Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018

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Executive Summary: South Africa

Independent Reporting Mechanism (IRM) Progress Report 2016 – 2018

South Africa's third national action plan addressed a range of issues including public service delivery, budget transparency and access to government data. While most commitments were substantially completed, civil society expressed concerns about the overall lack of ambition and the recent transition of OGP leadership. Moving forward, the government needs to clarify the mandate and structure of the national OGP coordinator, engage civil society in a more inclusive way and enhance openness in high risk areas, such as budget spending and public procurement.

At a Glance:

Member since:	2011
Number of commitments:	8

Level of Completion:

Completed:	4 of 8
Substantial:	3 of 8
Limited:	0 of 8
Not started:	1 of 8

Commitment Emphasis:

Access to information:	4 of 8
Civic participation:	4 of 8
Public accountability:	0 of 8
Tech & innovation for transparency & accountability:	3 of 8

Commitments that are

Clearly relevant to an OGP value:	7 of 8
Of transformative potential impact:	0 of 8
Substantially or completely implemented:	7 of 8
All three (✪):	0 of 8

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 (IRM) carries out an annual review of the activities of each country that participates in OGP.

South Africa is one of the eight founding members of the OGP and began formal participation in September 2011 when President Jacob Zuma launched the initiative along with other heads of state in New York.

The Department of Public Service and Administration (DPSA) began as the lead agency overseeing implementation of the third national action plan. In July 2017, President Zuma transferred this oversight to the Department of International Relations and Cooperation (DIRCO). However, DIRCO has not responded to the DPSA's request for a formal handover; the executive leadership of the OGP is unclear. In 2016, Draft Rules of Procedure for the Open Government Partnership: National Structures were developed to define the role and mandate of an Open Government Partnership National Steering Committee (OGPNSC), however, it does not address how responsibilities shift when there is a change in executive leadership.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The DPSA facilitated consultation on the third national action plan through community-based meetings and online channels. While diverse civil society stakeholders could participate in and express their views, these views generally did not inform or influence decision-making on action plan themes and commitments. Civil society concerns regarding the incoherent and unambitious nature of the plan overall were not addressed. An additional concern is that government and civil society have not agreed upon criteria for the DPSA to select proposed commitments for inclusion in the national action plan.

The OGPNSC is intended to serve as the coordinating and monitoring forum for all key stakeholders, but several civil society organisations are concerned that it is not representative of all groups in South Africa, particularly those that are marginalised. Failure to establish this permanent multi-stakeholder dialogue mechanism has long been a bone of contention between the government and a certain segment of civil society.

At the time of writing this report, the government had not produced a self-assessment report.

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The South Africa action plan contains eight commitments. Table 1 summarises each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. South Africa did not receive any starred commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
1. Strengthening citizen-based monitoring								
2. Open budgeting								
3. Back to basics programme (B2B)								
4. Integrated environmental management information portal								
5. Institutionalisation of community advice offices								
6. Development of pilot open data portal								
7. Roll-out open government awareness raising campaign								
8. Implement action plan on G20 high level principles on beneficial ownership								

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
1. Strengthening Citizen-Based Monitoring • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete	This commitment aims to improve public monitoring of services by building upon a national Citizen-Based Monitoring (CBM) pilot undertaken in 2015 and expanding it to three other service delivery departments (South African Police Service, Department of Health, and South African Social Security Agency). The Department of Monitoring and Evaluation (DPME) held workshops and discussions with government and civil society partners. As of September 2017 the CBM model was implemented in 17 police stations and 20 social security service points. Efforts with the Department of Health did not go as planned and were limited to the pilot clinics. The CBM work has been well received by the community, particularly with the police stations as it has improved community and police relations. The IRM researcher recommends a national scale roll-out of the CBM model in police stations and that the DPME identify additional sites for CBM expansion in health facilities.
2. Open Budgeting • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Complete	This commitment aims to increase civic society particpation in budgeting processes. In cooperation with the International Budget Partnership, the South African National Treasury (SANT) published a citizen's guide to the budget and offered technical support as well as access to budget documents to civil society organizations (CSOs). SANT is also developing an interactive portal through a collaborative process with several civil society actors in order to ensure accessibility to a wide range of users. SANT conducted several information sessions particularly around the presentation of the annual budget. All of these efforts have led CSOs to understand the budget and share information quickly to provide an alternative voice alongside government and the media. Moving forward, the treasury needs to deepen collaboration on budgeting processes through encouraging jointly designed information sessions, completing the interactive data portal, and supporting awareness campaigns.
3. Back to Basics Programme (B2B) • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	In 2014, the government formulated the Back to Basics Programme to respond to the collapse of the service provision in a third of municipalities. This commitment aims to enhance integrity among municipal leaders and improve civic engagement mechanisms through a public participation regulatory framework, a Local Government Code of Good Governance, and a national campaign promoting public payment. The progress of this commitment is substantial with the development of several municipal operational plans, the institutionalisation of many community complaints management process as well as the completion of a national citizen satisfaction survey. The IRM researcher recommends that the commitment be included in the next action plan with a particular focus on improving citizen engagement mechanisms and improving the effectiveness of ward committees.

4. Environmental Portal • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment is meant to expand the development of an environmental management information portal initially piloted during the first action plan. The expansion includes additional datasets and incorporating the portal with the Integrated Permitting System. The Department of Environmental Affairs (DEA) has made substantial progress in the integration of governmental datasets and user screening reports, but these updates have not yet gone live due to outstanding technical issues. The integration between the environmental portal and the permitting system has proceeded slowly and failure to secure the Department of Mineral Resources's (DMR) buy-in to the use of the portal potentially undermines the objectives of the new system. The IRM researcher recommends to carry out the commitment as planned.
5. Community Advice Offices (CAOs) • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Substantial	This civil society-led commitment aims to support the development of CAOs by building capacity and promoting advocacy skills within the sector. It also aims to cultivate long-term sustainability through networking with government and civil society groups to enhance the legitimacy of CAOs, which could eventually lead to a regulatory framework or legislation. The National Alliance for Development of Community Advice Offices (NADCAO) has made substantial progress by providing several trainings, workshops, and convenings to support CAOs, along with drafting a bill that has not yet been introduced in Parliament. The IRM researcher recommends that further implementation of this commitment focus on securing government partners in order to promote legislative action that leads to funding for this sector.
6. Pilot Open Data Portal • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete	This commitment aims to pilot an open data portal that consolidates various datasets for greater public access. The pilot website was completed prior to the start of the current action plan. Completed activities include two hackathons where students were given access to the open data portal and tasked to solve a government problem. The Department of Public Service and Administration is currently developing guidelines on sourcing, quality, and government data using 10 datasets. For the next action plan, the IRM researcher recommends to expand the existing data portal and scale up processes related to sourcing, quality, and use of government data.
7. Roll-out Open Government Awareness Raising Campaign • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Not Started	In an effort to promote awareness of government and its services, the Government Communication and Information System (GCIS) developed an open government awareness campaign. The commitment outlines a range of activities including publishing articles, advertising through community radio, and conducting research to understand what citizens want to know. The GCIS launched GovChat during September 2016 as a social media platform enabling active engagement between government and local communities to help them understand what is happening in their wards. The IRM researcher recommends that GCIS redraft the commitment in consultation with civil society to articulate clearer outcomes and incorporate GovChat as a central focus.
8. Action Plan on Beneficial Ownership • OGP Value Relevance: Clear • Potential Impact: None • Completion: Complete	This commitment aims to establish an interdepartmental Committee and develop a country implementation plan for transparency of beneficial owners of legal entities in South Africa. The committee, established in October 2015 prior to the action plan, is comprised of government departments and the private sector but does not include civil society. The Committee has finalized the implementation plan and, as part of it, the President has signed the FIC Amendment Act, inserting the definition of "beneficial owner" into the FIC Act. DPSA has commissioned a national risk assessment of beneficial ownership to be completed in March 2018.

	Despite progress, civil society groups criticize the work on this commitment due to the lack of access to information. In the next action plan, the government needs to consider a commitment on the establishment and operation of a central public register of beneficial ownership.

Recommendations

The recent transition of OGP leadership has impacted the coordination and implementation of the current action plan among governmental agencies and contributed to a lack of communication about its progress to CSOs. Recommendations to enhance OGP efforts include clarifying the mandate of the OGP coordinator, involving local governmental leaders in a greater capacity, and engaging civil society in a more inclusive way.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

Clarify mandate of National OGP Coordinator
Engage civil society in a more inclusive way
Enhance open budgeting efforts
Localize the OGP
Promote and expand open data initiatives in high risk areas

Eligibility Requirements: 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, see Section VII on eligibility requirements at the end of this report or visit bit.ly/1929F1l.

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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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

South Africa began its formal participation in September 2011, when President Jacob Zuma declared his country's intention to participate in the initiative.[1]

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

South Africa developed its third national action plan from June 2015 to December 2015. The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July 2016 to June 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation (July 2017) will be assessed in the end-of-term report. The government published its self-assessment in September 2017. At the time of writing, July 2017, the government was still preparing the self-assessment report. However, none of the civil society stakeholders interviewed could confirm knowledge of, or participation in, this process.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Tracy-Lynn Humby of the University of the Witwatersrand, who carried out this evaluation of the development and implementation of South Africa's third action plan. To gather the voices of multiple stakeholders, the IRM researcher held face-to-face, telephone and Skype interviews with government and civil society stakeholders based in Pretoria, Cape Town, Johannesburg, Durban, and East London. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

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[1] "Statement by President Jacob Zuma at the Heads of State launch of the Open Government Partnership", African National Congress, http://www.anc.org.za/content/statement-president-jacob-zuma-heads-state-launch-open-government-partnership

II. Context

The third action plan addresses a wide array of issues that expand into new areas from previous action plans. Commitments focus on open budgeting, beneficial ownership transparency, citizen-based monitoring, and measures to ensure civic participation and public accountability in local government. Since the national plan development, elitist interests influencing government institutions has become a growing issue. While the current commitments address problems with public service delivery, fiscal transparency, and civic participation, they do not directly respond to the political and economic transformation occurring as a result of the shifting power.

2.1 Background

South Africa is one of the most populous and developed countries in Africa but faces persistent structural problems relating to economic growth,[1] unemployment,[2] poverty, and inequality. South Africa is registered as having achieved medium human development on the Human Development Index (119 out of 188 countries according to the latest rankings).[3] Earlier strides in addressing poverty since the democratic transition in 1994 have slowed, and the World Bank estimate of a poverty rate of 15.9 percent in 2016 remains barely unchanged from previous years.[4] South Africa continues to be one of the most unequal societies in the world, with a Gini coefficient of 0.69 based on 2014 expenditure data.[5] Between 2016 and 2017 South Africa also experienced its worst drought in a century.[6]

South Africa has been a constitutional, multi-party democracy for 23 years. The African National Congress (ANC) has governed since the democratic transition.[7] The Fifth Administration under President Jacob Zuma has identified poverty, inequality, and unemployment as the 'persistent and stubborn' challenges meriting government action. The electoral mandate of the Fifth Administration (2014–2019) is based on radical economic transformation, rapid economic growth, and job creation; rural development, land and agrarian reform; ensuring access to adequate human settlements and quality basic services; and fighting corruption and crime.[8]

Section 32 of the South African Constitution protects the right to access information, with processes to access public and privately held information outlined in the Promotion of Access to Information Act, 2000. Other constitutional liberties such as the freedom of religion, belief and opinion, freedom of expression, and the right to assembly[9] ground the operating environment for civil society. The Code of Conduct for Assembly and Permanent Council Members requires elected officials and senior managers to disclose a range of financial interests to an appointed Registrar. Disclosure includes interest in companies, property ownership, and outside employment for each person as well as their spouses and dependent children.[10]

A variety of indices have flagged worrying signs of governance deterioration and dysfunction that are impacting on South Africa's commitment to OGP values to varying degrees. The 2016 Ibrahim Index of African Governance ranks South Africa amongst the ten most deteriorated countries on the continent since 2006[11] highlighting a decline in accountability (the fourth largest on the continent), safety, and rule of law. South Africa was the only country out of the ten largest economies and most populous countries in Africa to register a decline in participation and human rights.[12]

While acknowledging the strength of South Africa's democracy, a 2016 Freedom House report[13] highlights a range of recent issues that point to increased dysfunction. There have been several protests regarding service delivery and university governance[14] as well as revelations about the vast political influence of the wealthy Gupta family. The executive decision to withdraw South Africa from the International Criminal Court without consulting Parliament was revoked on 8 March 2017.[15] South Africa's score on the latest Corruption

Perceptions Index (64 out of 176 countries) also failed to improve, with the report noting the corruption scandals that have plagued President Zuma.[16]

Within South Africa, the theme of state capture—the repurposing of state institutions to consolidate the power of elites[17]—has dominated political discourse for some time. In November 2016 the Public Protector released her *State of Capture* Report, which detailed the Gupta family's involvement in the appointment of Ministers and Directors of State-owned Enterprises (particularly the state-owned energy company Eskom) and called upon President Zuma to establish a judicial commission of inquiry to investigate the state of state capture.[18] A massive email leak in May 2017 that is being analyzed through a collaborative investigative journal project gave further impetus to the state capture debate, drawing attention to government projects being contracted with businesses associated with the family.[19] [20] Recent reports have also pointed to alleged international involvement, including from a public relations firm,[21] an auditing firm,[22] banks,[23] and even a local non-governmental organization.[24] Civil society has utilized a variety of approaches and platforms to resist state capture and make their voices heard, including the Recapture South Africa campaign.[25]

Although South Africa continues to maintain a high score on the Open Budget Survey,[26] revelations of outside influence over government officials have unsettled public confidence in fiscal transparency and integrity.[27] A report published by a local, inter-university research partnership that contributes information to the public debate on state capture reported issues with President Zuma's move to replace the finance minister in March 2017. It argues that this action consolidated the President's control over Treasury and thereby the Financial Intelligence Centre, the Chief Procurement Office, the Public Investment Corporation, the boards of key financial institutions, and the guarantee system.[28]

2.2 Scope of Action Plan in Relation to National Context

Since its involvement with OGP, South Africa's commitments have improved in specificity and expanded their scope beyond stakeholder forums to implementing regulatory frameworks and developing public participation tools. The current action plan provides a broad set of commitments aimed at addressing issues related to public service delivery, fiscal transparency and civic participation.

Public service delivery actions focus on expanding citizen-based monitoring of specific departments in an effort to strengthen government and citizen partnership and accountability. They also include establishing formal structures within local municipalities aimed at improved administrative functioning to address the poor service delivery in particular areas. Fiscal transparency efforts in this action plan include making government budgets more accessible and understandable to the public as well as the publishing of information on beneficial ownership of legal entities.

Several of the current commitments expand on existing initiatives within South Africa. These include enhancing an established environmental data portal, increasing the number of public service entities involved in a citizen-based monitoring programme and taking a government improvement programme beyond the pilot.

Despite these proposed activities, the current action plan lacks specific commitments targeting greater transparency to specifically address the state capture issues that are pervasive in media and a strong concern among CSOs, such as published information related to awarded government contracts and sharing details about businesses that receive government funding.

