INDEPENDENT REPORTING MECHANISM:

SOUTH AFRICA PROGRESS REPORT 2011-2013

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First Progress Report

Open Government Partnership
INDEPENDENT REPORTING MECHANISM

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RESEARCH & CONSULTING

INDEPENDENT REPORTING MECHANISM:
SOUTH AFRICA
PROGRESS REPORT 2011-13

EXECUTIVE SUMMARY

INDEPENDENT REPORTING MECHANISM (IRM):
SOUTH AFRICA
PROGRESS REPORT 2011-2013

South Africa's national action plan focussed on improving service delivery, fighting corruption, and encouraging civic participation. Progress was made on several of the commitments, but others were either difficult to assess or required no action by government.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism carries out a biannual review of each OGP participating country's activities.

One of the eight founding countries of the OGP, South Africa began formal participation in September 2011.

In South Africa, the Department of Public Service and Administration (DPSA) led OGP efforts. The National Treasury and the Department of Environmental Affairs were also involved. Additionally, South Africa is a federal system, so municipalities have some autonomy over local OGP coordination.

OGP PROCESS

Countries participating in OGP are required to follow a process for consultation during development and implementation of their OGP action plan. Civil society complained that the deadline for responding to the call for engagement was only days, publicity and availability online were lacking, and the action plan was largely shaped by internal consultative processes from within government. The government's self-assessment confirmed these issues.

In contrast, South Africa carried out more significant consultations during commitment implementation, from direct contact through Community Development Workers, to consultative forums in the form of imbizos. Consultations during the self-assessment process were more effective. Still, by some accounts, these methods could be improved by better taking into account and reflecting citizen feedback.

AT A GLANCE

MEMBER SINCE: **2011**
NUMBER OF COMMITMENTS: **8**

LEVEL OF COMPLETION

COMPLETED:	1 out of 8
IN PROGRESS:	5 out of 8
NOT STARTED:	0 out of 8
UNCLEAR:	2 out of 8

TIMING

ON SCHEDULE:	4 out of 8

COMMITMENT EMPHASIS

ACCESS TO INFORMATION:	4 out of 8
CIVIC PARTICIPATION:	4 out of 8
ACCOUNTABILITY:	5 out of 8
TECH & INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	3 out of 8

GRAND CHALLENGES

SAFE COMMUNITIES:	0 out of 8
CORPORATE RESPONSIBILITY:	0 out of 8
PUBLIC SERVICES:	3 out of 8
PUBLIC RESOURCES:	3 out of 8
PUBLIC INTEGRITY:	7 out of 8

IMPLEMENTATION OF COMMITMENTS

Table 1 summarises the eight commitments made by South Africa and gives the IRM researcher's assessment of each commitment's level of completion, whether each is on schedule, and key next steps. In general, South Africa's plan maintained a focus on enhancing service delivery, fighting corruption, and encouraging civic participation. Table 2 summarises the IRM assessment of progress on each commitment.

Table 1 | Assessment of Progress by Commitment

	LEVEL OF COMPLETION				COMMITMENT PROGRESS	NEXT STEPS
	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
1. Accountability/Consequences Management Framework: Develop and implement a "people first" framework for public servants.	UNCLEAR				Unclear: no measurable deadlines	Continued work on basic implementation
2. Service Delivery Improvement Forums (SDIFs): Formalise partnerships with CSOs in all nine provinces to establish SDIFs to provide timely citizen report cards on service delivery levels.	■	■			On schedule	Continued work on basic implementation
3. Know Your Service Rights and Responsibilities: Conduct an outreach campaign to inform citizens and hold government accountable.	■	■	■		On schedule	Continued work on basic implementation
4. National Anti-Corruption Forum and Anti-Corruption Hotline: Enhance national integrity through building a National Anti-Corruption Forum and an Anti-Corruption Hotline.	■	■	■	■	On schedule	Continued work on basic implementation
5. Guidelines for Corruption-Related Sanctions: Approve guidelines on sanctions for corruption-related cases.	■	■			Behind schedule	Significant revision of the commitment
6. Develop a Citizen Participation Guideline: Develop a written guideline and ensure every public sector department has a functional citizen engagement unit to proactively engage with civil society.	■	■	■		On schedule	Continued work on basic implementation
7. Enhance Involvement of Civil Society in Budget Process: Enhance the progressive realisation of socio-economic rights and enable citizens to track public expenditures.	UNCLEAR				Unclear: no measurable deadlines	Significant revision of the commitment
8. Environmental Management Portal Feasibility Study: Establish the feasibility of a single comprehensive and publicly accessible portal of environmental management information.	■				Behind schedule	Continued work on basic implementation

Table 2 | Summary of Progress by Commitment

COMMITMENT	SUMMARY OF FINDINGS
1. Accountability/Consequences Management Framework	South Africa's self-assessment report omitted this commitment. Neither civil society nor the IRM researcher received a response to questions about this commitment. Depending on government's explanation of this omission, this commitment should be reaffirmed in the next action plan.
2. Service Delivery Improvement Forums	A concept paper was developed, technically completing this commitment. Civic participation needs to be widened to ensure that the commitment is effective. Civil society needs to better organise itself to participate more effectively. Civil society participants acknowledged the potential of this commitment to change South Africa's service delivery practice, yet noted that government seemed to be wary of empowering citizens.
3. Know Your Service Rights and Responsibilities	Outreach initiatives have been undertaken to educate citizens about their rights. The commitment can be strengthened going forward by making a "Know Your Rights and Responsibilities" booklet available in local languages. CSOs called for a renewed partnership between government and CSOs to fulfil this initiative.
4. National Anti-Corruption Forum and Anti-Corruption Hotline	The Anti-Corruption Hotline was established in 2004, prior to the commitment, and the commitment did not move practice beyond the already existing baseline. The National Anti-Corruption forum was hampered by a lack of credibility. Efforts to renew public trust should complement the establishment of new institutions.
5. Guidelines for Corruption-Related Sanctions	No measurable activities were reported regarding implementation.
6. Develop a Citizen Participation Guideline	A draft citizen participation guideline was developed and awaits finalisation. The commitment should be reformulated as, "Develop and finalise guidelines…" to make implementation more measurable and accountable.
7. Enhance Involvement of Civil Society in the Budget Process	South African CSOs already participate in budgetary processes. However, this participation existed prior to the OGP commitment, and the commitment did not move practice beyond the already existing baseline.
8. Environmental Management Portal Feasibility Study	Online assessment reports on water quality have existed since 2008, prior to the commitments made to OGP. They do not fulfil the commitment to study the feasibility of a single environmental information portal.

KEY RECOMMENDATIONS

In addition to the recommendations for each commitment listed in Table 2, a number of crosscutting recommendations impact both the remaining implementation of the first South African action plan and the development of the next version.

Continued Emphasis on Service Delivery

Delivery of basic services is one of the most pressing issues in South Africa. Yet, government initiatives like the Protection of State Information Bill have created an environment in which advocates of accountability feel suspicious of any government commitment towards openness initiatives. Formalising partnerships with civil society would reduce the level of mistrust that characterises their relationship with government. The next action plan should focus on how government relates with CSOs, community-based organisations, and communities at large. Without strong trust, tensions within communities will continue to build and might escalate service-delivery protests.

