and accountability. South Africa has become a well-functioning democracy in a comparatively short time. Three successful national and local government elections have been held since 1994 further entrenching democracy and public confidence in free and fair elections.

Strong institutions of representative democracy have been built including Parliament, provincial legislatures and municipal councils. Independent public entity institutions supporting democracy including the Human Rights Commission, the Public Protector, the Auditor-General and the Commission for Gender Equality have been set up as outlined in the Constitution. Furthermore, an independent judiciary has been established trusted by the vast majority of South Africans as the final arbiter and whose judgements are trusted.

The National Planning Commission tasked with the development of a vision statement and a country plan for 2030 released a Diagnostic Overview in July this year and subjected this objective, constructively critical evidence based analysis of South African society to public scrutiny inviting comments through a public participatory process. This public participatory dialogue process was conducted throughout the country in all nine provinces involving national and provincial legislatures, civil society including labour and business, civic and faith based bodies. Combating corruption and enhancing transparency and accountability were identified as key challenges to strengthening a capable and democratic state during the feedback process.

South Africa's OGP Action Plan will therefore focus on measures to:

- strengthen corruption combating instruments and capacity to increase integrity management systems;
- strengthen mechanisms for meaningful citizen engagement in service delivery improvement and policy development processes;
- hold public servants – in particular teachers, doctors and nurses - accountable to the public and the communities they serve through the development and implementation of an accountability management framework for public servants;
- promote transparency in the housing allocation process in order to reduce incidences of, or perceptions of corruption and unfairness.

In addition to the public participatory dialogue following the release of the National Planning Commission Diagnostic Overview, a consultative workshop was held with the South African NGO Coalition (SANGOCO), the largest single umbrella body of civil society organisations in the Southern African region including national and provincial affiliates. **(Planned for 1-2 September).**

2. South Africa's Open Government efforts to date

Over the last decade in particular, the South African Government has made significant progress in implementing a range of cross-cutting measures aimed at combating corruption; enhancing citizen participation; guaranteeing the right of access to information; promotion of the administration of justice; consumer rights and promoting media and civil society freedom in order to increase transparency and accountability. These measures are underpinned by the South African Constitution of the 1996 which, amongst other provisions, mandates the maintenance of a high standard of professional ethics in South African public administration and entrenching a rights-based governance regime.

2.1 Combating corruption

The South African Government has created a number of initiatives and structures to reduce the level of corruption and strengthen integrity management systems. The establishment of a Special Investigations Unit (SIU) and Asset Forfeiture Unit and a local government Anti-corruption Inspectorate Unit to investigate and manage disciplinary processes in the three spheres of government; the establishment of a Multi-agency Working Group to investigate corruption in procurement, the establishment of an Anti-corruption Task Team to coordinate the work of law enforcement agencies and watchdog bodies and the National Anti-corruption Forum which includes civil society organisations are amongst the key initiatives the South African Government has introduced to combat corruption.

Government is also developing and have successfully piloted an Integrated Financial Management System (IFMS) which includes information on corruption and allows for the electronic tracking of conflict of interest of public servants and political office bearers. Declaration of interests and assets are compulsory for all political office bearers and senior public servants.

South Africa also ratified and acceded to various international anti-corruption instruments such as the Organisation for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Public Officials in International Business Transactions.

2.2 Media and civil society freedom

The South African Constitution provides for freedom of expression which includes freedom of the press and other media¹. South Africa also has a vibrant independent civil society sector with an estimated permanent workforce of more than 500 000 individuals². This sector is mainly funded by local, regional and international donor organisations with a significant amount receiving state funding for work in areas of health care, early childhood development, food security and governance. The right to freedom of association is protected under South Africa's constitutional dispensation which implies that individuals and groups are free to establish, belong to, and engage in lawful activities of civil society organisations.

2.3 Enhancing transparency in Government

To promote transparency in South Africa, Government has - among other legislation³ - enacted the Promotion of Access to Information Act (PAIA) in 2000 to ensure that information on Government activities and decisions are freely available to the public. PAIA seeks to promote a culture of transparency and accountability in public and private bodies and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

All three spheres of government in South Africa engage in transparent planning and budgetary processes. These good governance practices allude to why South Africa, one of the world's newest democracies, scored the highest with an overall score of 92% on a good governance barometer such as the Open Budget Index of 2010⁴. This independent, comparative, regular measure of budget

¹ Constitution of the Republic of South Africa, s. 16 (1)(a).

² Swilling, M. and B. Russel (2002). *The size and scope of the non-profit sector in South Africa*. Graduate School of Public and Development Management, University of Witwatersrand, Johannesburg.

³ Other legislation includes the Protected Disclosures Act (Act 26 of 2000).