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[1] "The South African economy shrinks by 0.7%", Stats SA, http://www.statssa.gov.za/?p=9989

[2] "Quarterly Labour Force Survey – QLFS Q1: 2017", Stats SA, http://www.statssa.gov.za/?p=9960). Youth employment is currently estimated at 50 percent ("The World Bank in South Africa", World Bank, http://www.worldbank.org/en/country/southafrica/overview).

[3] UNDP *Human Development Report 2016: Human Development for Everyone* (2016), http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf
[4] "The World Bank in South Africa", World Bank, http://www.worldbank.org/en/country/southafrica/overview
[5] "Poverty trends in South Africa", Statistics in South Africa, http://www.statssa.gov.za/?p=2591.
[6] "South Africa's worst drought since 1904 – this is what it looks like", Solidarity, https://mybroadband.co.za/news/general/153193-south-africas-worst-drought-since-1904-this-is-what-it-looks-like.html
[7] "2014 National and Provincial Elections: National Results", Independent Electoral Commission, http://www.elections.org.za/content/Elections/Results/2014-National-and-Provincial-Elections--National-results
[8] Open Government Partnership South Africa, *The 3rd South Africa Open Government Partnership Country Action Plan, 2016 – 2018*, 4.
[9] These rights are protected in sections 15, 16, 17 and 18 of the Constitution of the Republic of South Africa, 1996 respectively.
[10] Art. 9 (Disclosure of Registrable Interests), Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members; Chapter 3 (Financial Disclosure of Members of the Senior Management Service and Certain Other Employees), Public Service Regulations, 2001.
[11] Mo Ibrahim Foundation, *A Decade of African Governance 2006 – 2015* (2016) 276.
[12] Mo Ibrahim Foundation, *A Decade of African Governance 2006 – 2015* (2016) 276.
[13] Freedom House *Freedom in the World 2017* (2017) 11.
[14] "High cost of destruction in #FeesMustFall protests" *Sowetan Live*, 1 November 2016, http://www.sowetanlive.co.za/news/2016/11/01/high-cost-of-destruction-in-feesmustfall-protests)
[15] Norimitsu Onishi "South Africa reverses withdrawal from International Criminal Court" *New York Times*, 8 March 2017, https://www.nytimes.com/2017/03/08/world/africa/south-africa-icc-withdrawal.html
[16] "Sub-Saharan Africa: Corruption is a Big Issue in 2016 African Elections", Transparency International, https://www.transparency.org/news/feature/africa_corruption_is_a_big_issue_in_2016_african_elections.
[17] State Capacity Research Project (Mark Swilling: Convenor) *Betrayal of the Promise: How South Africa is Being Stolen* (May 2017) 4.
[18] Office of the Public Protector, South Africa *State of Capture: Report on an investigation into alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of Ministers and Directors of State-owned enterprises resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses* Report No. 6 of 2016/2017.
[19] Staff Reporter "Here they are: The emails that prove the Guptas run South Africa", *Sunday Times* 28 May 2017, https://www.timeslive.co.za/sunday-times/news/2017-05-28-here-they-are-the-emails-that-prove-the-guptas-run-south-africa/; "Analysis", Gupta-leaks.com, http://www.gupta-leaks.com/atul-gupta/why-you-should-care-about-the-guptaleaks-an-international-view/
[20] See http://www.gupta-leaks.com, a collaboration between News24, the *Daily Maverick*, the amaBhungane Centre for Investigative Journalism, Finance Uncovered, and OpenUp.
[21] By Ancir "The Guptas, Bell Pottinger and the fake news propaganda machine" *Times Live*, 4 September 2017, https://www.timeslive.co.za/news/south-africa/2017-09-04-the-guptas-bell-pottinger-and-the-fake-news-propaganda-machine/
[22] Graeme Hosken "KPMG cans SARS 'rogue unit' report, apologises to Gordhan" *Times Live,* 15 September 2017, https://www.timeslive.co.za/politics/2017-09-15-kpmg-cans-sars-rogue-unit-report-apologises-to-gordhan/
[23] Genevieve Quintal & Graeme Hosken "Hain demands HSBC probe in Gupta money laundering paper trail" *Business Day* 1 November 2017, https://www.businesslive.co.za/bd/national/2017-11-01-hain-demands-hsbc-probe-in-gupta-money-laundering-paper-trail/
[24] Barry Bateman "#Guptaleaksexpose BLF leader's role in campaign against Gupta critic" *EWN* http://ewn.co.za/2017/07/24/guptaleaks-expose-blf-leader-s-role-in-campaign-against-gupta-critic
[25] "Civil society unites against state capture", *eNCA*, 18 July 2017, http://www.enca.com/south-africa/civil-society-gathers-to-oppose-state-capture-on-mandela-day; SACC, http://sacc.org.za/news/sacc-report-church-public-unburdening-panel-process-regina-mundi-church-soweto-may-18-2017/
[26] Open Budget Index *Open Budget Survey 2015* 7.
[27] Genevieve Quintal "Mass protests planned against 'Gupta coup' after Gordhan fired", *Rand Daily Mail*, 31 March 2017, https://www.businesslive.co.za/rdm/politics/2017-03-31-mass-protests-planned-against-gupta-coup-after-gordhan-fired/
[28] State Capacity Research Project (Mark Swilling: Convenor) *Betrayal of the Promise: How South Africa is Being Stolen* (May 2017).

III. Leadership and Multi-Stakeholder Process

The consultation process was designed to extend the process of developing the action plan to a broader range of stakeholders, but requires strengthening in terms of education and awareness building, full engagement with all segments of civil society, and instituting a more collaborative model of action plan development. Despite some progress, the failure to establish the OGP National Steering Committee as the permanent multi-stakeholder forum for OGP is a continuing bone of contention. Uncertainty relating to the executive leadership of OGP continues to delay this process.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in South Africa. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	☐	
	Shared	Single
Is there a single lead agency on OGP efforts?		☐
	Yes	No
Is the head of government leading the OGP initiative?		☐
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?		☐
Is the government's commitment to OGP established through a legally binding mandate?		☐
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?	☐	
Was there a change in the executive leader during the duration of the OGP action plan cycle?		☐

South Africa is a unitary, democratic state founded on the principle of constitutional supremacy and the rule of law. The Constitution of the Republic of South Africa gives effect to the separation of powers and constitutes government as national, provincial, and local spheres that are distinctive, interdependent, and interrelated.[1] Initially, the national executive, under the leadership of OGP Special Envoy Deputy Minister Ayanda Dlodlo and the Department of Public Service and Administration (DPSA), planned to lead the process of developing the third national action plan. It was also deemed responsible for driving the plan's first year of implementation and working towards the establishment of a national OGP dialogue mechanism (see Table 3.1 on the leadership of OGP in South Africa).

However, on 30 March 2017, President Zuma reassigned Deputy Minister Dlodlo to the Ministry of Communications, and designated Faith Muthambi as the Minister of Public Service and Administration. The OGP Point of Contact (POC), Mr Thokozani Thusi, said that the change in executive leadership prompted uncertainty as to whether the President had delegated the OGP programme to a department or a person. On 12 July 2017 President Zuma informed Minister Muthambi that the OGP function had been transferred to the Department of International Relations and Cooperation (DIRCO).[2] However, as of 28 August 2017, the DIRCO had not responded to the DPSA's request for a formal handover.[3] Some members of civil society also expressed disappointment that they were not consulted regarding this shift in executive leadership.[4] Going into the second year of implementation of the third national action plan, the executive and administrative leadership of the OGP at a national level is therefore unclear and in flux.

The South African government considers the project of open government as legally mandated and premised upon the Constitution, which enshrines a number of open governance principles and rights.[5] Neither Parliament nor the judiciary have articulated a legally binding mandate pertaining expressly to the OGP, although the legal mandate of the Minister of Public Service and Administration under the Public Service Act, 1994, undoubtedly resonates with the principles and ambition of the OGP programme.[6] The Cabinet has also not released any official, public memorandum on the institutionalisation of South Africa's OGP commitments.

In 2016 a committee comprised of civil society representatives and the DPSA formulated 'Draft Rules of Procedure for the Open Government Partnership: National Structures' that define the role and mandate of an Open Government Partnership National Steering Committee (OGPNSC). The Draft Rules to a certain extent address the problem of delegation of the OGP programme to a person or department by stating that the OGPNSC is supported by a Secretariat located in the office of the Special Envoy.[7] However, the Draft Rules do not address how the OGP Special Envoy is selected, or how roles and responsibilities shift when there is a change in executive leadership.

The DPSA has a dedicated OGP staff member and budget. During the development and first year of implementation of the third national action plan, four officials supported the previous OGP POC, Ms Qinsile Delwa.[8] The current OGP POC, Thokozani Thusi, was appointed on a temporary basis in June 2017[9] and is currently supported by two officials. Within the DPSA, the OGP is situated as a sub-programme within the Directorate 'Service Delivery Improvement'[10] and had a budget of R2 797 000 for the 2016/2017 financial year.[11] Mr Thusi indicated that the DPSA was in the process of appointing a dedicated OGP Director, however, the advert for the position dates from October 2014.[12]

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were	5[13]	0	0	1[14]	0

invited to observe the action plan but may not be responsible for commitments in the action plan.					
Propose: These institutions proposed commitments for inclusion in the action plan.	5	0	0	1	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	5	0	0	1	0

In South Africa, governmental participation in OGP was limited to a handful of executive agencies. Table 3.2 above details the number of institutions involved in the OGP.

Early governmental participation in OGP was limited and ad hoc. The Department of Public Service and Administration (DPSA) sent out a call for executive agencies to propose commitments for the third national action plan.[15] There is evidence both to suggest that government departments proposed commitments or were prompted to propose commitments, given alignment of certain key performance areas and programmes with the OGP. Proposed commitments from six executive agencies came into the national action plan in this way. For example, Ms Moodley of the Department of Environmental Affairs said that her department proposed commitments on both the Integrated Environmental Management Information portal and a commitment on Land Cover, which was initially included but later dropped from the national action plan.[16] Mr Jonathan Timm, of the Department of Performance Monitoring and Evaluation (DPME) stated that the DPSA asked the DPME to put a commitment on citizen-based monitoring together given the alignment of this programme with OGP values.[17]

With respect to Commitment 8 on beneficial ownership, civil society organizations (CSOs) such as the One Campaign, Corruption Watch, and Amabhungane engaged directly with the OGP Point of Contact on the inclusion of a commitment squarely focused on the development of a public beneficial ownership register.[18] Civil society drafted the first version of this commitment, identifying the Ministry of Finance and the Financial Intelligence Centre (FIC) as the government points of contact. The advocating CSOs also presented the draft commitment to the Parliamentary Standing Committee on Finance, but were informed that the development of a public beneficial ownership register rather fell within the mandate of the Companies and Intellectual Property Commission (CIPC) under the Department of Trade and Industry (DTI). The DTI did not respond to requests to be part of the OGP.[19] A compromise was subsequently reached on a commitment that entrenches procedural steps to establish a beneficial ownership regulatory framework (without the public-facing requirement) as described below (see further section 8 ‘Implement Action Plan on G20 High Level Principles on Beneficial Ownership’).

Criteria for the DPSA to select proposed commitments for inclusion in the national action plan have not been agreed upon by government and civil society, a key concern for some members of civil society (see further Section 3.3 on 'Civil Society Engagement').

The DPSA incorporated government-proposed commitments into the first draft of the plan for presentation at the first OGP validation meeting held on 22 October 2015, at which government officials and representatives of civil society were present. Following this meeting, one further meeting of the agencies proposing commitments took place in December 2015.[20]

3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of South Africa during the 2015 – 2017 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 3 of 7						
Before	**1. Timeline Process & Availability**			**2. Advance Notice**		
	Timeline and process available online prior to consultation	Yes	No ▯	Advance notice of consultation	No	Yes ▯
	3. Awareness Raising			**4. Multiple Channels**		
	Government carried out awareness-raising activities	Yes ▯	No	4a. Online consultations:	Yes ▯	No
				4b. In-person consultations:	Yes ▯	No
	5. Documentation & Feedback					
	Summary of comments provided				Yes	No ▯
During	**6. Regular Multistakeholder Forum**					
	6a. Did a forum exist?	Yes	No ▯	6b. Did it meet regularly?	Yes	No ▯
After	**7. Government Self-Assessment Report**					
	7a. Annual self-assessment report published?	Yes	No ▯	7b. Report available in English and administrative language?	Yes	No ▯
	7c. Two-week public comment period on report?	Yes	No ▯	7d. Report responds to key IRM recommendations?	Yes ▯	No

The DPSA facilitated awareness-raising and consultation on the third national action plan (in similar fashion to the process undertaken for the second national action plan), through in-person meetings and online channels. Four community-based meetings and imbizos (a traditional term for 'gathering') were held between June and October 2015.[21] In September 2015 the Community Development Workers (CDWs) administered an OGP-related,

community-based survey in the provinces of Limpopo, Mpumalanga, and North West Province.[22] The government had a dedicated OGP website[23] for the opportunity to submit online comments. Two OGP validation meetings were convened on 22 October 2015 and 14 December 2015, respectively; and ad hoc consultations were held with specific interest groups, such as editors.[24] The IRM was unable to obtain agendas or attendance registers for any of these consultative meetings (although agendas for a number of OGP-related meetings that took place after the development of the action plan were provided).[25] The IRM did not find evidence of OGP awareness-raising during the period of action plan development through slots on community-based radio stations or the publication of opinion pieces in national or community-based newspapers.[26]

Apart from the OGP validation meetings, these activities were not expressly geared toward awareness-raising and the invitation to consult on the development of the third national action plan. The introduction to the OGP Survey administered by the CDWs to 2,239 respondents in the selected provinces, for example, stated the broad objective of OGP with no mention of the mechanism for government/civil society collaboration through action plan commitments. The questions themselves gauged respondents' opinions on 15 general statements on the importance of open government, access to information, and accountability, and the one open-ended question in the survey related to the improvement of 'service delivery'.

The IRM found no evidence that the OGP timeline and process of development of the action plan were made available online prior to consultation. The DPSA nevertheless provided advance notice of the validation meetings to a broad range of stakeholders, although none of the civil society actors interviewed regarded the notice as adequate. For example, Ms Damaris Kiewits, Community Liaison Officer of the Community Engagement Unit at the University of the Western Cape, said that notice for OGP meetings was always very short, at times as little as three days in advance.[27]

The quality and breadth of consultation was motivated by a legitimate desire to broaden the range of participatory voices, but that was marred by a level of participation that generally did not rise above the level of Consult (see Table 3.4 on the level of public influence).

The DPSA affirmed that engagement was expressly geared toward extending consultation beyond the 'bluechip' NGOs to diverse groups of grassroots communities.[28] To this end, the DPSA offered financial support to individuals and organizations that could not afford transport and accommodation costs to attend OGP meetings. However, the lack of transparency around the disbursement of financial support has led to mistrust and misunderstanding among civil society organizations. The South African NGO Coalition, SANGOCO Western Cape, for example, asked the DPSA for financial support but was told that funding was not being made available for OGP work.[29] Ms Tiintswalo Makhubele, National Secretary General of the South Africa Congress for Non-Profit Organisations, SACONO, another umbrella body for non-profits, stated that the DPSA had provided financial support to transport people to OGP meetings.[30] A number of civil society respondents were concerned that funding small grassroots organizations predisposed them toward uncritical adoption of the government's proposals for action plan commitments.