Raising Awareness

The OGP initiative is not sufficiently publicised in South Africa. While some CSOs (such as the Open Democracy Advisory Centre and the Western Cape Province branch of the South African National NGO Coalition) are aware of the OGP and have been tracking the initiative, a number of relevant stakeholders are unaware of the OGP. The level of awareness is also unsatisfactory among government agencies that do work related to the initiative. This poor state of awareness suggests that efforts must be made to publicise the OGP initiative and the South African action plan.

Framing of Commitments

A number of South Africa's commitments involved activities that did not stretch government practice beyond the baseline that existed prior to joining the OGP. This makes it difficult to review the progress of government in fulfilling those commitments. In many cases, as demonstrated in South Africa's self-assessment, government can point to activities that took place before entering OGP as successful implementation. This process results in retrospective fulfilment that calls into question the purpose of selecting those goals. To avoid this problem, the OGP should request governments to provide information on the state of completion of commitments involving pre-existing activities when they are included in the country action plan. Thus the review could focus on activities that have taken place since the commitments were made.

ELIGIBILITY REQUIREMENTS 2011:

To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit: www.opengovpartnership.org/eligibility

BUDGET TRANSPARENCY:
4 OUT OF 4

ACCESS TO INFORMATION:
LAW ENACTED

ASSET DISCLOSURE:
4 OUT OF 4

CIVIC PARTICIPATION:
8.53 OUT OF 10

Clear Content provides services on local government analysis, particularly on public participation and public finance in the form of budgeting advisory for municipalities and national departments.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I | BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organisations (CSOs), and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

South Africa, one of OGP's founding countries, began its formal participation in September 2011, when President Jacob Zuma launched the initiative along with other heads of state and ministers in New York.

To participate in OGP, governments must demonstrate commitment to open government by meeting a minimum set of performance criteria on key dimensions of open government that increase government responsiveness, strengthen citizen engagement, and fight corruption. Indicators, produced by organisations other than OGP, determine country progress on each of the dimensions, with points awarded for each category. South Africa entered the partnership exceeding the minimal requirements for eligibility, with a high score in each criteria. It had the highest possible ranking in the categories of "open budgets,"[1] "access to information law,"[2] and "asset disclosure for senior officials."[3] It also had a score of 8.53 out of a possible 10 on the Economist Intelligence Unit's Democracy Index "civil liberties" subscore.[4]

All participating governments must develop action plans that elaborate their commitments over a two year time period. Governments begin their action plans by sharing their open government efforts to date. The country action plans then set out each government's OGP commitments, related to a set of five "grand challenges." (See Section IV for a list of the grand challenges.) These commitments should stretch government practice beyond its current baseline by building on current efforts, taking new steps to complete ongoing reforms, or initiating action in new areas.

South Africa developed its action plan from June through September 2011. The plan was submitted in September, and implementation began January 1, 2012. The government published its self-assessment in April 2013. As of July 2013, officials and civil society members were working on the second national action plan.

Pursuant to OGP requirements the IRM partnered with a national research organisation, Clear Content Research & Consulting of South Africa, who carried out this evaluation of the process and implementation of South Africa's first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. See the Annex for more detail on methodology.

INSTITUTIONAL CONTEXT

South Africa's Department of Public Service and Administration (DPSA) is the lead institution to coordinate OGP activities.[5] The DPSA is responsible for general coordination of public service in the country.

There are limits to the DPSA's coordinating power. Although it is responsible for setting norms and standards for public service,[6] municipalities have executive powers over their affairs. National and provincial governments have a constitutional duty to support municipalities. The extent of the DPSA's coordinating powers should be understood in line with the principle that municipalities are not entirely subordinate to national or provincial governments;

they have a certain level of autonomy. In addition, municipal employees are not classified as public servants, and thus do not currently form part of the public sector.[7]

Unless otherwise noted, references to "the government" are specific to DPSA in its lead role for OGP in South Africa.

METHODOLOGICAL NOTE

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In South Africa, the IRM partnered with Clear Content Research & Consulting of Johannesburg. Clear Content reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. The report was reviewed by OGP staff and a panel of experts.

To gather the voices of multiple stakeholders, Clear Content organised two stakeholder forums, in Cape Town and Durban, which were conducted according to a focus group model. Clear Content also reviewed two key documents prepared by the government: a report on South Africa's first action plan[8] and the self-assessment published by the government in April 2013.[9] Numerous references are made to these documents.

Summaries of these forums and more detailed explanations are given in the Annex.

[1] Open Budget Partnership, Open Budgets Change Lives, (Washington, DC: Open Budget Partnership, 2012), http://internationalbudget.org/wp-content/uploads/OBS2012-infographic.png.

[2] Republic of South Africa, "Promotion of Access to Information Act," Government Gazette No. 20852, February, 3, 2000, accessed August 13, 2013, http://www.info.gov.za/view/Download-FileAction?id=68186.

[3] Djankov, Simeon, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," Tuck School of Business Working Paper 2009-60 (2009), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1334126##; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level of Transparency," in Government at a Glance 2009, (OECD, 2009), 132, http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries," (Washington, DC: World Bank, 2009), http://bit.ly/1clokyf.

[4] Economist Intelligence Unit, Democracy Index 2010: Democracy in Retreat, (London: Economist. 2010), http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf.

[5] Ismail Davids, Department of Public Service and Administration, personal communication, April 19, 2013; Cape Town Stakeholder Meeting, April 30, 2013. See Annex for details.

[6] Department of Public Service and Administration, "DSPA in the Media," last modified October 3, 2012, http://www.dpsa.gov.za/article.php?id=181.

[7] Republic of South Africa, "Public Service Amendment Act," Government Gazette No. 30675, January 17, 2008, accessed August 13, 2013, http://www.info.gov.za/view/DownloadFileAction?id=88593.

[8] Republic of South Africa, Open Government Partnership (OGP) Action Plan: Republic of South Africa, (Pretoria: Government of South Africa, 2011).

[9] Republic of South Africa, Open Government Partnership: Government Self-Assessment Report, (Pretoria: Government of South Africa, 2013).

II | PROCESS: DEVELOPMENT OF ACTION PLAN

Countries participating in OGP are required to follow a process for consultation during development of their action plan.

OGP GUIDELINES

Countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation.

- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available online.

- Undertake OGP awareness-raising activities to enhance public participation in the consultation.

- Consult the population with sufficient forewarning and through a variety of mechanisms—including on-line and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in Section C of the OGP Articles of Governance, "Consultation during Implementation":

- Countries must identify a forum to enable regular multi-stakeholder consultation on OGP implemen-tation through an existing or new entity.

AVAILABILITY OF PROCESS AND TIMELINE FOR PUBLIC CONSULTATION

CSOs that attended the Cape Town meeting (see Annex: Methodology for details) stated that the timelines for OGP processes leading to drafting of the country action plan were not made public online in advance,[1] a fact acknowledged in government's self-assessment report. The deadline for responding to the call for engagement was only days, a timeframe that did not afford sufficient opportunity for a number of organisations to respond to the call.

Government officials gave two reasons for the lack of publicity. First, the tight timeframe for drawing up the action plan limited the amount of time that they would have to share the plan for consultation. Second, no budget was allocated for the OGP process, which limited outreach to potential participants.