⁴ New Zealand scored second highest at 90%

transparency and accountability around the world indicates that South Africa provides extensive budget information in most areas examined by the Open Budget Index.⁵ This progress is significant especially in the context that South Africa, as a new democracy, scored 86% in the 2008 index after the UK's score of 87%, one of the world's more established democracies.

2.4 Promoting accountability in Government

The Promotion of Administrative Justice Act (PAJA) was enacted in 2000 to give effect to the constitutional injunction that public administration in South Africa must be accountable. PAJA establishes the right to just administrative action by facilitating a culture of accountability, openness and transparency in the public administration. In general, PAJA ensures that there are rules, regulations and mechanisms in place that call upon Government organs to justify their actions, act upon requirements made of them, and accept responsibility for failure to perform.

Also, Chapter 9 of the South African Constitution provides for the establishment of institutions⁶ such as the Public Protector to safeguard and enforce the constitutional principles of openness, transparency, accountability, responsiveness, and ethical governance in the public and private sphere commensurate with good governance and international human rights practices. Chapter 10 institutions such as the Public Service Commission play an equally important role in advancing public accountability.

2.5 Increasing civic engagement

The South African Government actively promotes responsive and effective governance by engaging communities and civil society organisations on an ongoing basis through consultative gatherings known as izimbizo⁷. Izimbizo provide a platform for Government-citizen dialogue about public service delivery and policy matters. In September 2009, the South Africa Government launched the Presidential Hotline as part of its drive to enhance interaction with citizens⁸. The Hotline receives citizen complaints about issues such as public service delivery and corruption.

Open government is central to achieving a better life for all South Africans, thus South Africa remains committed to using transparency, accountability and citizen engagement to towards increasing public

⁵ <http://www.internationalbudget.org/what-we-do/open-budget-survey/>

⁶ The Chapter 9 institutions

are: the Auditor-General, Human Rights Commission, Public Protector, Commission for Gender Equality, The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Electoral Commission

⁷ Nguni term for meeting and dialogue

⁸ Line departments also have their own hotlines, e.g. the Department of Public Service and Administration has an Anti-corruption hotline

faith in Government.

3. **OGP Commitments**

South Africa: OGP Commitments:

Full description of commitment	How will this commitment contribute to greater transparency, accountability or citizen engagement	Who will be involved in implementing the commitment	What government hopes to accomplish by making this commitment	Benchmark	Timeframes
Develop and implement an accountability/ consequences management framework for public servants.	Accountability will be enhanced in that this framework will concretise “ <i>Batho Pele</i> ” (“ <i>People First</i> ”) principles and ensure that public servants are held accountable to the public and the communities they serve.	Department of Public Service and Administration Civil society organisations will be encouraged to assess performance of public servants against this framework	Concretise “ <i>Batho Pele</i> ” principles and increase accountability of public servants to the public	Framework in place and implemented in the public service	360 days
Formalise partnerships with civil society organisations in all nine provinces to establish Service Delivery Improvement Forums (SDIFs) at local level to provide timely report cards on service delivery levels at community level.	Accountability to the public regarding service delivery performance will be enhanced as well as greater citizen engagement in service delivery performance monitoring.	Government: Department of Public Service and Administration Civil Society: SANGOCO	Increase citizen engagement and public accountability in service delivery performance monitoring	Partnerships formalised with civil society organisations and SDIFs established in all nine provinces	360 days
Conduct a public outreach campaign on Know Your Service Rights and Responsibilities (KYSR&R) in all nine provinces to inform citizens about their service rights, responsibilities, and legal mechanisms available to hold government accountable.	Citizen awareness of legal frameworks for accountability, transparency and citizen engagement will be enhanced.	Department of Public Service and Administration in partnership with community-based radio stations	Empowerment of citizens to understand and claim their rights with regard to accountability, transparency and citizen engagement in service delivery	KYSR&R workshops conducted in all nine provinces	180 days

Enhance national integrity through institutional capacity-building of National Anti-Corruption Forum (NACF) and Anti-Corruption Hotline. This will include the capacity development of anti-corruption officials and strengthening the Hotline's advocacy and investigation functions	Capacitating the anti-corruption mechanisms will enhance accountability and public trust.	Department for Public Service and Administration and civil society organisations on the NACF.	Enhance accountability and strengthen public trust	NACF strengthened and all anti-corruption officials capacitated	360 days
Approve guidelines on sanctions for corruption related cases	Transparency will be enhanced in that the public will know the sanctions for corruption related cases	Department of Public Service and Administration	Enhance transparency in how corruption related cases are dealt with in the Public Service	Guidelines approved and implemented	360 days
Develop a Citizen Participation guideline for Public Service departments	This guideline will give direction to Public Service departments on citizen engagement in service delivery and policy-making through, among others, the use of online and mobile technology	Department of Public Service and Administration through consultative processes with civil society, including SANGOCO	Enhance citizen engagement in public service delivery and policy-making	Guidelines approved and implemented	360 days