To ensure consistency in meeting attendance, the DPSA maintains a database of approximately 90 organizations involved in OGP work,[31] however, the database was not made available to the IRM researcher. Many of the civil society actors interviewed, however, maintained that attendance was inconsistent, and that many people who participated in the action plan validation meetings did not know about, or understand, the OGP.[32]

The conduct of the DPSA during OGP meetings towards NGOs with a longer involvement in the OGP process (some since the 2011 inception), and the lack of government response given to communications from these organizations, has led to a perception that the government selected partisan, party-aligned organizations to engage on the development of the action plan, and marginalised organisations with a more critical stance. At least four civil society stakeholders expressed concern that during the OGP meetings, the DPSA expressed hostility

toward civil society actors that were perceived to be critical.[33] In a letter addressed to President Zuma on 3 May 2016, 16 endorsing civil society organisations therefore demanded that relevant government officials restore the principles of decency, mutual respect, and appreciation of the civil society voice in the OGP process.[34]

Deputy Minister Dlodlo responded to the concerns in a letter dated 8 July 2016. In the letter, she expressed her dismay and disappointment at the manner in which the civil society organisations had opted to communicate which, in her view, suggested that an acrimonious relationship existed between government and civil society in the OGP.[35] She insisted that the South African government had gone out of its way to ensure the process of OGP collaboration contributed to enhancing government-civil society relations. She assured the signatories that there had never been any attempt on the part of government to exclude representatives of the NGO sector and pointed out that a working committee largely comprising civil society representatives in addition to government representatives had been set up to explore ways in which a National Coordinating and Networking Forum for the OGP could be established. The Deputy Minister shared that '[t]he fact that to date there has been no action on the part of this working group, which is largely made up of civil society, should not be construed as government's mistake'.[36]

Ms Nontando Ngamlama, Executive Director of Afesis Corplan, an NGO focused on community development and participatory democracy based in East London, said that civil society needed a forum to thrash out their differences without the presence of the DPSA.[37] These differences relate to the issue of constituency;[38] an enduring perception that internationally-funded NGOs are accountable to their donors and are paid to criticize the South African government as 'agents of imperialism';[39] and differing viewpoints on how CSOs should align with government (as equal partners,[40] supporters of government,[41] or making government active by reminding them of their commitments[42]).

While diverse civil society stakeholders could participate in and express their views on the third national action plan, the space for civil society actors to initiate commitments or influence decision-making on action plan themes and commitments was constrained. Civil society actors maintained that government 'held all the cards'[43] during the process, that they were presented with a plan that had already been populated with existing departmental commitments, and that their concerns relating to these commitments and the plan overall were not addressed.

This trend is not debunked by the express inclusion of a civil society-led commitment in the national action plan, namely Commitment 5 (Institutionalising Community Advice Offices as part of a wider justice network), led by the National Alliance for the Development of Community Advice Offices (NADCAO). In a letter addressing civil society concerns voiced in the May 2016 Open Letter, the Special Envoy insisted that the inclusion of this commitment was a true testimony to the government's commitment to 'live to the letter and spirit of the OGP and ensure an equal and true partnership'.[44] However, it appears that the government initiated inclusion of this commitment, as the late director of NADCAO, Nomboniso Gaba, had stated that NADCAO did not think the OGP would advance their initiative or that they were likely to derive any benefit from participating. However, NADCAO was surprised, she said, 'when…South Africa's OGP Envoy's office asked us to lead a commitment in the OGP action plan, this has been a pleasant misunderstanding'.[45]

The IRM found no concrete evidence of the DPSA providing a summary of commentary received.

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) 'Spectrum of Participation' to apply to OGP.[46] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for 'collaborative'.

Level of public input		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	▯	
Inform	The government provided the public with information on the action plan.		▯
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The DPSA established a small committee to develop terms of reference for a permanent multi-stakeholder dialogue mechanism, incorporating interagency coordination ('Draft Rules of Procedure for the Open Government Partnership: National Structures'). The Draft Rules establish the Open Government Partnership National Steering Committee (OGPNSC) as 'the highest coordinating and monitoring structure for the OGP vested with the responsibility to provide strategic leadership for the partnership in South Africa'.[47] The OGPNSC is intended to serve as the coordinating and monitoring forum for all key stakeholders, headed by the OGP Special Envoy as Lead Convener and eight civil servants representing government for each commitment. The form and extent of government representation on the OGPNSC has not, however, been finalized. Special Envoy, Deputy Minister Dlodlo, suggested that five executive agencies (Treasury, DPME, DPSA, the Department of Communications, and the Office of the Presidency) should be permanent members of the OGPNSC irrespective of the commitments being proposed, and a memorandum on this policy proposal was prepared (although not made available to the IRM researcher).[48]

The Draft Rules institute a civil society member as Co-Convener, as one of eight civil society members sitting on the body, alongside four technical experts, a representative of traditional leaders, and a representative of the Disabled Sector.[49] The Draft Rules do not at present expressly address regional representation or gender balance and are biased toward representation of professional NGOs as a result of eligibility criteria that require, for example, that the civil society representative belong to a legally registered organization able to 'demonstrate technical expertise in the focus area' and a 'recognisable footprint' in the theme.[50] Civil society commentary on the Draft Rules submitted in July 2016 highlighted the lack of clarity regarding selection of the CSO Convener and technical experts, and suggested allowing for a single representative of 'marginalised groups' (inclusive of disabled people, the youth, the elderly, children, and LGBTI communities).[51]

The Draft Rules outline operating principles and formal procedures relating to decision-making procedures, number of sessions, quorum, etc., but also delegate the task of establishing more detailed systems for national action plan development, monitoring, and evaluation to the OGPNSC. The desire to ensure the forum remains open and pluralistic is evident in provisions, for example, that require the OGPNSC to develop a Resource

Mobilisation Strategy facilitating maximum participation by all stakeholders;[52] that mandate this committee to 'create an enabling environment for the participation of all OGP stakeholders in all national, regional, and international activities related to the OGP';[53] or that require the provisional agenda of Steering Committee sessions to be drawn up in consultation with 'the other key stakeholders'.[54]

A multi-stakeholder forum on OGP implementation was thus not in place for the action plan's first year of implementation, despite the existence of the Draft Rules. A working committee comprising the DPSA representatives of four civil society organisations[55] convened in 2015 to discuss the terms of reference (at a National Networking and Coordinating Forum hosted by the OGP Special Envoy from 4–5 July 2016). The Forum included participation of key national government agencies,[56] with issues relating to monitoring the third national action plan commitments with civil society and deepening partnerships discussed, in addition to the permanent multi-stakeholder dialogue mechanism. The IRM researcher was given no evidence of further meetings of the National Networking and Coordinating Forum during the remainder of the action plan's first year of implementation.

Failure to establish a permanent multi-stakeholder dialogue mechanism has long been a bone of contention between the government and a certain segment of civil society and was expressly raised in the civil society Open Letter addressed to Minister Dlodlo in May 2016. The Open Letter pointed out how the failure to establish a permanent multi-stakeholder dialogue mechanism, as required by the OGP process, undermined the principle of partnership, accountability, and ultimately, the realization of the OGP in South Africa.[57] In a response on 8 July 2016, Minister Dlodlo pointed out that the finalisation of the terms of reference for the OGPNSC lay with the working group in which civil society organisations were adequately represented.[58]

In 2017, the failure to finalise the terms of reference and the establishment of the multi-stakeholder forum has additionally been impacted by changes in the executive leadership of the OGP in South Africa. For example, the DPSA had planned to convene a consultative meeting on the terms of reference on 13–14 July 2017 but this failed to take place as a result of uncertainty regarding the OGP lead agency.

Despite the lack of a permanent multi-stakeholder dialogue mechanism, government and civil society participated in a meeting convened under the auspices of the programme 'Making All Voices Count' on 24–26 May 2016.[59] In a session devoted to strengthening partnership for OGP commitments, participants were able to debate progress in meeting specific OGP commitments and the DPSA's overall coordination of the programme.

As a further example of willingness to consult and participate, the DPSA undertook youth engagements in Pretoria and Oudtshoorn.[60]

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report. At the time of publishing this report as of October 30, the South African government did not provide a self-assessment to review.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	**Develop a multi-stakeholder dialogue**	Yes	Yes

	mechanism. Improve the horizontal and vertical coordination of the national action plan in processes within government on an inter-departmental, as well as inter-sphere level. This can be achieved by creating an inter-sphere steering committee, with representation from civil society that meets regularly to co-ordinate, monitor and evaluate the national action plan development and implementation.		
2	**'Walking the OGP talk'.** Instil and demonstrate OGP public participation principles from the outset by involving civil society and community-based groups in the development and implementation of national action plan commitments.	Yes	Yes
3	**Give adequate opportunity and time for quality engagement by:** i. Increasing the number of annual forums held to at least one every six months (four per action plan); ii. Giving at least two weeks' notice to participants concerning upcoming events and/or consultation windows; iii. Documenting and making the engagements and generated content accessible on the OGP country portal.	No	No
4	**The Government's lead department on OGP should set minimum criteria concerning the level of commitment detail expected in the national action plan and self-assessment report. This should include:** i. Clearly defined commitments vis-à-vis relevance to OGP; ii. Specific time-bound milestones; iii. Expected measurable outcomes and impact; iv. Internal, department-specific related commitments as milestones within the broader commitment; i.e. training of staff and improvement of internal systems.	Yes	Yes
5	**Adopt at least one new stretch commitment** in every national action plan, in consultation with civil society, and define a clearly stated, anticipated, targeted outcome.	Yes	Yes

Of the five recommendations, the South African government addressed four of them. The current action plan includes comments on the process of development regarding the multi-stakeholder dialogue. The IRM recommendation regarding walking the OGP talk is indirectly addressed in Commitment 7 (dealing with the roll-out of a government awareness-raising campaign, ostensibly focused on the OGP). The main objective of this commitment is '[c]reating awareness and communicating to people on the initiative'.[61] The IRM recommendation to include a new 'stretch commitment' is arguably integrated into the third national action plan through the inclusion of Commitment 8 on beneficial ownership. The action plan expressly describes this commitment as 'groundbreaking', as it links national priorities on open government with broader United Nations anti-corruption efforts.[62]

Compared to the previous NAP, the commitments proposed in the current plan provide specific activities with timelines, which supports the IRM recommendation regarding minimum criteria for each commitment. There is no clear evidence of improvement with the quality of engagement as only one forum has been documented and advance notice was not established.

[1] Section 40, Constitution of the Republic of South Africa, 1996.
[2] A copy of this letter is on file with the IRM researcher.
[3] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 28 August 2017.
[4] Ms Nontando Ngamlana (Executive Director, Afesis Corplan), interview with IRM researcher, 22 July 2017; Ms Damaris Kiewiets, interview with IRM researcher, 29 September 2017.
[5] "Statement by President Jacob Zuma at the Heads of State launch of the Open Government Partnership", African National Congress, http://www.anc.org.za/content/statement-president-jacob-zuma-heads-state-launch-open-government-partnership
[6] According to s 3 of the Public Service Act, 1994 the Minister of Public Service and Administration is responsible for establishing norms and standards relating to information management in the public service; electronic government; integrity, ethics, conduct and anti-corruption in the public service; and transformation, reform, innovation and any other matter to improve the effectiveness and efficiency of the public service and its service delivery to the public.
[7] Rule 2.5, "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[8] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 23 June 2017.
[9] DPSA (Mr Lebohang Mafokosi, Executive Head of the Office of the Deputy Minister of the DPSA), correspondence with Mr Sanjay Pradhan (OGP Chief Executive Officer), 8 June 2017.
[10] "About the DPSA", DPSA, http://www.dpsa.gov.za/about.php?id=9
[11] DPSA (Mahlogonolo Mathabatha, Office of the Chief Financial Officer), email correspondence with IRM researcher, 5 July 2017.
[12] "Erratum: Director: Open Government Partnership (Ref. DPSA/0032)", DPSA, advert initially published in the *Sunday Times* on 19 October 2014.
[13] Department of Planning, Monitoring and Evaluation; National Treasury; Department of Co-operative Governance and Traditional Affairs; Department of Environmental Affairs; Department of Public Service and Administration.
[14] Government Communications and Information Services.
[15] Ms Nontando Ngamlana (Executive Director, Afesis Corplan), interview with IRM researcher, 22 July 2017.
[16] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[17] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017, in respect of Commitment 1 on Citizen-Based Monitoring.
[18] Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017.
[19] Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017.
[20] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 23 June 2017.
[21] Community-based outreaches and imbizos took place in Queenstown, Eastern Cape (Lukhanji Local Municipality, 22 June 2015); Richards Bay, KwaZulu-Natal (Empangeni, 17 September 2015); Polokwane, Limpopo (Maaswi'a Nape Primary School, 2 October 2015, and incorporating engagement with a Tribal Authority); and Ermelo, Mpumalanga (Msukaligwa Municipality, 6 October 2015), see Events", Open Government Partnership, South Africa, http://www.ogp.gov.za/?q=node/30
[22] South Africa Open Government Partnership *Third South African Open Government Partnership Country Action Plan, 2016 – 2018* 7.
[23] See http://www.ogp.gov.za. Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, confirmed that comments could be submitted online during the process of developing the third national action plan.
[24] For example, on 7 October 2015 Minister Dlodlo hosted a working lunch with editors (see "Events", Open Government Partnership, South Africa, http://www.ogp.gov.za/?q=node/30)
[25] The IRM researcher obtained attendance registers for the following meetings: Open Government Partnership National Coordinating and Networking Forum (4 – 5 July 2016); Advancing Citizen-Based Monitoring Workshop (20 – 21 September 2016) and Minutes of the National APRM-OGP Programmes in the Province meeting which took place on 1 September 2016. The inability to provide agendas and attendance registers points to the loss of institutional memory between the OGP Points of Contact.
[26] Minister Dlodlo authored one opinion piece on the OGP during the period in which the third national action plan was developed (see "Africa shirking accountability is a myth", Ayanda Dlodlo, *The Star* 21 July 2015). Of the remaining 13 media articles published during year one of implementation, two related expressly to raising awareness of OGP commitments in the third national action plan. See "How open budgeting empowers the ordinary South African", Dr Kay Brown, *Cape Times* 5 May 2016 (relating to Commitment 2); "Sustainable development and accountability thrive on meaningful and informed participation of citizens in decisions that affect them", Department of Monitoring and Evaluation, *Cape Times* 5 May 2016 (relating to Commitment 1).
[27] Ms Damaris Kiewits, Community Liaison Officer, Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 10 July 2017.