CSOs interviewed, however, were suspicious of this explanation, suggesting that government deliberately avoided publicising the initiative to limit the involvement of civil society.

BREADTH OF CONSULTATION

Consultation during the development of the action plan was limited. South Africa's OGP self-assessment report shows that the action plan was largely shaped by internal consultative processes within the government, and less by external consultations with CSOs and citizens.

Because of budgetary constraints, the government made a practical decision to approach South African National NGO Coalition (SANGOCO) as a recognised national coalition of NGOs. Yet some regarded the approach to SANGOCO as limiting and not in the spirit of OGP. Currently, the provincial structures of SANGOCO operate independently from the national leadership, and some of the provincial chapters (e.g., Western Cape, KwaZulu-Natal) have adopted their own constitutions and registered independently as nonprofit organisations. The national leadership of SANGOCO, therefore, does not represent provincial chapters. Arguably, it has even less of a mandate to represent civil society

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in the country generally.

According to the country's self-assessment report, a number of workshop consultations took place with stakeholders, especially organised civil society. The consultations focussed on service delivery improvement.

Later, other organisations contributed comments to the national action plan. Groups participating in these consultations included: Open Democracy Advisory Centre (ODAC), South African National Civic Organisation (SANCO), and the Centre for Economic Governance and AIDS in Africa (CEEGA). Some CSOs received a draft of the national action plan and were invited to make written submissions, which they did. It is unclear whether a summary was made and posted online.

From interviews with CSOs and discussions with officials from the DPSA, there is no indication that representatives from the private sector were contacted, nor is there any indication that private sector representatives attended the forums.

AWARENESS-RAISING ON CONSULTATION

As stated in the government self-assessment, little awareness-raising was carried out prior to development of the action plan, but it was carried out during implementation.

1 Community Law Centre Parliamentary Programme, "Civil Society Calls on the State to be Transparent about the Open Government Partnership (OGP)," accessed August 13, 2013, http://bit.ly/16IR83G; Cape Town Stakeholder Meeting, April 30, 2013.

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III | PROCESS: CONSULTATION DURING IMPLEMENTATION

Consultation during implementation of South Africa's OGP Action Plan took a different form than consultations prior to implementation.

Many community consultations occurred through direct contacts by Community Development Workers (CDWs). CDWs are employed by the provincial government but work at the local government level to maintain direct contact with people where they live and to ensure that government improves the qualities of the outcomes of public expenditure. According to the country's self-assessment, CDWs approached residents door-to-door and also organised community meetings.

Three multi-stakeholder forums were held during implementation of South Africa's action plan. The consultative forums took the form of *imbizos*, gatherings that bring together government officials and community members.

Consultation during implementation covered a wider geographic area than consultation prior to implementation. According to the self-assessment, public participation reached beyond South Africa's three capitals through the CDWs, who went to non-capital areas such as Mpumalanga Province, for example. People from different provinces were also reached through SANGOCO, according to the government report.

The consultation processes were not equally successful across the country. In the City of Cape Town, a different political party holds power than the party in power at the national level. Consequently, in Cape Town, CDWs were denied access to communities to facilitate the consultative forum.[1]

CSOs that participated in the OGP process expressed the view that the consultations were perfunctory for two reasons. First, decision-making powers remained with the lead institution, which did not seem interested in sharing power. Second, the imbizos did not focus on the items in the national action plan.

In interviews, government officials expressed the need to reach ordinary citizens as a priority, which would require staff and financial resources.

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[1] Ismail Davids, Department of Public Service and Administration, personal communication, April 19, 2013; Cape Town Stakeholder Meeting, April 30, 2013.

IV | IMPLEMENTATION OF COMMITMENTS

This section outlines the requirements of the OGP commitments then reports on each of the eight commitments made by South Africa.

GRAND CHALLENGES AND CORE PRINCIPLES

OGP commitments must be structured around a set of five "grand challenges" that governments face. They must also incorporate four core open government principles. OGP recognises that countries start from different baselines. Countries are charged with selecting the grand challenges and related commitments that most relate to their contexts. No action plan, standard, or specific commitments are forced on any country.

The five OGP grand challenges are:

1| **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.

2| **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.

3| **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.

4| **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.

5| **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency** — information on government activities and decisions is open, comprehensive, timely, freely available to the public and meets basic open data standards (e.g. raw data, machine readability).

- **Citizen Participation** — governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.

- **Accountability** — there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

- **Technology and Innovation** — governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, sub-national, and/or local level—wherever they believe their open government efforts can have the greatest impact. Recognising that achieving open government commitments often involves a multi-year process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. In this section, each commitment is described by the projected level of completion based on the level of completion prior to the time of the review.

Assertions as to the level of completion are made based on pronouncements in the government's self-assessment as to what is on schedule, and the researcher's informed analysis of what was possible in the given assessment period.

1 | Accountability/Consequences Management Framework

COMMITMENT SUMMARY	
LEAD INSTITUTION	DPSA
SUPPORTING INSTITUTIONS	None
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Accountability
OGP GRAND CHALLENGES	Increasing public integrity
SPECIFICITY OF GOAL	Low
ACTION OR PLAN	Develop a plan

LEVEL OF COMPLETION	
	NOT STARTED — LIMITED — **(CURRENT)** UNCLEAR — SUBSTANTIAL — COMPLETE
	UNCLEAR: NO MEASURABLE DEADLINE **(PROJECTED)**

NEXT STEPS	Continued work on basic implementation

Full text of the commitment:

Develop and implement an accountability/ consequences management framework for public servants.

Accountability will be enhanced in that this framework will concretise "Batho Pele" ("People First") principles and ensure that public servants are held accountable to the public and the communities they serve.

What happened?

There is no evidence that this commitment has been fulfilled.

This commitment was omitted in the country self-assessment report and the self-assessment consultative meetings. CSOs that attended the stakeholder meetings wondered why the commitment was omitted. They said when they questioned the omission at the self-assessment meeting hosted by DPSA in Cape Town, they did not receive a response.

Moving forward

The commitment should be reinstated in the country action plan, depending on the explanation provided by government as to why it was omitted in the self-assessment report. Consulted civil society stakeholders supported this recommendation.

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2 | Service Delivery Improvement Forums

COMMITMENT SUMMARY	
LEAD INSTITUTION	DPSA
SUPPORTING INSTITUTIONS	SANGOCO and other CSOs
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Participation, Accountability
OGP GRAND CHALLENGES	Improving public services, Increasing public integrity, More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	NOT STARTED ——— LIMITED **(CURRENT)** ——— SUBSTANTIAL ——— COMPLETE **(PROJECTED)**

NEXT STEPS	Continued work on basic implementation

Full text of the commitment

Formalise partnerships with civil society organisations in all nine provinces to establish Service Delivery Improvement Forums (SDIFs) at local level to provide timely citizen report cards on service delivery levels at community level, especially in relation to primary health care, water, sanitation, environmental management and housing.

Accountability to the public regarding service delivery performance will be enhanced as well as greater citizen engagement in service delivery performance monitoring.

What happened?

It could be said that this commitment was technically completed, but since further steps need to be taken to ensure that it is effective, the IRM researcher considered its implementation 'limited.' (See "Moving forward," below.) Efforts to fulfil this commitment are on schedule. Work by government was driven by recurring service delivery protests.[1]

According to the government assessment, the commitment has been partially fulfilled. Actions have included developing a concept paper and terms of reference for SDIFs and consultations in all nine provinces. The goal is to establish SDIFs by the end of 2013.

Both civil society and government agreed that participation had not been as broad as possible with limited outreach to civil society. Officials from the lead government institutions stated that CSOs lacked cooperation among themselves and were competing for government attention. By some accounts, because they did not engage with government with one voice, government worked with a limited number of citizen organisations while deliberately avoiding some organisations.

CSOs agreed that participation was limited but cited a different set of underlying problems. Stakeholders in Cape Town suggested that government relations with CSOs in all nine provinces had not yet been formalised. Participants in the Durban stakeholder meeting emphasised that it is difficult for government to finalise partnerships with CSOs because government does not know how many CSOs operate in the province.

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On a related note, organisations complained of insufficient community awareness regarding the need to create SDIFs.

CSO representatives noted that government's approach of sidelining some CSOs does not work in the interest of communities since those organisations may have invaluable connections with communities. They thought the process showed a lack of goodwill on the part of government.

Did it matter?

The commitment stretched government practice beyond that which existed before the action plan was created.[2] Civil society participants acknowledged the potential of this commitment to change the service delivery environment in South Africa.

Yet, their acknowledgement was tempered by the sense that government seems wary of empowering citizens and CSOs. These suspicions speak to mistrust between government and the CSOs consulted.

Moving forward

Further work is needed on basic implementation.

The IRM researcher recommends widening the number of organisations involved in the partnership, building a database of existing NGOs, raising awareness, and establishing clearer criteria for participation.

Partnerships with CSOs should involve organisations that have a long-standing history of working with communities. Organisations should not be selected on the basis of their history of agreement with the government but rather on their experience in working with and in communities.

It is clear that CSOs have not organised themselves coherently so as to be well positioned to engage with government. CSOs can take steps to improve community empowerment and awareness.

[1] Radhakrishna Padayachie, "Input by the Minister for Public Service and Administration, Mr Radhakrishna L Padayachie (Roy), on the occasion of the South African National Early Childhood Development Conference." Ministerial speech, March 28, 2012, accessed August 13, 2013, http://www.dpsa.gov.za/article.php?id=104; DPSA, "Service Delivery and Organisational Transformation Framework," October 24, 2011, accessed August 13, 2013, http://bit.ly/1eGWAGV.

[2] Forms of engagements in line with this commitment existed before the commitment was undertaken. Black Sash, a national CSO, had a Community Monitoring and Advocacy Project (CMAP) that improved awareness of rights and contributed towards active citizenship. The programme ran from August 2010 to August 2012. Government's role in the project was to give a go-ahead for Black Sash to engage with communities. The European Union funded the project, and the project was not initiated under the OGP initiative.

Further, government has a service delivery reporting portal, which covers local government as one of the outcomes that was initiated before 2009, http://www.thepresidency-dpme.gov.za/dpmewebsite/Page.aspx?Id=171. The Department of Monitoring and Evaluation, in the Presidency, maintains the portal.

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3 | Know Your Service Rights and Responsibilities Campaign

COMMITMENT SUMMARY	
LEAD INSTITUTION	The Department of Public Service and Administration
SUPPORTING INSTITUTIONS	The Government Communication and Information Services (GCIS), Chapter 9 institutions, SANGONET, community and mainstream media, civil society constituency-based structures
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Accountability
OGP GRAND CHALLENGES	Improving public services, Increasing public integrity.
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	NOT STARTED — LIMITED — (CURRENT) SUBSTANTIAL — COMPLETE (PROJECTED)

NEXT STEPS	Continued work on basic implementation

Full text of the commitment

Enhance the capacity and capabilities of communities to access and claim their socio-economic rights through the roll-out of national public education campaigns, specifically a public outreach campaign on Know Your Service Rights and Responsibilities (KYSR&R) 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.

What happened?

The commitment has been met and outreach initiatives have been undertaken to educate communities about their rights.

The "Know Your Service Rights and Responsibilities" booklet existed prior to the commitment. The Service Rights and Responsibilities campaign was underway as far back as 2010. However, there are always opportunities to improve on fulfilling this commitment by extending the reach of the campaign and by

improving its substance. The primary result of the commitment has been the intensification of outreach programmes.

According to the government self-assessment, more than 35,000 brochures were distributed through CDW programme, with the aim to distribute more through 2013 and 2014. The DPSA's 2012–13 budget vote shows that the department has intensified engagements with communities on the campaign.[1] Civil society stakeholders interviewed in Durban corroborated this assertion. The Department of Human Settlements, for example, has been informing people about how to apply for housing subsidies.

Each government department has an outreach programme. At the provincial government level, the CDW programme is also used to further this commitment. The Department of Health's "Patient Charter," which aims to educate patients about their rights, is another initiative that fulfils this commitment.[2]

According to CSOs, the main challenge identified by stakeholders is that the "Know Your Rights and Responsibilities" booklet should be made available

in local languages. Participants in the Cape Town stakeholder meeting noted that most people who stand to benefit from this campaign cannot read and write in English.

Did it matter?

CSOs that attended the Durban and Cape Town meetings stated that further implementation of this commitment will help improve relationships between government and citizens. If communities are informed about their rights and responsibilities, they will be able to engage with government without having to resort to service delivery protests, which sometimes turn violent. In partnership with government, CSOs believe they can help shift the attitudes of community members towards government and influence how they make their demands heard.[3]

CSOs that attended Durban meetings stated that there are indications that the Department of Health's "Patient Charter," was having an impact in KwaZulu-Natal Province. They said citizens are using the booklets distributed in hospitals and that citizens have also taken responsibility to further educate themselves about their rights and responsibilities. Citizens at the meeting stated that they were also engaging in a rights and responsibilities awareness campaign, "filling the gap" where necessary, because KwaZulu-Natal community members want even more information about their rights and responsibilities.

Moving Forward

Organisations that attended the meetings appealed to government to respect and make use of the relationships that some CSOs have built with communities. Information about rights and responsibilities should also be available in local languages. Stakeholders expressed the view that there needs to be renewed partnership between government and CSOs in fulfilment of this initiative, as it is critical for the meaning of citizenship in the country. The IRM researcher concurred.

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[1] Republic of South Africa National Treasury, "Estimates of National Expenditure," February 22, 2012, 19, accessed August 13, 2013, http://bit.ly/13VUBgG.
[2] Department of Public Service and Administration, "Know Your Service Rights and Responsibilities," Second edition, March/April 2010, accessed August 13, 2013, http://bit.ly/16ly3hQ; Durban Stakeholder Meeting, May 17, 2013.
[3] Durban Stakeholder Meeting, May 17, 2013.

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4 | National Anti-Corruption Forum (NACF) and Anti-Corruption Hotline

COMMITMENT SUMMARY	
LEAD INSTITUTION	DPSA
SUPPORTING INSTITUTIONS	CSOs in the NACF
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Accountability, Technology and innovation
OGP GRAND CHALLENGES	Increasing public integrity
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	NOT STARTED — LIMITED — **(CURRENT)** — SUBSTANTIAL — COMPLETE ▼ (PROJECTED)
NEXT STEPS	Continued work on basic implementation

Full text of the commitment

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.