[28] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 23 June 2017.
[29] Ms Damaris Kiewits, Community Liaison Officer, Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 10 July 2017.
[30] Ms Tiintswalo Makhubele, National Secretary General, South African Congress on Non-Profit Organizations (SACONO), interview with IRM researcher, 21 July 2017.
[31] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 23 June 2017.
[32] Views expressed Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 26 June 2016; Ms Damaris Kiewits, Community Liaison Officer, Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 10 July 2017; Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 11 July 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 22 July 2017.
[33] Ms Damaris Kiewits, Community Liaison Officer, Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 10 July 2017; Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 11 July 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 22 July 2017; Dr Rama Naidoo, Democracy Development Program, interview with IRM researcher, 19 July 2017.
[34] "Regarding the Open Government Partnership in South Africa", letter addressed to President Jacob Zuma from civil society organizations, 3 May 2016.
[35] "RE: Open letter to the Special Envoy on Open Government Partnership (OGP)", letter addressed to 17 civil society organizations from Minister Ayanda Dlodlo, 8 July 2016.
[36] RE: Open letter to the Special Envoy on Open Government Partnership (OGP)", letter addressed to 17 civil society organizations from Minister Ayanda Dlodlo, 8 July 2016.
[37] Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 22 July 2017.
[38] Ms Tiintswalo Makhubele, National Secretary General, South African Congress on Non-Profit Organizations (SACONO), interview with IRM researcher, 21 July 2017.
[39] Ms Tiintswalo Makhubele, National Secretary General, South African Congress on Non-Profit Organizations (SACONO), interview with IRM researcher, 21 July 2017.
[40] Dr Rama Naidoo, Democracy Development Program, interview with IRM researcher, 19 July 2017.
[41] Ms Tiintswalo Makhubele, National Secretary General, South African Congress on Non-Profit Organizations (SACONO), interview with IRM researcher, 21 July 2017.
[42] Lungile Kubheka, Strategic Programme Coordinator, NADCAO, interview with IRM researcher, 3 August 2017.
[43] Dr Rama Naidoo, Democracy Development Program, interview with IRM researcher, 19 July 2017.
[44] "RE: Open letter to the Special Envoy on Open Government Partnership (OGP)", letter addressed to 17 civil society organizations from Minister Ayanda Dlodlo, 8 July 2016.
[45] NADCAO, Nomboniso and the OGP action plan in South Africa – Questions for OGP story", Interview with Ms Nombonisa Maqubela (undated).
[46] IAP2's Public Participation Spectrum, http://bit.ly/2qVYaFz
[47] Rule 2.1 "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[48] Mr Thokozani Thusi (OGP POC), interview with IRM researcher, 23 June 2017. The IRM researcher requested the OGP POC to provide a copy of the memorandum but has not received this to date.
[49] Rule 4, "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[50] Rule 5.1 (c) and (e), "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[51] "Comments: Draft Rules of Procedure for the Open Government Partnership: National Structures, Afesis Corplan, 22 July 2016.
[52] Rule 6.2(c), "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[53] Rule 6.2(f), "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[54] Rule 10.2, "Draft Rules of Procedure for the Open Government Partnership (OGP) National Governance Structures".
[55] The organizations represented were the Open Democracy Advice Centre (ODAC); the South African National Civics Organisation (SANCO); the South African Congress of Non-Profit Organizations (SACONO); and the Economic, Cultural, Social Council South Africa (ECOSOCC-SA).
[56] "Draft Programme: Open Government Partnership National Coordinating and Networking Forum", DPSA, 4 – 5 July 2016. Attendance registers for this meeting are on file with the IRM researcher.
[57] "Civil society pleads for transparency in Open Government letter", http://www.htxt.co.za/2016/05/06/civil-society-pleads-for-transparency-in-open-government-letter/
[58] "RE: Open letter to the Special Envoy on Open Government Partnership (OGP)", letter addressed to 17 civil society organizations from Minister Ayanda Dlodlo, 8 July 2016.

[59] Making All Voices Count, South Africa *Community of Practice Report. Theme #P4 Partnership: Strengthening partnership in fostering OGP commitments* 24 – 26 May 2016.
[60] Musa Ndlangamandla "Land Reform at the heart of SA's future" *Open Government Partnership* 10 July 2016.
[61] South Africa Open Government Partnership *The 3rd South African Open Government Partnership Country Action Plan, 2016 – 2018*, 35.
[62] South Africa Open Government Partnership *The 3rd South African Open Government Partnership Country Action Plan, 2016 – 2018*, 13.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1]

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
  - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
  - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
  - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
  - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have 'medium' or 'high' specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a 'transformative' potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of 'substantial' or 'complete' implementation.

Based on these criteria, South Africa's action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for South Africa and all OGP-participating countries, see the OGP Explorer.[4]

General Overview of the Commitments

The third national action plan, comprising eight commitments, focuses on promoting civic participation in the provision of basic services and in the budgetary process, using technology to improve access to information, promoting awareness of the OGP, and improving the accountability of public officials. The inclusion of a commitment ostensibly proposed by a CSO (on the institutionalisation of Community Advice Offices) was presented as a unique feature of the plan in the historical context of South Africa's OGP participation. Four of the commitments are completed, and progress in implementing the remainder (bar one) is substantial.

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[1] Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
2 IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx
3 The International Experts Panel changed this criterion in 2015. For more information visit: http://www.opengovpartnership.org/node/5919
4 OGP Explorer: bit.ly/1KE2WIl

1. Strengthening Citizen-Based Monitoring

Commitment Text:
Routine accountability mechanisms, particularly at the point of service delivery, are weak, with insufficient feedback from community and frontline staff in the mechanisms for allocating resources and setting targets and measuring performance.

DPME will work with 3 service delivery departments to strengthen the voice of citizens in their monitoring and planning. DPME will provide a knowledge broker service with regard to citizen-based monitoring by hosting workshops and discussions with government and civil society partners, aimed at strengthening the voice of citizens in monitoring and planning.

Milestones: *Citizen-based monitoring model implemented in nine police stations as a first wave of CBM in South African Police Service. Conference to share lessons, experience and shape discussion on citizen-based monitoring with government and civil society. Citizen-based monitoring toolkit and video published.*

Responsible institution: Department of Planning, Monitoring and Evaluation (DPME)

Supporting institutions: South African Police Service, Department of Health, South African Social Security Agency

Start date: November 2015

End date: October 2016

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1. Overall				▯		▯		▯		▯			Yes				▯
1.1. CBM Model implemented in 9 police stations				▯		▯		▯		▯			Yes				▯
1.2. CBM Conference involving govt and civil society				▯		▯				▯			Yes				▯
1.3. Publication of CBM toolkit and video				▯		▯		▯		▯			Yes				▯

Context and Objectives

Between 2011 and 2012, the Department of Planning, Monitoring and Evaluation (DPME) conducted more than 250 unannounced monitoring visits at frontline service sites and found several issues in public service delivery.[1] In response to these findings, the South African Cabinet approved a policy framework to develop citizen-government partnerships for monitoring service delivery in 2013.[2] A national Citizen-Based Monitoring (CBM) process was developed and piloted in 2015 involving four service delivery departments and 34 government facilities (police stations, health facilities, and social welfare service points).

The CBM process is an eight-step process focused on establishing and engaging community partnerships, monitoring facilities through citizen feedback, reporting findings and identifying opportunities for improved public service delivery based on the findings.[3,4] DPME also established an online reporting platform for capturing citizen feedback for greater public participation. The broad dissemination of findings forms the basis for community members and a broader range of stakeholders (e.g. the media) to hold the service delivery department accountable.

This commitment aims to build from the initial pilot and implement the CBM process further in three government entities: South African Police Service, Department of Health, and South African Social Security Agency. This commitment expands the pilot program by increasing CBM implementation points, developing a CBM toolkit and video, and requiring the DPME to convene a government-civil society conference on CBM.

Strengthening the CBM advances the OGP values of civic participation in addressing service delivery challenges. Although this commitment has a clear intention at holding officials accountable, it is not relevant to public accountability without a specific mechanism that supports this accountability, which goes beyond providing information to citizens. The activities are clear, verifiable and measurable and thus of high specificity. If fully implemented, the CBM process strengthens government-citizen partnerships for monitoring and improving frontline service delivery in the specified areas. However, civil society representatives regarded the DPME's facilitative role and the uptake by service departments as a minor step forward, as the commitment remains limited in scale and scope. Ms Lynette Maart, National Director of Black Sash, for example, stated that the central critique from civil society was that the milestones only focused on the police.[5] Ms Nontando Ngamlama, Executive Director of Afesis Corplan, said that the commitment was not as innovative or transformative as it could have been as it captured what the DPME was already planning to do.[6]

Completion

All the activities under this commitment have been completed on time.

As of September 2017, the Citizen-Based Monitoring (CBM) model had been implemented in 17 police stations.[7] Civil society actors observed that implementation occurred in sites that were easy to pilot, in police stations that were already well-resourced and where crime levels were low.[8] The Department of Performance Monitoring and Evaluation (DPME) has also worked with Making All Voices Count (MAVC) to implement Community-Based Monitoring[9] in 20 service points of the South African Social Security Agency (SASSA).[10] MAVC is a project coordinated by the non-governmental organisation Black Sash in partnership with 20 community-based organisations.[11] The implementation of the CBM model in the health sector did not proceed as well, with the DPME's process with the Mpumalanga Department of Health not proceeding beyond the pilot sample of a community health centre and 10 clinics.[12]

The DPME convened an 'Advancing Citizen-Based Monitoring Workshop', which took place from 20–21 September 2016 in Johannesburg. 83 participants attended the workshop, including government departments and agencies (DPME, SASSA, Co-operative Governance and Traditional Affairs), and civil society organisations representing a broad range of issues and class interests.[13] The workshop explored three inter-related themes. The CSO Black Sash presented on opportunities under the OGP third NAP and envisioning the fourth NAP. DPME discussed the role that government departments should play in advancing the participation of citizens in monitoring, while Code4SA, another CSO, provided information about the opportunities for technology-enabled accountability.[14] Although the workshop was interesting, stakeholders wanted to understand 'who defines what CBM looks like'.[15] Deborah Byrne, Country Engagement Director at Hivos for Making All Voices Count, said, 'Across this whole question of OGP, SDGs, APRM—the thing that pains me to watch is that all these organisations repeat the same problem. [There is] so much emphasis on process and mechanisms and never getting to the substance of the issues and addressing the concerns of communities.'[16] It is unclear whether CBM is a broad church encompassing other social audit methodologies, or even forms of grassroots community.

The DPME published the CBM Toolkit in 2016 and it is available on their website.[17] The DPME also produced a CBM video, which was made available to the IRM researcher. The video and toolkit contextualise the CBM initiative and provide a step-by-step overview of three core elements of the model, namely gathering citizen feedback through the use of surveys (what people think of the service); responding (interpretation of the results with a view to determining service improvements); and sharing and monitoring proposed changes.

Stakeholders observed that this commitment had been well-championed, and that although the commitment was not as ambitious as it could have been, the DPME had demonstrated a real willingness to engage with civil society.[18]

Early Results (if any)

The Citizen-Based Monitoring (CBM) model has gained traction within the highly hierarchical structure of the South African Police Services (SAPS). The Department of Planning, Monitoring and Evaluation (DPME) and the SAPS convened a workshop in late July 2017 to review the effectiveness of the CBM model piloted in eight police stations by March 2017.[19] All participants agreed that the CBM model had value and that it should be rolled out to other police stations using the SAPS cluster model, pending approval by the SAPS National Executive.[20] Participants identified improved relations between the police and the community, increased levels of crime reporting, and a problem-solving approach to addressing challenges as positive impacts associated with implementation of the CBM model.[21] At the targeted sites of the South African Social Security Agency (SASSA), the perception is that the CBM model works and could be scaled up to more sites in partnership with grassroots Community-Based Organisations (CBOs).[22]

Next Steps

In general, stakeholders supported the further development of this commitment in the next action plan.[23] Ms Lynnette Maart, National Director of Black Sash, for example, suggested scaling up Community-Based Monitoring at sites of the South Africa Social Security Agency (SASSA), coupled with a monitoring or auditing tool that assesses the effectiveness of the model and tracks substantive improvements.[24]

For the next action plan the IRM researcher recommends:

- The next OGP action plan could extend and deepen civic participation in monitoring police services. Such commitment could contribute positively to improving personal safety in South Africa, which was the lowest scoring indicator of good governance according to the 2016 Ibrahim Index of African Governance.[25] The DPME and South

African Police Services (SAPS) focus on the national scale roll-out of the CBM model in police stations following the SAPS National Executive's approval.

- The DPME, in cooperation with civil society actors, monitors the implementation of CBM at 20–30 SASSA sites to track improvements over time.
- The DPME identifies additional sites for implementing the CBM model at health facilities.
- The DPME continues improving and refining the CBM model by collaborating with civil society actors who have developed online survey tools.

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[1] Public Service Commission *Report on the Assessment of Public Participation Practices in the Public Services* (Public Service Commission, 2008); The Presidency, *Twenty Year Review, South Africa – 1994–2014* (Presidency, 2014); National Planning Commission, *Vision 2030: National Development Plan* (National Planning Commission, 2012).
[2] South African Cabinet *Framework for Strengthening Citizen-Government Partnerships for Monitoring Frontline Service Delivery* (August 2013) 3.
[3] Department of Planning, Monitoring and Evaluation *Citizen-based monitoring toolkit: Nkutlwe ke go utlwei* (version 1, 2016) 7.
[4] Department of Planning, Monitoring and Evaluation *Citizen-based monitoring toolkit: Nkutlwe ke go utlwei* (version 1, 2016) 17 – 18.
[5] Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.
[6] Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017.
[7] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017.
[8] Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017.
[9] The reference to Community-Based Monitoring here is intentional – reflecting a broader ambit of potential voices, inclusive of residents and refugees.
[10] "Citizen-Based Monitoring of Government Services", Black Sash, https://www.blacksash.org.za/index.php/sash-in-action/2017-07-09-15-09-47/making-all-voices-count'; Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.
[11] Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017. For a list of the community partners of the Making All Voices Count project see "Community Partners", Community-Based Monitoring, https://cbm.code4sa.org/partners.
[12] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017.
[13] Department of Planning, Monitoring and Evaluation 'Attendance register: Advancing Citizen-based Monitoring Workshop, Protea Hotel, OR Tambo, Gauteng, 20 – 21 September 2016'.
[14] Department of Planning, Monitoring and Evaluation 'Invitation: Two-day workshop: Advancing Citizen-Based Monitoring'. From stakeholder interviews it appears that a technology-enabled component was not initially envisaged as part of the commitment.
[15] Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017.
[16] Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017.
[17] CBM Publications 2015 – 2016, Department of Planning, Monitoring and Evaluation, http://www.dpme.gov.za/keyfocusareas/cbmSite/Pages/CBM-Publications-2015-2016.aspx.
[18] Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017.
[19] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017.
[20] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017.
[21] Mr Jonathan Timm, Director: Citizen-based Monitoring, Department of Planning, Monitoring and Evaluation, interview with IRM researcher, 6 September 2017.
[22] Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.

[23] Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017; Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.
[24] Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.
[25] Mo Ibrahim Foundation *A Decade of African Governance 2006 – 2015* (2016) 276.

2. Open Budgeting

Commitment Text:
South Africa is highly ranked in the world in terms of budget transparency. The vast amount of budgeting and reporting information available has however generally not equated to an equally high level of citizen participation in budget processes.

The commitment involves civil society in various aspects of the budget process from planning to implementation and monitoring and evaluation, enabling them to have a firmer grasp of how national resources are generated, distributed and reported upon.