What happened?

According to the government's self-assessment, the National Anti-Corruption Task Team was formed and 2,018 public officials were trained.

The National Anti-Corruption hotline was established in December 2004, prior to the OGP commitments. Other measures include the announcement of the formation of the Anti-Corruption Bureau, to be located in the DPSA to monitor disciplinary cases relating to corruption across all levels of government to ensure that cases are investigated and thoroughly expedited.[1]

The commitment is on schedule. Notably, though, the commitment requires ongoing institutional support.

Did it matter?

The commitment did not constitute a significant shift in government practice because some anti-corruption initiatives were already being implemented; for example, the Anti-Corruption Hotline was established in 2004. Discussions in Parliament in 2012[2] noted previous attempts to strengthen the capacity of civil servants to fight corruption.[3]

Civil society stakeholders interviewed acknowledged the existence of institutions aimed at capacitating the anti-corruption initiatives. However, they were concerned about the effectiveness of these institutions. There was a perception that institutions can be thwarted by lack of political will.[4]

Moving Forward

Further work is needed on basic implementation. Beyond capacity building in anti-corruption initiatives, there is a problem of institutional credibility. The establishment of new institutions that would investigate allegations of corruption in the public sector should be complemented by efforts to renew the public trust in government institutions.

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Stakeholders recommended that institutions such as the National Prosecution Authority (NPA) and the Special Investigating Unit (SIU) be placed under credible leadership so that they can pursue investigations and prosecution without favour. Both institutions have had acting heads for extended periods. The Constitutional Court removed former NPA head, Advocate Menzi Simelane, in October 2012. Since then the president has not appointed a permanent head to the NPA. The SIU has had an acting head since late 2011. While it is not the role of the IRM to comment on the court case, institutions would be strengthened through the appointment of effective leaders.[5]

¹ Cape Town Stakeholder Meeting, April 30, 2013; Ndivhuwo Mabaya, "Media Statement by Minister Sisulu on Cape Town International Anti-Corruption Day 2012," Department of Public Service Administration, December 10, 2012, accessed August 13, 2013, http://www.dpsa.gov.za/article.php?id=214.
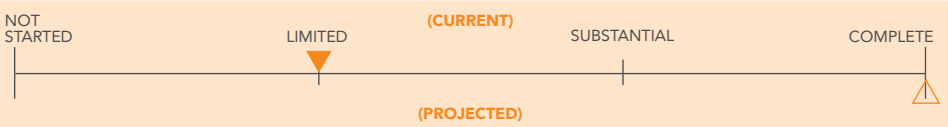
² "Discussion in Parliament on Implementation of Anti-Corruption Measures," March 6, 2012, accessed June 13, 2013, http://bit.ly/13lDp4X.

³ Public Service Commission, "Public Service Corruption Trends," Briefing to the Portfolio Committee on Public Service and Administration, November 7, 2012, accessed 12 August, 2013, http://bit.ly/PPw5Yw.

⁴ Dumisani Nkwamba, "How We're Countering Public Service Corruption – DPSA," April 21, 2011, accessed August 13, 2013, http://bit.ly/167V3ld.

⁵ Shortly before publication, President Zuma appointed heads of the SIU and NPA.

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5 | Guidelines for Corruption-Related Sanctions

COMMITMENT SUMMARY	
LEAD INSTITUTION	DPSA
SUPPORTING INSTITUTIONS	None
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Accountability
OGP GRAND CHALLENGES	Increasing public integrity
SPECIFICITY OF GOAL	Medium
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	NOT STARTED — LIMITED ▼ (CURRENT) — SUBSTANTIAL — COMPLETE ⚠ (PROJECTED)

NEXT STEPS	Significant revision of the commitment

Full text of the commitment

Approve guidelines on sanctions for corruption-related cases.

Transparency will be enhanced in that the public will know the sanctions for corruption-related cases.

What happened?

This commitment has not yet been met, although some processes are underway.

South Africa's self-assessment report states that this commitment has been partially met because draft guidelines are scheduled for review. Additionally, the self-assessment report points to existing regulations that need to be reviewed and finalised. However, the report does not show how the impending review and finalisation of the guidelines respond to the requirement of this commitment.

Officials from the KwaZulu-Natal Office of the Public Protector stated that they were not aware of the draft guidelines.

Cape Town stakeholder meeting participants said they were unaware of draft guidelines. According to stakeholders, there were no consultative meetings with either CSOs or communities regarding the implementation of this commitment.

Did it matter?

There is no evidence of positive spinoffs resulting from fulfilment of this commitment because there are no measurable activities relating to implementation of the commitment. The commitment did not stretch government practice beyond that which existed before the action plan.

Moving Forward

The IRM recommends that this commitment be reformulated so that activities involving its implementation are identifiable and, therefore, measurable. The next step should be to make the draft guidelines publicly available to allow for input and public engagement towards their finalisation and then to finalise the guidelines.

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6 | Develop a Citizen Participation Guideline

COMMITMENT SUMMARY	
LEAD INSTITUTION	DPSA
SUPPORTING INSTITUTIONS	Community-based civil society structures and business
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Participation, Technology and innovation
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Both

LEVEL OF COMPLETION	NOT STARTED — LIMITED — **(CURRENT)** SUBSTANTIAL ▼ — COMPLETE △ **(PROJECTED)**

NEXT STEPS	Continued work on basic implementation

Full text of the commitment

Develop a citizen participation guideline for public sector departments that ensures that every public sector department across all spheres has a functional, resourced, and capacitated citizen engagement unit, which regularly and proactively engages with civil society.

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. Participatory democracy will be enhanced.

What happened?

The draft citizen participation guideline was developed and is awaiting finalization but the IRM researcher was unable to obtain a copy. Different guidelines on public participation exist for different spheres and departments in South Africa.

The commitment builds on prior activity. In March 2010, the Public Service Commission (PSC) issued a template on how to develop public participation guidelines in the public sector.[1]

Stakeholders said they were aware that guidelines were being developed, however, the process was not sufficiently open and accessible. Participants in the Cape Town meeting said the draft guideline for public participation exists, although they could not attest to its details. A researcher familiar with the process of drafting the guideline confirmed that it was emailed to certain organisations and individuals for comment. The consultation has been with experts rather than with the broader civil society sector.[2]

Did it matter?

Official proposals to create a public participation guideline existed before the commitment was made. The PSC had published a template on public participation guidelines in March 2010. There is also a National Framework Strategy on Public Participation that dates to 2005. This commitment did not bring a significant change in practices.

Because this commitment has not yet been implemented, its potential outcomes are unclear.

Stakeholders said there should be a stronger partnership between government and CSOs in developing and finalising these guidelines. CSOs

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reported that the increasing number of service delivery protests is an indication of the need for government to partner with civil society in implementing this commitment.

Moving Forward

Further work is needed on basic implementation. As well, the commitment could be reformulated slightly to better ensure accountability.

The commitment could be better stated, "Develop and finalise guidelines." As it stands, any minor development or movement regarding the guidelines could be interpreted as having "developed a guideline." A more clearly articulated guideline would establish clear milestones for the development and finalisation of these guidelines.