***Milestones**: Information sessions organised to engage with civil society and other stakeholders on the budgetary and reporting issues. Civil society engagement on current procurement reforms being undertaken by the Office of the Chief Procurement Officer in the National Treasury. The National Treasury will continue to provide information and support to civil society organisations to enable them to publish Citizens' Guides to the Budget. The National Treasury will collaborate with civil society organisations to discuss the possible development of an interactive data portal to furnish the public with extensive information on the budget and expenditure outcomes to make data more understandable and to aid civil society in their analysis.*

Responsible institution: South African National Treasury

Supporting institutions: Government departments

Start date: 2015 .....

End date: 2016/17

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Overall			▯		▯	▯					▯		Yes				▯
2.1. Information sessions organized to engage with civil society and other stakeholders on budgetary and reporting issues			▯		▯	▯					▯		Yes				▯

2.2. Civil society engagement on current procurement reforms being undertaken by Office of the Chief Procurement Officer in the National Treasury														Yes				
2.3. National Treasury continues to provide support to CSOs to enable them to publish Citizens' Guides to the budget														Yes				
2.4. National Treasury will collaborate with CSOs to discuss development of interactive data portal on budget and expenditure outcomes														Yes				

Context and Objectives

South Africa has consistently performed well in the International Budget Partnership's Open Budget Survey, ranking second among all countries surveyed in 2012 and third in 2015.[1,2] While faring much better than average in the latest Open Budget Survey,[3] South Africa also has room to deepen citizen engagement on public finances.[4] From a civil society perspective, conversations have increasingly centred on the usability and accessibility of budget information as an enabler of participation, rather than just fiscal transparency.[5]

The objective of Commitment 2 is to involve civil society in the budget process in order to enhance the progressive realisation of socioeconomic rights, and enable citizens to track public expenditure. Commitment 2 addresses the problem of lower than optimal participation in budgetary processes in a manner that has relevance to the OGP values of access to information, civic participation, and technology and innovation for transparency and accountability. The commitment entails making government-held information on the budget and procurement accessible to the public via centrally accessible websites, and envisions new platforms for citizens to voice their opinions on specific budget issues through budget roadshows and information sessions and an interactive data portal. At present, a large amount

of data on the national budget[6] and procurement[7] is made available via the website of the National Treasury, but the data is static and not conducive to interaction with the public.[8] A centralised database of tenders curated by the Office of the Chief Procurement Officer (eTender) is outdated and the links to the documents are not live.[9]

The commitment text proposes four objectively verifiable activities to achieve the objective, though it leaves some room for interpretation as to their clarity and measurability. Commitments to 'engage', 'provide support', or to 'collaborate' with civil society, for example, could be made more specific by way of reference to the form, timing, or number of engagements. But the object of the activities, such as information sessions, procurement reforms, support for the publication of Citizens' Guides to the Budget, and an interactive data portal, and the actors involved, are nevertheless verifiable.

If fully implemented as written, and given South Africa's existing high level of budget transparency, this commitment would be a moderate step forward, as it could deepen public interaction with budget and procurement data on a nationwide scale.

Completion

All activities proposed with this commitment were completed on time, and some have exceeded their original scope.

The National Treasury has ramped up budget information sessions, particularly around the time of the annual presentation of the budget.[10] The National Treasury has routinely engaged specific members of the public (such as the business fraternity and university students) in budget information sessions. These were generally defined by National Treasury and were not collaborative in nature. In response to requests from CSOs for more collaborative, dialogue-based engagements, the Budget Reform Directorate engaged with CSOs through the Public Service Accountability Monitor to jointly craft a series of budget engagements. A range of CSOs were involved in the process of defining the format, length and content of the workshops. The approach was very encouraging in that the perspectives and "budget asks" of participating CSOs were taken into consideration and informed the workshop plans.[11] Not all information sessions took place as planned however, and the latest engagement – prior to the Medium Term Budget Statement in October 2017 – was a single-day briefing of CSOs by the Minister of Finance and Treasury officials. Ms Zukiswa Kota, Head of Monitoring and Advocacy at the Public Service Accountability Monitor, expressed disappointment that a more collaborative approach was not followed and highlighted the difficulty of re-introducing innovative approaches to new principals.[12]

Civil society engagement on procurement reforms undertaken by the Office of the Chief Procurement Officer has been hamstrung by the resignation of the Chief Procurement Officer, Kenneth Brown, in December 2016[13] and the replacement of the acting Chief Procurement Officer, Schalk Human, in September 2017.[14] In November 2017, Deputy Director-General of the Budget Office, Michael Sachs, also resigned.[15]

Apart from information sessions, the National Treasury has provided support to CSOs for purposes of preparing Citizens' Guides. It also offered these organizations first access to budget documents, alongside the media, on the day that budgets are presented.[16] A Citizens' Guide to the 2015/2016 Budget was prepared in cooperation with the International Budget Partnership as a result of this process.[17] This was only done in 2015; since then the Treasury has not released disaggregated budget information that would allow the meaningful completion of this task.

Government-civil society collaboration on the development of an interactive data portal on budget and expenditure outcomes has exceeded original plans. A governance framework for the project has been formalised and National Treasury, with the support of the Government

Technical Advisory Committee (GTAC), has appointed a service provider.[18] The project has been designed with broad civil society consultation to ensure data available through the portal is useful for a broad a range of users, to be utilized for research, developing apps, hosting hackathons, and other related uses.[19] The governance framework for the project is composed of an Operational Working Group to deal with day-to-day operational issues relating to the project, some of whom are CSOs (including the Public Sector Accountability Monitor and Mobile Social Accountability Monitor. A steering committee with six CSOs and government officials monitors more overarching governance questions, such as the inclusivity of the data being made available through the portal.[20]

Early Results (if any)

As a general observation, both government and civil society actors characterised the working relationship between the partners as mature and fruitful, with several notable factors of success. The current relationship grew out of the work of the civil society-based Budget and Expenditure Monitoring Forum (BEMF) (which has since ceased to exist). In the absence of a formal CSO structure such as the BEMF, a coordinator (Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor) served as a point of contact and coordination between the National Treasury and a loose coalition of civil society organizations (CSOs) interested in budgetary reform and transparency. There was a clear mutual commitment on the part of all actors to budgetary transparency. The group was inclusive and allowed any organisation interested in and committed to budget transparency to participate in the space for policy debate. Finally, the fact that CSOs participated allowed for reaching a wider pool of interested parties.[21] The inclusion of civil society actors in the meetings held for purposes of developing tender documentation and appointing the service provider for the portal project is regarded as being a particularly innovative form of collaboration that has grown out of this project.[22]

Information sessions and Treasury support to CSOs in the preparation of Citizens' Guides to the Budget have been useful, as they have enabled organisations to access the data and technical support from the Treasury efficiently. This has allowed CSOs to share information quickly as an 'alternative voice' on the budget, alongside government and the media. These meetings were particularly important in the case of the presentation of the Medium-Term Budget.[23] The progress achieved in collaboration around the interactive data portal—which has extended into the governance framework for the project including the tendering process—is further indicative of the success of this commitment.

However, at the time of writing, there is a perception amongst Treasury officals and CSOs that the productive relationships that have been forged are in jeopardy of breaking down due to the numerous changes in senior management that have recently taken place in the National Treasury.[24]

Next Steps

While the working relationship between government and civil society in respect of this commitment has been productive, Ms Zukiswa Kota, expressed concern that much of this is heavily dependent upon the people and personalities involved, and highlighted the need for greater institutionalisation of processes around budgetary transparency and the next phases of the interactive data portal.[25] This could occur through the Department of Performance Monitoring and Evaluation (DPME) articulating duties pertaining to budget transparency in the Key Performance Areas and Indicators within the National Treasury. There is also a need for the open budget process to become a government-wide commitment that goes beyond the National Treasury.

The IRM researcher recommends that the commitment on open budgeting be included in the next action plan, with the objective of deepening government-civil society collaboration. This can be done through jointly designed information sessions, completing the implementation of

the interactive budget data portal, and supporting wide-ranging awareness campaigns on its existence and capabilities. Budget information released should be useful and disaggregated to the level of locality and facility so that citizen groups can track the resources being provided and whether proper services are being delivered. Incorporating the public participation standards produced by the Global Initiative for Fiscal Transparency (GIFT) can further enhance this commitment to ensure accessibility, inclusiveness, and timeliness throughout the budgeting process.[26]

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[1] International Budget Partnership *Open Budget Survey 2012* 7; International Budget Partnership *Open Budget Survey 2015* 7.
[2] International Budget Partnership *Open Budget Survey 2015* 4.
[3] International Budget Partnership *Open Budget Survey 2015* (no date) 71–72.
[4] Kay Brown, "How open budgeting empowers you, the ordinary South Africa" *Cape Times* (5 May 2016) 2.
[5] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[6] "Documents – National Budget", National Treasury, http://www.treasury.gov.za/documents/national%20budget/default.aspx.
[7] "Tender into", National Treasury", http://www.treasury.gov.za/tenderinfo/default.aspx.
[8] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017.
[9] "eTender Publication: Awarded tenders", National Treasury, http://www.etenders.gov.za/content/awarded-tenders.
[10] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017.
[11] Ms Zukiswa Kota, comment submitted on Draft IRM Progress Report, 2 February 2018.
[12] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[13] Stuart Lowman "Corruption buster Kenneth Brown to leave National Treasury. All eyes on his replacement" *BizNews*, 14 December 2016, https://www.biznews.com/leadership/2016/12/14/kenneth-brown-national-treasury/.
[14] National Treasury, "Media Statement: Changes to Senior Management", 4 September 2017.
[15] Katherine Child, "Treasury confirms Sachs' resignation", *Times Live*, 13 November 2017, https://www.timeslive.co.za/sunday-times/business/2017-11-13-treasury-confirms-sachs-resignation/.
[16] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017.
[17] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017.
[18] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM Researcher, 5 September 2017; Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017; Adi Eyal, Director, OpenUp, interview with IRM researcher, 22 September 2017.
[19] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017; Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[20] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[21] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017; Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017; Ms Damaris Kiewiets, Community Liaison Officer of the Commuity Engagement Unit, University of the Western Cape, interview with IRM researcher, 7 September 2017.
[22] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[23] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.
[24] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion

with IRM researcher, 5 September 2017; Ms Zukiswa Kota, comment submitted on Draft IRM Progress Report, 2 February 2018.

[25] Ms Zukiswa Kota, Head of Monitoring and Advocacy, Public Service Accountability Monitor, interview with IRM researcher, 29 September 2017.

[26] http://www.fiscaltransparency.net/pp_principles/

3. Back to Basics Programme (B2B)

Commitment Text:
Local government enters its 15th year as a democratic sphere of government. While significant achievements have been made by local government in delivering services to the previously marginalised communities, the backlog caused by apartheid in delivering such services is immense. The B2B Programme aims to give all South Africans a basic set of tools by which they can hold their municipalities to account and measure whether they are living up to their promises.

1. Increase public confidence in local government

Properly functioning municipal services are inherent to human dignity, and in terms of the Constitution everyone has the right to have their dignity respected and protected. At the same time, citizens need to accept their responsibilities and duties as citizens, with respect to participating in municipal affairs; respecting public property and assets; and paying for the municipal services they receive.

The B2B approach is premised on changing a set of fundamental relationships that underpin our Constitutional order and the local government system, namely that:

- *Between local government and the people we are meant to serve (putting people first, instilling a culture of 'service' rather than 'service delivery').*
- *Between leaders and the municipalities they are meant to lead (good governance rather than extractive elites).*
- *Between people and the public services they receive (responsible citizenship, payment for services).*

2. Entrench a culture of good governance and instill a new morality of service and integrity in local government

Ultimately we need to change the political culture in local government, and we aim to do this by popularizing a new morality of service and integrity; making sure that effective leaders and well run municipalities are recognized and rewarded; insulating institutional systems from political manipulation; and ensuring consequences for maladministration, mismanagement, fraud and corruption.

There will be a targeted and vigorous response to corruption and fraud, and a zero tolerance approach to ensure that these practices are rooted out. Supply chain management practices in municipalities will be closely scrutinized. Where corruption and mismanagement have been identified, we will not hesitate to ensure these are decisively dealt with through provisions such as asset forfeiture and civil claims. We will also work to change practices in the private sector, and enlist the support of civil society to change the national morality.

To ensure compliance with the B2B pillars and establishing enforcement measures DCOG [Department of Co-operative Government] will establish an investigative capacity, which will prepare and package cases for on-referral to law enforcement and other agencies with a view to crack down on corruption and corrupt activities in the local government sphere.

3. Implement initiatives to improve financial sustainability, revenue management and audit outcomes in local government

A national campaign on improving the culture of payment will be implemented in partnership with communities, municipalities, and civil society organizations. In addition, the campaign will seek to improve accountability to citizens through better management of municipal finances.

Milestones: *(1) Promote public confidence in the local government system through citizen engagement mechanisms: Public participation regulatory framework piloted in 50 dysfunctional municipalities; Develop a tool kit for citizen engagement; 190 municipalities supported to develop and implement citizen empowerment programmes; Conduct an annual national citizen satisfaction survey (2) Entrench a culture of good governance and instill a new morality of service and integrity in local government: Local Government Code of Good Governance (Based on the King III Report on Corporate Governance) developed and implemented across 278 municipalities; Strengthen anti-corruption measures and enforce applicable legislation and policies by March 2019. (3) Implement initiatives to improve financial sustainability, revenue management and audit outcomes in Local Government: A national campaign on improving the culture of payment implemented by target date; Improve the Percentage of unqualified audit outcomes by target date.*

Responsible institution: Department of Cooperative Governance and Traditional Affairs

Supporting institutions: Ministry of Cooperative Governance and Traditional Affairs, Municipalities, South African Local Government Association (SALGA)

Start date: March 2015 ....

End date: March 2019

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Overall			▯			▯					▯		Yes			▯	
3.1 Promote public confidence in the local government system through citizen engagement mechanisms				▯		▯					▯		Yes			▯	
3.2. Entrench a culture of good governance and instill a new morality of service and integrity			▯		Unclear						▯		Yes			▯	
3.3 Implement initiatives to improve			▯			▯					▯		No		▯		

financial sustainability, revenue management and audit outcomes

Context and Objectives

Under the Constitution, South Africa's 278 municipalities are responsible for ensuring the sustainable provision of basic services such as water services, sanitation, solid waste removal, and electricity.[1] Since 1994, the South African government has made unprecedented progress in rolling out basic municipal services to the majority of the population to address the enormous apartheid-era backlog. However, in a 2014 review, the Department of Co-operative Governance and Traditional Affairs (COGTA) found that while the top third of South Africa's municipalities were performing adequately, the group in the middle was at risk, with worrying signs of poor performance and decline. The bottom third was considered dysfunctional, lacking the basic mechanisms to perform their duties despite the availability of resources. The collapse of municipal service provision in these municipalities could be ascribed to several factors including endemic corruption,[2] poor municipal governance, lack of structured community engagement, and poor financial management.[3] Indicators of public dissatisfaction in these municipalities included several violent service delivery protests,[4] low levels of civic participation, and a general refusal to pay for services.[5]

Recognising the need for a differentiated approach and a transformational agenda to respond to these problems, COGTA formulated the Back to Basics Programme (B2B) in 2014 and began implementation from October 2014. B2B is comprised of five pillars: Putting people first; delivering basic services; good governance; sound financial management; and building capacity.[6] Commitment 3 extracts limited elements of this broader programme for purposes of the OGP action plan. For example, the OGP milestone of promoting public confidence in local government through citizen engagement mechanisms is part of the broader B2B programme of 'putting people first'. Other components include monitoring ward committee meetings, ward councillor report back and mayoral/EXCO committee report back meetings and monitoring the rate of service delivery protests and approaches to address them. Also included is having complaint management systems and promoting the participation of traditional leaders in council.[7] These additional aspects of the broader B2B programme do not form part of the OGP commitment.