¹ Public Service Commission. "Template for Developing Public Participation Guideline." Pretoria: Blackmoon Advertising, 2010, http://www.psc.gov.za/documents/docs/guidelines/Temp%20 Develop%20Guide.pdf.
² Imraan Baccus, civil society practitioner, telephone interview with author, June 12, 2013.

7 | Enhance Involvement of Civil Society in the Budget Process

COMMITMENT SUMMARY	
LEAD INSTITUTION	National Treasury
SUPPORTING INSTITUTIONS	All public sector departments, business, and national constituency-based civil society structures
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Accountability
OGP GRAND CHALLENGES	Increasing public integrity, More effectively managing public resources
SPECIFICITY OF GOAL	Medium
ACTION OR PLAN	Develop a plan

LEVEL OF COMPLETION	NOT STARTED — LIMITED — **(CURRENT)** UNCLEAR — SUBSTANTIAL — COMPLETE
	UNCLEAR: NO MEASURABLE DEADLINE **(PROJECTED)**

NEXT STEPS	Significant revision of the commitment

Full text of the commitment

Enhance the involvement of civil society at every stage of the budgetary process across all spheres of government to enhance the progressive realisation of socioeconomic rights and enable citizens to track public expenditure.

Enable citizens to plan and inform the strategic priorities of the budget, thereby ensuring transparency, accountability and citizen engagement at every stage of the process.

What happened?

For a number of years, CSOs have given feedback on budget proposals through parliamentary committees. Opportunities for submissions on national, provincial, and local government budgets also exist.

South Africa is internationally rated as one of the most transparent countries when it comes to budget transparency and involvement of civil society in the budgetary processes.[1] However, questions emerge

regarding the quality of information that goes into the budget and the manner in which the budget is ultimately executed.
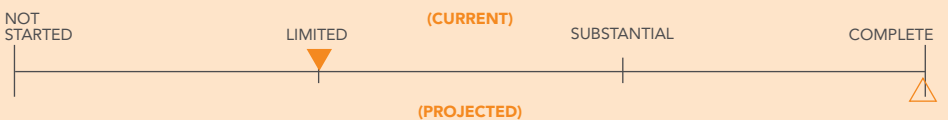
Did it matter?

This commitment involved activities that did not stretch government practice beyond the baseline that existed prior to joining the OGP. For that reason, it is unclear how this commitment "enhanced" civil society participation. As well, CSOs consulted said they are not convinced that their inputs ultimately influence the budget.

Moving Forward

In order to move government practice beyond the current baseline, future commitments might focus on (1) improving the quality of information which goes into the budget and (2) improving the quality of information on expenditure and outcomes from the budget.

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[1] South African Government News Agency, "Treasury Welcomes Results of Open Budget Index," January 28, 2013, accessed August 13, 2013, http://www.sanews.gov.za/south-africa/treasury-welcomes-results-open-budget-index.

8 | Environmental Management Portal Feasibility Study

COMMITMENT SUMMARY	
LEAD INSTITUTION	Department of Environmental Affairs
SUPPORTING INSTITUTIONS	None
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Technology and innovation
OGP GRAND CHALLENGES	Increasing public integrity, More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Develop a plan

LEVEL OF COMPLETION

NOT STARTED — LIMITED **(CURRENT)** ▼ — SUBSTANTIAL — COMPLETE

(PROJECTED)

NEXT STEPS	Continued work on basic implementation

Full text of the commitment

Explore the feasibility of establishing a single agency mandated by Government to develop a comprehensive and publicly accessible portal of environmental management information.

Transparency will be enhanced if citizens have access to reliable environmental data on water quality and other environmental issues.

What happened?

Strictly interpreted, this commitment has not been met. According to South Africa's self-assessment report, the Department of Water Affairs manages two portals that fulfil this commitment: the Green Drop initiative assesses wastewater management and Blue Drop portal provides information on drinking water quality.[1]

However, the Green Drop and Blue Drop initiatives have three shortcomings:

1. They present information only on water quality measurements and do not provide comprehensive environmental information across different sectors such as air and land;

2. They are not unified as committed to in the action plan;

3. The commitment was for a feasibility study "to establish a single agency mandated by Government to develop a comprehensive and publicly accessible portal of environmental management information." This implies that government's performance in relation to this commitment has to be measured in terms of a feasibility study about the creation of the portal, as opposed to the existence and also comprehensiveness of the portal.[2]

CSOs interviewed corroborated this assessment. They did not think the Blue Drop and the Green Drop assessment portals amounted to the establishment of a single environmental information framework. Green Drop and Blue Drop are assessment reports on compliance with wastewater and drinking water legislation and other required best practices. They have been in existence in their current form since 2008, prior to the commitments being made.[3]

The challenges facing this commitment are the consolidation of environmental information and

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raising awareness of the existence of the information portal. Stakeholders at meetings said they are not aware of the measures that have been taken to fulfil this commitment.

Did it matter?

This commitment would have stretched government practice beyond that which existed before the action plan was adopted. However, as reported in the self-assessment, the practice around the Blue Drop and the Green Drop initiatives did not change significantly.[4]

Stakeholders in Cape Town and Durban stated that there is a need for consolidation of environmental monitoring information to ensure it is comprehensible and deals with all relevant sectors. Of particular urgency, stakeholders noted that South Africa's mining sector has been implicated in a water management crisis because of acid mine drainage. Stakeholders said there is a need for the creation of a portal for environment management information to capture information relating to this issue.[5]

Moving Forward

Further work is needed on basic implementation. Stakeholders stated that information portals across different government departments would not constitute sufficient compliance towards the commitment. They pointed out that efforts need to be in place to aggregate environmental information across different sectors in order to present it to the public.

The IRM researcher recommends further implementation of this commitment in a way that brings about better access to environmental management information. Availability of comprehensive environmental information would strengthen compliance with environmental regulation in South Africa. Environmental information should not be limited to water management systems and more information should be provided proactively. As well, awareness campaigns are needed to ensure that citizens are aware of the availability of environmental information and know how to access it.[6]

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[1] Available at www.dwa.gov.za/bluedrop and www.dwa.gov.za/greendrop.
[2] Mellisa Fourie, Centre for Environmental Rights, email correspondence with author, June, 6, 2013.
[3] WaterOnline, "The Green DropRreports," accessed August 13, 2013, http://www.wateronline.co.za/wastewater/introduction/green-drop-reports.html.
[4] News 24, "Big Boost for Blue Drop Water," June 30, 2011, accessed August 13, 2013, http://bit.ly/jemDfJ; "DA: Clean Water Report Shocking," January 26, 2010, accessed 13 August, 2013, http://bit.ly/bGXdtF.
[5] Vaal Environmental Justice Alliance, " Vaal Environmental Organisation Takes ArcelorMittal South Africa to Court for Withholding Records," Media Release, Centre for Environmental Rights, May, 31 2013, accessed August 13, 2013, http://bit.ly/1cKRZH4.
[6] Sipho Kings, "Access to Environment Information Is Being Blocked, Reveals Report," Mail & Guardian, March 4, 2013, accessed August 13, 2013, http://bit.ly/104XnQ2; James C. Mugabe, "The Environment in the Media: Information, Misinformation and Propaganda?" Consultancy Africa Intelligence, May 2, 2012, accessed August 13, 2013, http://bit.ly/19qGAf5.