This commitment focuses on activities that address the broader operating environment for civic participation, such as reforming the regulatory framework for municipal public participation. It also aims to enhance mechanisms for citizens' voices to be heard by piloting a citizen empowerment programme and conducting a national annual citizen satisfaction survey. The activities centred on improving citizen engagement mechanisms[8]—clearly relevant to the OGP value of civic participation. It could also be construed as relevant to the value of public accountability, but seems to lack a public-facing element. For example, strengthening and enforcing anti-corruption measures appear to be focused on internal accountability, but lack elements such as disclosure of non-sensitive metadata, citizen audits of performance, or citizen-initiated appeals processes.

Although the B2B Programme was expressly formulated as a 'transformational agenda' for local government in South Africa,[9] in an OGP context the completion of the commitment would be moderate as it extracts limited elements of the existing B2B programme and did not involve civil society collaboration to formulate a commitment that leveraged existing actions for even greater impact. The activities to implement the objectives of Commitment 3 are all of

medium specificity, with the target focus, scale and date of each activity being measurable and verifiable, but not completely clear.

Completion

The commitment is substantially completed. The Department of Cooperative Governance and Traditional Affairs (COGTA) completed several activities under the B2B Programme to improve the functionality and effectiveness of existing mechanisms of municipal civic participation. By 31 March 2017, COGTA supported the establishment and induction of ward committees in 208 different municipalities and also oversaw the development of 500 ward committee operational plans across three provinces (KwaZulu-Natal, Northern Cape, and Western Cape). Community complaints management processes were institutionalised in 20 municipalities across another three provinces (Free State, KwaZulu-Natal, and Mpumalanga). COGTA conducted the annual citizen satisfaction survey and produced quantitative and qualitative reports. It then completed a comparative analysis of survey results and developed a generic template for dissemination of survey results.[10] COGTA also commissioned research on citizens' expectations, which was conducted and completed by the University of Western Cape in the Metsimaholo and Lesedi municipalities.[11]

There has been limited progress in revising the regulatory framework for municipal public participation and piloting it in 50 municipalities. Draft Terms of Reference for the Establishment of a National Project Steering Committee to review the framework for ward committees and public participation in municipal governance have been prepared and approved.[12] A range of civil society representatives (including from organised civil society, community-based organizations, academia, and business), may be invited to participate in the National Project Steering Committee.[13] The first meeting is due to take place in November 2017.[14] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, maintained that a legislative review was not enough. She emphasized that broad-ranging awareness needs to be rolled out in communities on the constitution, mandate, responsibilities, and accountability and support mechanisms for ward committees.[15]

There has been substantial progress in strengthening anti-corruption measures and enforcing applicable legislation and policies. Monitoring dismissals for fraud is one of the B2B indicators under the Good Governance Pillar and municipalities are required to submit monthly reports of these figures to COGTA.[16] For the monitoring period October 2014 to June 2016, there were 439 dismissals for fraud across all categories of municipality, with the lowest rates of dismissals recorded in municipalities in the North West, Northern Cape and Free State Provinces.[17] COGTA has also awarded a tender for a service provider to conduct training in municipalities around the anti-corruption and fraud framework.[18] The anti-corruption Chief Directorate in COGTA compiles an annual report covering forensic investigations and municipal cases being investigated by the Directorate for Priority Crimes Investigation (DPCI) and Special Investigations (SIU),[19] however, this report is not publicly accessible and was not made available to the IRM researcher.

The IRM researcher was unable to ascertain through interviews or web-based research whether COGTA had developed a Local Government Code of Good Government and implemented it across 278 municipalities.

There has been no progress regarding interventions aimed at improving the culture of revenue collection in municipalities. COGTA was unable to conduct a national campaign on improving the culture of payment in municipalities. The quotation they obtained from the Government Communication and Information System (GCIS) to conduct the work was unaffordable for the department.[20] Nevertheless, monitoring reports submitted for purposes of

the B2B indicators showed an average increase in collection of municipal rates over the monitoring period October 2014 to June 2016.[21]

Early Results (if any)

The early results of the OGP component of the B2B programme are mixed. A report tracking the implementation of the Back to Basics (B2B) Programme over the first 21 months found that there was an increase in the number of ward meetings taking place, ward councillor report back meetings, and the existence of complaints mechanisms.

There is also reported progress in implementing mechanisms to improve civic participation. But the two most telling indicators of success—number of service delivery protests and increase in unqualified audit outcomes—do not show any significant improvement. The functionality and effectiveness of these systems are questionable in light of an increase in service delivery protests over the monitoring period.[22]

The general trend in the overall improvement in the audit outcomes of local government between 2010/11 and 2014/15[23] was not sustained in the 2016/2017 financial year. The Auditor-General reported that the rate of improvement was 'very marginal and limited' (15 percent improving, 13 percent regressing and 67 percent remaining unchanged).[24,25]

On the basis of work conducted in municipalities in the Northern Cape and Western Province, Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit at the University of the Western Cape, said that the B2B programme was not achieving the improved civic participation through ward committees. There are still many problems with their functioning and effectiveness, such as the relationship between the councillor and members of the ward committee. There is also a lack of community awareness on who sits on the committee, knowledge of the committee's mandate, and remuneration of ward committee members. There are also issues with accountability mechanisms.[26]

Next Steps

Stakeholders interviewed observed that although potentially transformative, the commitment was both wieldy and unambitious, having simply been drawn from the existing Department of Cooperative Governance and Traditional Affairs (COGTA) Key Performance Areas.[27] There was support for modifying the commitment during the second year of implementation to focus on milestones relating to civic participation, coupled with a monitoring mechanism for the OGP component of the broader Back to Basics (B2B) programme.

One of the factors impeding broader-scale civil society engagement with the B2B programme is that the monitoring indicators COGTA compiles for the programme are not generally accessible to the public.[28] A further impeding factor is that while the national COGTA was recognized for the commitment it has put into the OGP, the representatives of cooperative governance affairs at a provincial level are not always known.[29]

The IRM researcher recommends that the commitment be scaled back to focus on the fledgling regulatory reform process under way for ward committees. This project has already gained some momentum and has the potential to transform civil engagement in local government. It is advisable for the National Project Steering Committee constituted by COGTA to include representation of civil society actors who have been engaged in advocacy and grassroots struggles in the local government space. This future commitment can additionally draw upon the work being conducted on the interactive social media platform, GovChat.[30]

[1] See s 156(1)(b) of the Constitution of the Republic of South Africa, 1996, read together with the functional areas listed in schedules 4A and 4B. Chapter 7 of the Constitution municipalities are established as Metropolitan (Category A), Local (Category B) and District Municipalities.
[2] Crispen Olver *State capture at a local level: A case study of Nelson Mandela Bay* (Public Affairs Research Institute, November 2016).
[3] Department of Cooperative Governance *Discussion Document: Serving People Better – Addressing the challenges in local government through a Back-to-Basics approach* (16 September 2014) 5–6.
[4] Municipal IQ "2016 Figure: Service delivery protests suggest election year lull" (1 February 2017).
[5] Department of Cooperative Governance *Discussion Document: Serving People Better – Addressing the challenges in local government through a Back-to-Basics approach* (16 September 2014) 5–6.
[6] Department of Cooperative Governance *Discussion Document: Serving People Better – Addressing the challenges in local government through a Back-to-Basics approach* (16 September 2014) 10.
[7] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 9 – 12 (for the executive summary).
[8] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 40 – 54.
[9] Department of Cooperative Governance *Discussion Document: Serving People Better – Addressing the challenges in local government through a Back-to-Basics approach* (16 September 2014) 8.
[10] A copy of the qualitative national citizen survey (Department of Cooperative Governance *Qualitative National Citizen Survey* (March 2016)) is on file with the IRM researcher.
[11] Edwin Molabele, Senior Manager: Institutionalization of Community Engagement, Department of Cooperative Governance, "Progress on commitment 3: Back to Basics Programme", communication with Mr Thokozani Thusi, 2 August 2017. A copy of the report (Chris Tapscott & Greg Ruiters "Matching citizens' expectations of service delivery with local government capacity to deliver" (April 2016) is on file with the IRM researcher.
[12] Edwin Molabele, Senior Manager: Institutionalization of Community Engagement, Department of Cooperative Governance, "Progress on commitment 3: Back to Basics Programme", communication with Mr Thokozani Thusi, 2 August 2017; Nontando Ngamlama, Executive Direcotr, Afesis Corplan, interview with IRM researcher, 18 September 2017. A copy of the Draft Terms of Reference is on file with the IRM researcher.
[13] Department of Cooperative Governance, "Draft Terms of Reference for the Establishment of a National Project Steering Committee to Review Legislative Framework on Ward Committees and Community Participation" (undated) 3.
[14] Edwin Molebale, Senior Manager: Institutionalization of Community Engagement, Department of Cooperative Governance, email communication with IRM researcher, 28 September 2017.
[15] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 29 September 2017.
[16] Ms Gigi Gosnell, Chief Director, Office of the Director-General, Department of Cooperative Governance and Traditional Affairs, interview with IRM researcher, 20 September 2017.
[17] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 113, 117.
[18] Ms Gigi Gosnell, Chief Director, Office of the Director-General, Department of Cooperative Governance and Traditional Affairs, interview with IRM researcher, 20 September 2017.
[19] Department of Cooperative Governance *Annual Report 2015/2016* (2016) 12.
[20] Ms Gigi Gosnell, Chief Director, Office of the Director-General, Department of Cooperative Governance and Traditional Affairs, email communication with IRM researcher, 28 September 2017.
[21] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 123.
[22] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 56–57.
[23] Department of Cooperative Governance *B2B Monitoring: Bi-Annual Report The first 21 Months* (31 March 2017) 119.
[24] Auditor-General, South Africa *Consolidated General Report on the Local Government Audit Outcomes MFMA 2015 – 16* (June 2017) 10.
[25] Auditor-General, South Africa *Consolidated General Report on the Local Government Audit Outcomes MFMA 2015 – 16* (June 2017) 10.
[26] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 29 September 2017.
[27] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 29 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017.
[28] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 29 September 2017.
[29] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 29 September 2017.
[30] http://govchat.org.za/

4. Integrated Environmental Management Information Portal

Commitment Text:
Development of a portal that will provide public access to information on sensitive environments.

The portal will integrate spatial data on biodiversity, ecosystems, water, agriculture, protected areas, conservation areas, air quality priority areas, important bird areas, and other environmental data to identify and map environmentally sensitive areas at a national level. Users of the portal will be able to view and interrogate the data in map format.

Phase 1 of the project, to be completed at the end of March 2015, will enable users to access a range of environmental spatial datasets through one portal instead of several portals. Access to data will be easier than before. Users will be able to identify environmental sensitive areas, identify areas of high environmental potential, and obtain information describing these areas in more detail.

Phase 2 of the project, to be completed in the 2015/2016 financial year, will allow users to generate environmental sensitivity reports for any area in South Africa…. Phase 2 will also integrate the portal with the Coordinated and Integrated Permitting System (which deals inter alia with Environmental Authorisations under the Environmental Impact Regulations).

Phase 3, to commence in 2016/2017, will further expand the portal to include marine and coastal datasets which are currently not available.

***Milestones**: Open the portal for public access; Allow users, including public, to create environmental screening reports in accordance with the 2014 EIA Regulations; Integrate the portal with the Integrated Permitting System; Add marine and coastal datasets to the portal and make available for access to the public.*

Responsible institution: Department of Environmental Affairs

Supporting institutions: State Information Technology Agency, Mintech Working Group 7

Start date: April 2015 ....

End date: March 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Overall				▯	▯			▯			▯		No			▯	
4.1. Open the portal for public access				▯	▯			▯			▯		No			▯	

4.2. Allows users including the public to create screening reports														No			
4.3. Integrate portal with the Integrated Permitting System														No			
4.4. Add marine and coastal datasets to the portal and make publicly accessible.														No			

Context and Objectives

Environmental governance and regulation is a shared national and provincial constitutional competence, while local authorities also have constitutional mandates related to the environment.[1] Environmental regulation is itself multi-faceted with separate regulatory systems for environmental impact assessment, air quality, waste, water, mining, coastal areas, and protected areas, among others.[2] There are thus environmental datasets within and across different government departments, creating a need for an integrated portal providing aggregated environmental information across sectors.

Commitment 4 addresses this problem through continuing the development of an integrated and publicly accessible portal of environmental management information. This commitment is a continuation of one contained in both the first and second OGP National Action Plans focused on establishing the Integrated Environmental Management Information Portal.[3] At the time of the formulation of the commitment in 2015, an Environmental Management Geographical Information Systems webpage was already in existence.[4] As reported in the second IRM progress report, this portal is live and allows access to disaggregated datasets on protected areas, land cover, the oceans and coast, renewable energy projects, and environmental management frameworks. However, the portal as assessed at the end of the second national action plan remained an online repository of disaggregated environmental information.

Activities for this commitment include further development of systemic features of the existing portal, such as opening the portal for public access and allowing users to create screening reports. They also incorporate enhancing portal information by adding marine and coastal datasets, as well as integrating the portal with a pre-existing portal on commercial developments. The activities range between medium and high specificity, because while the commitment language describes activities that are objectively verifiable, not all the deliverables are clear, such as the details of screening reports. The commitment is relevant to the OGP values of access to information and technology and innovation for openness and accountability, as it involves both the development of a system for the public disclosure of data as well as the disclosure of open data, and the technological requirements that underpin this.

Once operational the updated portal will provide a national level mapping of environmentally sensitive areas and allow users to view and interrogate the data in map format. It will also allow for civil society users to add their datasets, but will be accompanied by an obligation to keep the information regularly updated.[5]

The potential impact of this commitment is moderate due to the integration of disparate datasets on environmental information (some of which are already openly accessible) and the provision of comprehensive and timely information on the environmental sensitivity of particular areas. It also has potential to reduce interpretive disparity in the regulatory requirements required for developments in particular areas that arise from a decentralized system of environmental permitting. However, by failing to provide for the integration of broader public-private systems of environmental sensitivity mapping the commitment remains limited in scale and scope.

Completion

This commitment is substantially completed. So far, some of the information on the existing portal is now available to download in a GIS format. Some datasets are up to date, for example, the Protected and Conservation Areas Database includes a data release for the first quarter of 2017.