V | PROCESS: SELF-ASSESSMENT CHECKLIST

The government self-assessment was published on 23 April. While as of July 2013, the DPSA had not released information on the consultation processes leading to the drafting of the action plan, upon the author's request the DPSA made available its report on the self-assessment process. The information is not publicly available because it has not yet been officially approved. CSOs at the Cape Town Stakeholder Forum stated that one commitment is missing from the government's self-assessment report and that government did not explain or discuss the process that led to reducing the number of commitments from eight to seven. Finally, stakeholders at the Cape Town forum stated that the entire OGP process in South Africa has been carried out in English, which may exclude views from many citizens who are not conversant in English.

Was annual progress report published?	☒ Yes ☐ No April 23, 2013
Was it done according to schedule?	☒ Yes ☐ No
Is the report available in the local language(s)? According to stakeholders, was this adequate?	☐ Yes ☒ No
Is the report available in English?	☒ Yes ☐ No
Did the government provide a two-week public comment period on draft self-assessment reports?	☒ Yes ☐ No
Were any public comments received?	☒ Yes ☐ No
Is the report deposited in the OGP portal?	☒ Yes ☐ No
Did the self-assessment report include review of consultation efforts?	☒ Yes ☐ No
Did the report cover all of the commitments?	☐ Yes ☒ No
Did it assess completion according to schedule?	☒ Yes ☐ No
Does the report reaffirm responsibility for openness?	☐ Yes ☒ No
Does the report describe the relationship of the action plan with grand challenge areas?	☒ Yes ☐ No

VI | MOVING FORWARD

ADDITIONAL FINDINGS

Pursuant to the IRM's charter, this section reflects activities that are not captured in the country's action plan but that may affect its participation in the OGP.

National context for freedom of information

In May 2013, Parliament passed the Protection of State Information Bill, which was awaiting the signature of the President as of July 2013. Discussions around the passage of this bill have created an environment in which civil society and advocates of accountability view commitments by government towards openness initiatives with suspicion. The bill gives powers to the Minister of State Security to classify certain state information. Possession of classified information would constitute a punishable criminal offence. According to some stakeholders interviewed, the bill could penalise whistleblowing in government and make illegal the possession or publication of a wide variety of information seen as essential to improving public integrity. The effect of this bill and its impacts on the OGP environment were widely discussed throughout 2012, as parliament debated the bill and CSOs protested against it.[1]

In civil society stakeholder meetings, participants raised doubts relating whether government was genuine in committing to the OGP while at the same time working to pass a law whose implementation could have adverse impacts on open government.

STAKEHOLDER PRIORITIES

CSOs attending the meetings felt it was critical for the government to implement Commitment 1: "Service Delivery Improvement Forums." (See Section IV).

The commitment dealt with delivery of basic services, one of the most pressing issues in South Africa. Health and housing are also considered critical areas. It was also mentioned that formalising partnerships with civil society would reduce the mistrust that characterises the relationship between government and civil society. CSOs held that partnership with government is a critical step towards improving the lives of ordinary citizens.

CSOs maintained that more public awareness raising is needed about how citizens can use their constitutional rights and stressed the importance of implementing Commitment 3: "Know Your Service Rights and Responsibilities." (See Section IV). In essence, participants considered empowerment of CSOs and communities as critical.

CROSS-CUTTING RECOMMENDATIONS OF THE IRM

In addition to the many recommendations made in each commitment, a number of cross-cutting recommendations aim to improve both the remaining implementation of the first South African action plan and the development of the next action plan.

Continue emphasis on service delivery

The next action plan should focus on how government relates with CSOs, community-based organisations, and communities at large. CSOs reported that without a good relationship between government and CSOs, tensions within communities will continue to build and that could lead to escalation of service delivery protests in the country.

Further, the government should undertake efforts to make citizens more aware of their rights and how to access those rights.

Raise awareness

One of the challenges with the OGP in South Africa is that the initiative is not sufficiently publicised. While some CSOs (Open Democracy Advisory Centre (ODAC), SANCOGO Western Cape) are aware of the OGP and have been tracking the initiative, quite a number of the relevant stakeholders are not aware of the OGP. The level of awareness regarding South Africa's OGP action plan is unsatisfactory even among government agencies that could be expected to be fully aware of the initiative.

In response to questions about OGP for the IRM assessment report, some practitioners relied heavily on researchers from ODAC, and CSOs at the forefront of the OGP initiative in South Africa. The fact that some CSOs seem to have resigned themselves to the fact that they are not experts on OGP and thus enquiries should be forwarded to ODAC, indicates a lack of understanding about the extent of awareness and consultation that should be part of the OGP process.

Further, some of the Constitutional Chapter 9 institutions, such as the South African Human Rights Commission (SAHRC) and the Public Protector, seemed not to have adequate knowledge and awareness about the OGP. For example, Officials from KwaZulu-Natal Office of the Public Protector stated that they were not aware of it.

The poor state of awareness suggests that efforts should be made to publicise OGP and South Africa's action plan. The state of coordination and cooperation among CSOs also needs to be improved to create an environment for peer sharing and possibly the spread of information regarding the OGP initiative.

Additionally, government should develop a yearly timeline for OGP processes, which should be made publicly available at the beginning of the processes, with amendments communicated in a more timely manner.

Frame commitments appropriately

A number of commitments selected by South Africa did not require new activities that stretched government practice beyond the existing baseline. This selection of ongoing activities makes it difficult to review government's performance in fulfilling those commitments. As demonstrated in South Africa's self-assessment report, government can point to activities that took place before entering OGP as fulfilment of certain commitments.

To avoid this problem, OGP could request governments to provide information on the state of implementation of the commitment when the commitment is included in the country action plan. Only achievements that take place after the commitment would be assessed in the review.

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[1] Cape Town Stakeholder Meeting, April 30, 2013; Emsie Ferreira, "Bizos: Secrecy Bill 'ThreatensValues' of Constitution." Mail & Guardian. March 12, 2012, accessed August 13, 2013, http:// bit.ly/ycYOHm.

ANNEX: METHODOLOGY

As a complement to the participating government's self-assessment, OGP requires an independent assessment report written by well-respected governance researchers, preferably from each OGP participating country. These experts, using an OGP questionnaire and guidelines, (1) perform a desk analysis of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations; (2) conduct stakeholder meetings according to OGP guidelines to solicit local opinion on progress towards the commitments; and (3) conduct interviews with local OGP stakeholders, including government. The local expert's report is reviewed by a small international expert panel appointed by the OGP Steering Committee to ensure high standards of research and due diligence.

Given budgetary and time constraints, the IRM researcher cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore, where possible, makes public the process of stakeholder engagement in research. In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM will protect the anonymity of sources. The IRM strongly encourages commentary on public drafts of each report upon publication.

This report was prepared by Ralph Mathekga with Clear Content Research & Consulting of Johannesburg, a South African firm that provides advisory services on political strategy, analysis, and research. The report was reviewed in phases by the staff of the IRM (based in Washington, DC) and the International Experts' panel, which oversees quality and content of the IRM reports. Finally government was given an opportunity to comment and provide additional information.