Although substantial progress has been made on almost all milestones of this commitment, completion has been delayed. As Ms Marlanie Moodley, EGIM Director of the Department of Environmental Affairs (DEA) explained, substantial progress in implementing the first two phases of the Integrated Environmental Management Information Portal (integration of governmental datasets and user screening reports) has been made but the system has not yet gone live due to outstanding technical issues.[6] Marine and coastal datasets (192 in number) have not yet been pulled into the Integrated Environmental Management Information Portal, but the Ocean and Coasts Department within the DEA is on board to use the portal and a project team with the DEA is working on this task.[7] A date for opening the updated, integrated portal to public access (allowing for integrated searching from a single GIS interface) has not yet been set. It is anticipated that this will take place by mid-January 2018, which means the commitment is on track for completion by the second year of implementation.[8]

Another issue influencing the timeline has been the failure to secure the Department of Mineral Resources' (DMR) buy-in to the use of the Integrated Environmental Management Information Portal. This potentially undermines the objectives of the new system. As the competent authority for environmental applications related to mining is the Department of Mineral Resources (DMR), the DEA cannot obligate the DMR to specify the use of screening reports from this portal. Ms Marlanie Moodley, EGIM Director in the DEA, said that the DMR uses a different information system and has yet to be convinced of the benefits of the new initiative.[9]

The integration between the Integrated Environmental Management Information Portal and the Integrated Permitting System is proving to be more difficult than anticipated and is proceeding slowly. Despite the setbacks, the expectation is that this phase of the project will also be completed by the second year of OGP implementation.[10]

Early Results (if any)

The updated Integrated Environmental Management Information Portal and new features are still under development and have not yet gone live. When asked about the new system an environmental assessment practitioner and an environmental civil society organisation had no awareness of its existence.[11]

Failure to secure the Department of Mineral Resources (DMR) use and support of the new portal does not augur well for the transformative impact of the commitment, as the DMR's authorization of mining in sensitive areas has been highly contentious and the subject of a number of court review applications.[12]

Next Steps

The commitment should be implemented in the remaining period of the action plan. As this commitment has already been carried over twice and is nearing completion it is not recommended that it should be taken forward in the next action plan.

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[1] Schedule 4A and 4B, Constitution of the Republic of South Africa.
[2] See also National Water Act, 1996; the National Protected Areas Act, 2003; the Air Quality Act, 2004; the National Waste Act, 2008; the Integrated Coastal Management Act, 2014; and the Spatial Planning and Land Use Management Act, 2015.
[3] Independent Reporting Mechanism (IRM) *South Africa Progress Report 2013 – 2014* (Open Government Partnership) 35.
[4] "Welcome to Environmental GIS", Department of Environmental Affairs, https://egis.environment.gov.za
[5] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[6] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[7] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[8] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[9] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[10] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, interview with IRM researcher, 22 September 2017.
[11] Reece Alberts, Centre for Environmental Management, North-West University, email communication with IRM researcher, 28 August 2017; Melissa Fourie, Executive Director, Centre for Environmental Rights, Whatsapp communication with IRM researcher, 25 August 2017.
[12] "Mabola Protected Environment", Centre for Environmental Rights, https://cer.org.za/programmes/mining/litigation/mabola-protected-environment)

5. Institutionalisation of Community Advice Offices

Commitment Text:
Institutionalisation of Community Advice Offices as part of the wider justice network, making the advice offices a permanent feature at grassroots level in communities as a means to advance access to justice at the coalface and frontline of community engagement.

NADCAO (National Alliance for Development of Community Advice Offices) seeks to strengthen the advice office sector by ensuring that the sector has the skills to lead advocacy and communications initiatives critical for long-term sector sustainability. Skills and knowledge in networking and engaging civic groupings and government are critical for shaping policy and debates on the value and impact of the work of community advice offices. This is essential for the sector to be recognised (through a regulatory framework and/or legislation and has access to the funding from the fiscus).

***Milestones:** (1) Training community-based paralegals on leadership, governance, and accountability. This will be implemented four times a year and will be aligned to ACAOSA council meetings. The intention is to ensure that community based paralegals interact with their provincial structures organised under ACAOSA and are kept abreast of the activities of ACAOSA in order to understand the internal leadership environment of the sector. During such training, a plan and implementation plan of programmes will be crafted and a monitoring and evaluation plan agreed to.*

(2) Sector training in fundraising, communications, and advocacy. Through training and capacity building, the idea is to produce high impact advocacy and communications raising the profile of the sector, its work and value addition and the importance of access to justice in line with goal 16 of the Agenda 2030 SDGs.

(3) Sector training in engaging and networking with other civic groupings and government. Engaging the DoJ & CD on a regulatory framework for the advice office sector—the output will be better understanding and appreciation of the sector by government and commitment to regulation of the sector, which will lead to adequate investment in the long-term sustainability of the sector. A long-term result will be a clear regulatory and funding framework and legislation that will eventually a piece of law on regulation of community-based paralegals. Coupled with research on sector funding models, viability, and related challenges confronting the sector, this will enable long-term sustainability and advocacy interventions based on empirical evidence from research.

(4) Through the annual Dullah Omar School for paralegals this project will aim to build a cohort of individuals with a firm grasp of the needs of marginalised local communities and the key role of CBPs in driving access to justice for these marginalised communities. The output from this activity will be 100 paralegals per year—over three years—that are well-versed in the Agenda 2030 indicators on access to justice. This will result in better quality services to marginalised, poor, and working-class communities.

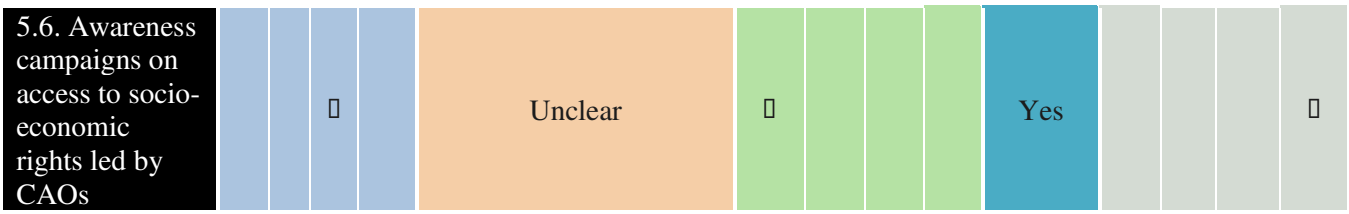
Responsible institution: National Alliance for Development of Community Advice Offices (NADCAO)

Supporting institutions: Association of Community-based Advice Offices of South Africa

Start date: January 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Overall			▯		Unclear					▯			Yes			▯	
5.1. Training community-based paralegals on leadership, governance and accountability			▯		Unclear					▯			Yes				▯
5.2. Sector training in fundraising, communications and advocacy			▯		Unclear					▯			Yes				▯
5.3. Sector training in engaging and networking with other civic groupings and government			▯		Unclear					▯			Yes				▯
5.4. Build a cohort of individuals (100 paralegals per year over 3 years) with a firm grasp of marginalized local communities through the Dullah Omar School for Paralegals				▯	Unclear					▯			Yes				▯
5.5. Engage international actors such as the OGP, United Nations, think tanks and other networks		▯			Unclear					▯			No		▯		



Context and Objectives

There are more than 300 Community Advice Offices (CAOs) in South Africa offering free basic legal and human rights information to people who have been marginalised as a result of poverty, social circumstances, and geographical location.[1] These offices are small, community-based non-profit organisations that provide a range of paralegal services. Training for paralegals has been offered for some time, for example, the South African Law School has offered paralegal courses since it was established in 1996[2] and there are a number of other training providers. CAOs promote access to justice at grassroots level and an interface between communities and sites of government service delivery.[3] The sector is unregulated and does not receive public funding. This has been a long-standing bone of contention between civil society organisations and various government departments, including the Department of Justice and Constitutional Development, the Department of Labour, and the Department of Social Development.[4] A management committee comprised of community members oversees the CAOs' work and appoints a Co-ordinator which, in most instances, is a paralegal.[5] However, the paralegal profession is not yet integrated into the broader justice system.

Commitment 5 is led by the National Alliance for Development of Community Advice Offices (NADCAO) and supported by the Association of Community Advice Offices of South Africa (ACAOSA) and marks the first time a civil society-led commitment was incorporated into a National Action Plan in the history of the OGP in South Africa.[6]
The main objective of the commitment is to contribute to the long-term development and sustainability of the CAOs. Community advocacy, fundraising, and awareness campaigns aim to strengthen leadership and public understanding about the important role of CAOs in the public sector. The commitment is of unclear relevance to any of the OGP values. At best, it could be related to the value of civic participation, in that its focus is on institutionalising arrangements that already provide largely free, easy to access and faster mechanisms for access to justice. However, even though CAOs provide rights-based education programmes, the commitment appears to be more squarely focused on service delivery and not participation in open government.

The proposed activities on various types of skills training are objectively verifiable, however, the commitment does not specify how engagement with international partners will take place or how awareness-raising campaigns will be conducted.

The potential impact of this commitment is minor. Coordinating leadership and skills training for leaders and members of CAOs and awareness campaigns on socio-economic rights are positive steps towards institutionalizing the CAO sector. Fortifying the core paralegal, lobbying, advocacy, fundraising and organizational skills could solidify the position of the sector over time. Nevertheless, focusing on skills development alone cannot help to institutionalize CAOs, without addressing the critical gaps of the lack of a proper regulatory framework and public funding.

Completion

The commitment is substantially complete. A variety of training initiatives have taken place. In 2016 the Dullah Omar School enrolled 105 paralegals for the 2017 cohort.[7] A training programme for the provincial leaders of the National Alliance for Development of Community Advice Offices (NADCAO) on 'Social Justice Coalition and Promotion of

Access to Information Act, 2000' was delivered in all nine provinces.[8] A two-day 'Governance Conversation' for the NADCAO Council (representing provinces) was convened in December 2016 and facilitated by the Legal Resources Centre.[9] Training CAOs on resource mobilisation and funding also took place, with each province sending two delegates.[10]

Additional training programmes provided by accredited and non-accredited service providers have been recognized or are in the pipeline. For example, since December 2016 NADCAO has been in discussion with the Law Clinic of North-West University for the development of a Governance Project that will benefit a minimum of 450 CAO staff and their respective boards and committees. A Bachelor in Paralegal Studies has also been developed at the Cape University of Technology.[11] Together with the Association of Community Advice Offices of South Africa (ACAOSA), NADCAO held its 'Collective Capacity Workshop' on 11 November 2016 in order to develop a more coordinated approach to training for the sustainability of the sector.[12]

Engagement with international actors has been limited. Following engagement with the Department of Justice (DoJ), NADCAO facilitated a learning trip to Scotland from 14 – 16 September 2016 to learn about the Parliamentary approved funding model. This model enables the Scottish Legal Aid Board to function as a funding conduit for civil society organizations working on access to justice.[13] With the cooperation of the Department of Public Service and Administration, NADCAO submitted a funding concept note to the European Union Multiannual Indicative Programme (EU MIP) for funding NADCAO and the CAO sector.[14]

Awareness campaigns on socio-economic rights awareness were completed on time. Following a national planning session with the provincial CAO council, NADCAO hosted seven workshops or 'express breakfasts'. These workshops included actors from government, the CAO sector, donors, and civil society. Topics ranged from violence against women, to the contribution the OGP can make to addressing the LGBTI and queer community, to promoting access to justice for persons with disabilities.[15]

Stakeholders identified three major challenges that have constrained the implementation of this work: There is a lack of data on the work of CAOs, which limits the policy influence the sector can have; there is also a lack of public funding for the CAO sector and the implementation of the activities proposed in this commitment; furthermore, the Department of Justice has not managed to successfully partner with NADCAO in advancing the institutionalisation of CAOs.[16]

Early Results (if any)

Early results of the activities can be assessed in the context of both the immediate training goals specified as well as the longer-term goals of institutionalising the sector.

There are a variety of outstanding issues relating to the training needs of the Community Advice Office (CAO) sector. Participants at the 'Collective Capacity' meeting convened by the National Alliance for Development of Community Advice Offices (NADCAO) raised a variety of outstanding training issues. They mentioned the tension between CAOs as centres for paralegal services and broader social justice services (e.g. additional training in activism and not simply on how to access legal services) which impacts on defining the training needs for the sector as well as the need to 'train the trainers'. There were several other training issues highlighted, such as connection between trainings, accreditation, and the incorporation of community and indigenous justice.[17]

Stakeholders were generally of the opinion that while the CAO sector was a critical point of entry for the poor regarding access to justice and government service delivery, it remained precarious. They felt that little had changed in government practice to address the impasse surrounding the sector's institutionalisation.[18] The Association of Community Advice Offices of South Africa (ACAOSA) prepared a Community Advice Office Draft Bill, which provides for a publicly funded National Community Advice Offices Council[19] where CAOs would be funded by both public and donor monies.[20] ACAOSA submitted the Draft Bill to the Department of Justice, but to date this Bill has not been introduced in Parliament. Other than the funding concept note submitted to the European Union Multiannual Indicative Programme, there has been no further collaboration between government and civil society to secure public or donor money for the CAO sector.

Next Steps

Among the stakeholders interviewed there was support for keeping a commitment relating to the institutionalisation of Community Advice Offices (CAOs) in the action plan, although this was not unanimous. For example, Deborah Byrne, Country Engagement Developer of Making All Voices Count, opined that the long-standing tension between the institutionalisation of the sector and its funding needed to be resolved with urgency and could not carry on indefinitely. However, she noted that it was unlikely to be resolved by the OGP.[21] The view was nevertheless unanimous that Commitment 5 required a government partner or cohort of partners, inclusive of the Department of Justice and Constitutional Development, even if led by a civil society organisation.[22] Stakeholders suggested for the remaining time of the current action plan, it should proceed with focusing on the critical pillars of legislative reform[23] and funding.[24]

The IRM researcher would recommend the implementation of Commitment 5 to focus squarely on engagements that advance the legislative formalisation of the sector and funding. It is recommended that the Department of Public Service and Administration (DPSA) urgently convene a steering committee with representation of the Department of Justice and Constitutional Development, the National Alliance for Development of Community Advice Offices (NADCAO) and the Association of Community Advice Offices of South Africa (ACAOSA), with a view to developing an action plan for legislative reform and funding of the CAO sector in compliance with the spirit of Commitment 5.

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[1] NADCAO "Long-term sustainability of community advice offices", undated; Namati Legal Empowerment "NADCAO, Nomboniso and the OGP Action Plan in South Africa – Questions for OGP story", Interview with Ms Nombonisa Maqubela (undated).
[2] "About us", South African Law School, http://lawschool.co.za/about/
[3] Namati Legal Empowerment "NADCAO, Nomboniso and the OGP Action Plan in South Africa – Questions for OGP story", Interview with Ms Nombonisa Maqubela (undated).
[4] Namati Legal Empowerment "NADCAO, Nomboniso and the OGP Action Plan in South Africa – Questions for OGP story", Interview with Ms Nombonisa Maqubela (undated).
[5] Namati Lgeal Empowerment "NADCAO, Nomboniso and the OGP Action Plan in South Africa – Questions for OGP story", Interview with Ms Nombonisa Maqubela (undated).
[6] See section 3.3 on "Civil Society Engagement" for an account of how commitment 5 was included in the national action plan.
[7] NADCAO "OGP – NADCAO's Update Report" (May 2017). The 2017 Dullah Omar School, themed "Empowering Communities for Sustainable Development", will be hosted in October 2017 at the Tshwane University of Technology. The Dullah Omar School focuses on programmatic interventions.
[8] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[9] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[10] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[11] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[12] NADCAO & ACAOSA "Report of NADCAO/ACAOSA Collective Capacity Workshop" (November 2016) 2.
[13] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[14] NADCAO "OGP – NADCAO's Update Report" (May 2017).
[15] NADCAO "OGP – NADCAO's Update Report" (May 2017).