Clear Content held two stakeholder meetings—one in Cape Town on 30 April, 2013 and one in Durban on 17 May 2013. Representatives from nine CSOs attended the Cape Town meeting and representatives from five CSOs and two constitutional organisations attended the Durban meeting. The meetings are summarised below.

In selecting CSOs to invite to stakeholder meetings, an attempt was made to include both those that are familiar and unfamiliar with the OGP initiative. A balance was also made between community-based organisations and formally organised CSOs that are experts on the OGP. Some organisations that attended the Cape Town meeting were well informed about the OGP process, having closely observed and tracked the initiative. A decision was made to ensure that they were mixed with community-based organisations that operate in townships. The level and nature of contribution to the discussions varied along those lines. Some organisations had a clear understanding of the policy environment because their programmes focused on the same area, while others provided reflections on how OGP would apply to ordinary community members.

In Durban, the Durban-based Democracy Development Programme (DDP) assisted in identifying organisations from civil society. The Durban meeting also attracted two Chapter 9 institutions—the Public Protector (KwaZulu-Natal) and the South African Human Rights Commission (KwaZulu-Natal office). These organisations work closely with communities as they handle complaints about the performance of government departments. KwaZulu-Natal community-based organisations brought the perspective of communities at the grassroots level.

Time and resource limitations constrained the number of stakeholder meetings the IRM researcher was able to carry out.

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CAPE TOWN STAKEHOLDER FORUM

30 April, 2013

Attendees

- Human Science Research Council (HSRC). The HSRC conducts large-scale, policy-relevant, social-scientific projects for public-sector users, nongovernmental organisations and international development agencies. It operates under the Department of Science and Technology, which provides its substantial core funding; it is thus effectively "parastatal." The HSRC had attended the DPSA country self-assessment meeting in Cape Town. The HRSC is familiar with the OGP process.

- Proudly Elsies River. This community organisation based in Elsie's River in Cape Town provides school gardening programs, supports abused children and women, and promotes safety in schools.

- Sanctuary for Abused Women and Children. Provides shelter and support for abused women in the Western Cape.

- CANSA and Metro Health Forum. This Cape Town CSO fights cancer and offers support to cancer sufferers.

- Open Democracy Advisory Centre (ODAC). ODAC is a CSO whose mission is to promote transparent democracy, foster a culture of corporate and government accountability, and assist people in South Africa.

- Africa Unite. Africa Unite is a human rights and youth empowerment CSO that works with citizens, refugees, and migrants to prevent conflicts, enhance social cohesion, and promote socioeconomic development.

- National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO). NICRO is a prisoner's aid association with a rich history in human rights and prison and criminal justice reform.

- SANGOCO (Western Cape). It is the provincial chapter of SANGOCO, the South African National NGO Coalition.

- Progressive Youth Movement (PYM). PYM is a Khayelitsha-based movement that has been leading local community struggles for jobs and service delivery.

Synopsis of meeting

The meeting took the form of a focus group discussion.

Some of the attending organisations were very informed about the OGP process. Some work on OGP as part of their programme.

The Cape Town meeting took place approximately two weeks after the Department of Public Service and Administration (DSPA) hosted a consultative meeting in the province. The government self-assessment meeting had created awareness about the OGP which benefitted the IRM meeting.

Most of the organisations that attended the meeting had serious concerns about the quality, processes, and intentions behind recent DPSA self-assessment meetings. At the beginning of the IRM meeting, they were suspicious that the IRM process would be carried out in a similar way. Participants said that the DSPA meetings were not carried out in a way that considered the views and reflections of participants. There were concerns that the self-assessment meetings were conducted to fulfil the requirements of the report process rather than to engage in the process of self-assessment.

The IRM meeting began with a full explanation of the intentions of the IRM process and the opportunity it provides for CSOs to give input into the OGP commitments and their implementation. All commitments and progress towards their implementation were discussed. The focus was on whether each commitment was implemented instead of on the impact of the fulfilment of the commitment.

The general assessment was that much work still must be done for South Africa to get to a point where commitments could be meaningfully implemented. Attendees felt most of the commitments in the action plan were not fulfilled. They also pointed out that South Africa had made eight commitments but only seven were accounted for in the country's self assessment process.[1] The meeting was helpful to the IRM researcher in understanding the substance of the action plan and also the OGP process in the country.

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DURBAN STAKEHOLDER FORUM

17 May, 2013

Attendees

- The Office of the Public Protector (KwaZulu-Natal Office). The provincial chapter of the Office of the Public Protector is a constitutional institution with responsibility to strengthen democracy.

- Democracy Development Project (DDP). DDP is nonprofit organisation, supporting capacity building on governance and civil society levels.

- South African Human Rights Commission (SAHRC). This constitutional institution is the national institution established to support constitutional democracy.

- Umnotho Democratic Front. The organisation was founded in 2011 to defend and advance the rights of the South African people.

- Yours in Youth Community Development. This youth development centre provides support for youth in community.

- Ithembalabantu. This membership organisation assists community organisations with capacity building and resource mobilisation.

- Community Law and Rural Development Centre (CLRDC). CLRDC is an independent, nonprofit organisation that empowers communities in rural areas to become self-reliant and participate meaningfully in decision-making.

Synopsis of meeting

The engagement took place in a semi-structured focus group format.

Most attendees were not familiar with the OGP. The organisations that sent representatives were well-known practitioners within civil society with extensive work in communities. Only the SAHRC representative knew about OGP because SAHRC had attended an OGP engagement that was called by the KwaZulu-Natal Premier's Office. The provincial Office of the Public Protector did not know about OGP.

As discussions began, attendees raised the concern that the CSOs invited to the focus group meeting should not be taken to be representative of the civil society sector in KwaZulu-Natal province. Suggestions were made that the IRM research process should be carried out in a way that it would be as far reaching as possible. There were frustrations regarding the limitations of the consultative processes of the OGP. Attendees said that the IRM process is important to CSOs and, therefore, has to be done properly, perhaps across all provinces.

The low level of trust between government and CSOs was reflected in the meeting. CSOs reported that they had been trying to improve and harness their relationship with communities, while government was seen as not fully recognising the strength and potential of that relationship.

It became clear that some OGP self-assessment forums in KwaZulu-Natal had not involved provincial organised CSOs. CSOs showed interest in the substance of the commitments and they also demonstrated knowledge about the policy areas affecting the commitments. Had they been aware of the other OGP processes, they could have played a meaningful role.

The attendees were helpful in highlighting the policy environment against which some of the commitments had been made. They were familiar with activities surrounding the commitments, but not aware of the OGP process or the country action plan. Attendees are likely to make follow-up efforts to track OGP processes in the province and nationally.

ABOUT THE INDEPENDENT REPORTING MECHANISM

The OGP IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

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[1] The self-assessment report was already out when the meeting with CSOs took place in Cape Town. CSOs that attended the Cape Town meeting had also attended the country self-assessment meeting where they noticed one commitment was left out.

The current membership of the International Experts'
Panel is:

- Yamini Ayar

- Debbie Budlender

- Jonathan Fox

- Rosemary McGee

- Gerardo Munck

A small IRM staff based in Washington, DC shepherds
reports through the IRM process in close coordination
with the researcher. Questions and comments about
this report can be directed to the staff at
irm@opengovpartnership.org.

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