[16] Focus group discussion with Ms Damaris Kiewits, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape and Ms Lungile Kubheka, Strategic Programme Coordinator, NADCAO, convened by the IRM researcher on 7 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017; Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017.
[17] NADCAO & ACAOSA "Report of NADCAO/ACAOSA Collective Capacity Workshop" (November 2016) 8.
[18] Focus group discussion with Ms Damaris Kiewits, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape and Ms Lungile Kubheka, Strategic Programme Coordinator, NADCAO, convened by IRM researcher on 7 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017; Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017.
[19] Section 20, Community Advice Office Draft Bill.
[20] Section 22, Community Advice Office Draft Bill.
[21] Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017
[22] Focus group discussion with Ms Damaris Kiewits, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape and Ms Lungile Kubheka, Strategic Programme Coordinator, NADCAO, convened by IRM researcher on 7 September 2017; Ms Nontando Ngamlama, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017; Ms Deborah Byrne, Country Engagement Developer, Making All Voices Count, interview with IRM researcher, 18 September 2017; Ms Lynette Maart, National Director, Black Sash, interview with IRM researcher, 21 September 2017.
[23] Ms Nontando Ngamlana, Executive Director, Afesis Corplan, interview with IRM researcher, 18 September 2017.
[24] Focus group discussion with Ms Damaris Kiewits, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape and Ms Lungile Kubheka, Strategic Programme Coordinator, NADCAO, convened by IRM researcher on 7 September 2017.

6. Development of Pilot Open Data Portal

Commitment Text:
Visibility and accessibility of data is limited: A number of datasets are available in South Africa but these are typically fragmented across various department sites (or geographic regions), with different standards and methods for accessing the data. This reduces adoption by mainstream analysts and users, as well as limiting potential for inter-regional/sectoral integration of datasets which is particularly valuable.

Low use and impact of available data: Making data available does not necessarily result in data being used or analyzed for the benefit of citizens or public officials that need it, in priority developmental regions or sectors.

Develop a pilot open data portal and consolidate various data sets from across the three spheres of government, enabling citizens and businesses to easily access government data. The pilot period of a year will allow for further refinement of strategies.

***Milestones:** Pilot open data portal established and operational; Execution of specific community events designed to interface and interact with the portal.*

Responsible institution: Department of Public Service and Administration (DPSA)

Supporting institutions: Government Communication and Information Services (GCIS), Innovation Hub, Department of Trade and Industry (DTI), Code4SA, Microsoft, Chillisoft

Start date: September 2015 ....

End date: October 2016

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Overall			▯		▯			▯	▯				Yes				▯
6.1. Pilot open data portal established and operational			▯		▯			▯	▯				Yes				▯
6.2. Execution of specific community events designed to interface and interact with the portal			▯		▯			▯	▯				Yes				▯

Context and Objectives

The open data movement in South Africa is still in its infancy. There has not been clear policy and there is regulatory uncertainty regarding the right to access and use of data produced and held by publicly funded institutions.[1] In 2015, OGP Envoy and Deputy Minister of Public Service and Administration, Minister Ayanda Dlodlo, took initial steps and established a task team to develop an open data presence for the South African government.[2] The team included a range of stakeholders such as government officials, business and civil society players.

This commitment to develop a pilot national open data portal aims to build on this task team's work. However, this task team developed a pilot national open data portal that consolidated 409 datasets from national and provincial government in 2015.[3] The portal is accessible at www.data.gov.za and includes links to data portals developed by civil society partners. The portal, however, was a 'throwaway tool', intended to serve as the basis for a permanent government open data portal.[4] Accordingly, no new government datasets have been added to the site since 2015.[5] Lack of public funding, reticence on the part of some government departments to make datasets available,[6] and the lack of demand for open data have constrained the development of the temporary pilot open data portal.[7] Prior to the period of implementation of the third National Action Plan, the Department of Public Service and Administration (DPSA) together with civil society partners convened two 'hackathons' to interface and interact with the portal.

The commitment is clearly relevant to the value of access to information as it involves the development of a system to facilitate the disclosure of government-held data, and promotes technology and innovation by using open data technology to make more information public. The establishment of the pilot open data portal and the execution of specific community events promoting public interaction with the portal are clear and verifiable although difficult to measure. However, the potential impact of this commitment as compared to the baseline of May 2016 when the plan was launched is none, as the project had already been implemented.

Completion

The commitment was completed prior to the start of the public launch of the action plan in May 2016. Mr Zaid Aboobaker, Chief Director E-enablement in the Office of the Government Chief Information Officer, noted however that OGP had enabled the government to work innovatively with civil society to overcome funding challenges. The OGP initiative enabled the DPSA to partner with civil society organisations to move the project forward faster. Specifically, the DPSA, together with civil society, has been able to secure R2 million in funding for a permanent data portal and additional hackathons.

Early Results (if any)

The pilot national open data portal and hackathons opened government's eyes to new possibilities of collaboration around open data and has successfully served as the basis for the further development of a permanent open data portal.[8] For the permanent data portal the Department of Public Service and Administration (DPSA), is developing specifications and guidelines on the sourcing, quality, and use of government data using 10 datasets.[9] A civil society partner, Code4SA, will develop this permanent portal within the remaining period of implementation of the National Action Plan.

Locally, many metropolitan municipalities (Cape Town, Ekurhuleni, Johannesburg, and eThekwini) are in initial discussions for establishing open data portals and/or hosting hackathons. This is evidence of growing interest in using open government data to solve government problems and foster innovation and entrepreneurship.[10]

Next Steps

Stakeholders expressed support for keeping a technology-based initiative of this nature in the national action plan.[11] The IRM researcher recommends the development of a permanent

national open data portal be included in the next national action plan, with the focus on scaling up learning around processes relating to the sourcing, quality and use of government data.

It merits underlining that while the establishment of the permanent open data portal is proceeding, the commitment refers to a pilot, which was already completed prior to the launch of the plan. The OGP action plan should not include commitments on projects that are already completed by the time the action plan starts.

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[1] Adi Eyal, "Public data in South Africa: Time to claim what's ours" *Daily Maverick* 12 April 2013.
[2] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017. The initial task team included Code4SA, Open Data Durban and the Council for Scientific and Industrial Research.
[3] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017.
[4] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017; Adi Eyal, Director, OpenUp, interview with IRM researcher, 22 September 2017.
[5] See www.data.gov.za.
[6] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017.
[7] Adi Eyal, Director, OpenUp, interview with IRM researcher, 22 September 2017.
[8] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017.
[9] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017; Adi Eyal, Director, OpenUp, interview with IRM researcher, 22 September 2017.
[10] See for example http://web1.capetown.gov.za/web1/opendataportal/default; Stephen Timm "City portals incubate innovation" *Business Day* 7 December 2015).
[11] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017.

7. Roll-out Open Government Awareness Raising Campaign

Commitment Text:
Discharge communication coordination mandate through creating awareness of the initiative by using its products and platforms.

Support with the development of an Open Data Pilot Portal.

1. *GCIS to raise awareness amongst public servants of:*
    a. *Framework and implication to be developed*
2. *GCIS platforms used to create awareness:*

Print: Vukuzenzele; Insight; Government Dialogue; My District Today; Public Sector Manager; SA News; Opinion Piece

- *Joint collaboration with SABC / GCIS to run OGP information series or to include in already scheduled programmes*
- *Joint collaboration between GCIS / MDDA to prepare material for community radio to introduce OGP into communities using variety of languages*

3. *Research into what information citizens really would like made available to them*
    - *GCIS to play a role in working with all government departments to introduce the OGP and what this is. Could also introduce the Citizen Participation Guidelines*
    - *Pre budget (at least 2 months before the budget vote) start running campaigns to encourage citizens to put ideas forward for the budget*
4. *GCIS is providing technical support for the portal*
5. *Use of GCIS platforms: Series in Vukuzenzele; partnership with community radio; SABC interventions; social media campaigns*

Responsible institution: Government Communication and Information System

Supporting institutions: None

Start date: None specified ....

End date: None specified

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Overall		▯				▯				▯			No	▯			
7.1. GCIS to raise awareness		▯				▯				▯			No	▯			

amongst public servants																		
7.2. GCIS platforms used to create awareness (print media)													No					
7.3. Joint collaboration with SABC/GCIS to run OGP information series													No					
7.4. Joint collaboration between GCIS/MDDA to prepare material for community radio													No					
7.5. Research into what information citizens really would like made available to them													No					

Context and Objectives

Unlike the other commitments set out in the National Action Plan, Commitment 7 does not coherently formulate the problem to be addressed, or provide a clear brief description of the commitment, an account of how the commitment is relevant to OGP values, or the milestones to be achieved.

Despite multiple attempts to clarify the intent and specific activities of this commitment, the IRM researcher was not able to obtain any information from the responsible institution, Government Communication and Information Agency (GCIS).[1]

Given this lack of clarity, it is difficult for the IRM researcher to apply the IRM methodology without making material, and potentially misleading, assumptions. All of the activities are of low specificity, requiring significant interpretation about what they are referencing. One activity contains no measurable activity, deliverables, or milestones.

For example, it is unclear whether the 'initiative' referred to in the brief statement of the commitment's objective ('Creating awareness and communicating to the people on the initiative') refers to OGP specifically, or to the broader project of open government. However, assuming the latter, Commitment 7 responds to the OGP value of civic participation as it can be construed to address the broader operating environment that enables participation in civic space, and the OGP in particular.

All of the activities for Commitment 7 are minor in potential impact. The pre-existing position is a lack of awareness of OGP, and increasing awareness of the OGP process among public officials and the broader general public is an incremental and positive step towards facilitating broader civil society engagement in OGP processes.

In the course of interviewing stakeholders for other commitments, it emerged that the development of an open data application 'GovChat' has been associated with commitment 7,[2] although there was also confusion whether this initiative was better associated with commitment 6 or was even incorporated into the national action plan at all.[3] However, in an undated presentation made by Mr Donald Liphoko and Mr Eldrid Jordaan (Chief Executive Officer of GovChat) it is stated that 'GovChat has an Open Government Partnership Initiative' with the GCIS.[4]

Completion

With the exception of one article published in *Vuk'uzenele* on South Africa chairing the OGP,[5] none of the Government Communication and Information System (GCIS) publications listed in the commitment text (*Insight*, *Government Dialogue*, *My District Today*, 'GovComms' [insert to *Public Sector Manager*], and *SA News*) published any piece relating to OGP.

In September 2016, the Government Communication and Information System (GCIS) launched GovChat as a social media platform enabling active engagement between government and local communities.[6] [7] There was some evidence to suggest that the platform was also intended to create awareness around OGP,[8] however the commitment text makes no mention of this initiative.

Early Results (if any)

There is no evidence to suggest that the Government Communications and Information System (GCIS) has undertaken an effective OGP awareness-raising campaign, and therefore there are no early results relating to increased awareness.

Next Steps

There is a need for the South African government to conduct an OGP awareness-raising campaign as part of a broader recommitment to OGP. However, in the opinion of the IRM researcher, it is not desirable or necessary to expressly incorporate such awareness raising as a standalone OGP commitment in the National Action Plan. It is advisable for the government to carry out OGP awareness-raising activities as part of its participation in OGP, rather than including this as an action plan commitment. IRM assesses a country's adherence to OGP guidelines on co-creation and awareness raising in Chapter 3 of the IRM progress report.

In order to clarify the objective, OGP relevance, and milestones of Commitment 7 during the remaining year of implementation of the third National Action Plan, the IRM researcher suggests that the Government Communication and Information Services redraft the commitment, in consultation with civil society. In the event that GovChat is a central focus of this commitment, it is desirable that the objectives, key players, beneficiaries and milestones associated with this initiative are clearly stated and described.

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[1] On 21 August 2017 the IRM researcher contacted the responsible person (Mr Donald Liphoko) in the lead implementing agency, the Government Communication and Information Agency (GCIS) to schedule an interview for purposes of gaining further clarity. The contact details specified in the national action plan directed the IRM researcher to a different individual (Mr/Ms Precian Tshitaudzi), but an automatic reply indicated that this person was out of the office until 20 October 2017. None of the further contact persons specified in the automatic reply (DG Edwina Maloy, Gilbert Letsoalo and Rivaash Buthram) responded to the IRM researcher's request for an interview in a group email sent on 25 August 2017. The IRM researcher followed up with telephone calls on the same day but received no response.

[2] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 7 September 2017.
[3] Mr Eldrid Jordaan, chief executive officer, Govchat, interview with IRM researcher, 13 September 2017.
[4] Eldrid Jordaan & Donald Liphoko "GovChat – a social media platform that enables interactive communication between government officials and communities" (no date), slide 2 https://www.salga.org.za/SALGA%20National%20Communicators%20Forum%20Web/Documents/GovChat%20Presentation.pdf. It is nevertheless still unclear, even from this reference, whether the "initiative" is referring to the OGP as an international programme, or a broader less well-defined notion of open government.
[5] Bathandwa Mbola "SA Chairs Open Government Partnership" *Vuk'uzenele* (November 2015, edn 2) 15.
[6] Government Communication and Information System "GCIS congratulates SALGA for integrating GOVCHAT into its Councilor Induction Programme", 7 September 2016, https://www.gcis.gov.za/newsroom/media-releases/gcis-congratulates-salga-integrating-govchat-its-councilor-induction; Eldrid Jordaan & Donald Liphoko "GovChat – a social media platform that enables interactive communication between government officials and communities" (no date), slide 2; Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 7 September 2017.
[7] According to the chief executive officer of GovChat, Mr Eldrid Jordaan, the South African Local Government Association (SALGA) provided a dataset of 10 000 councillors to GovChat to facilitate communities being able to access their councillors and know what was happening in their ward. An additional feature of the social media platform would enable national government to monitor the conversations and thereby establish trends in service delivery. Mr Jordaan maintained that while the company owning the social media platform sought a technology partner (allegedly offshore), the site was turned off, and is intended to be re-launched in December 2017. Mr Eldrid Jordaan, chief executive officer, Govchat, interview with IRM researcher, 13 September 2017. See also Phillip de Wet "GovChat site for sale – but there are some strings attached" *Mail & Guardian*, 30 March 2017.
[8] Mr Eldrid Jordaan, chief executive officer, Govchat, interview with IRM researcher, 13 September 2017. When questioned on this point Mr Jordaan said that GovChat would popularize the OGP as well; Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 7 September 2017.

8. Implement Action Plan on G20 High Level Principles on Beneficial Ownership

Commitment Text:
Corporate vehicles (including companies, trusts, foundations, partnerships and other types of legal persons and arrangements) play an essential role in the global economy and conduct a wide variety of legitimate commercial and entrepreneurial activities. However, they are also misused by criminals for Illicit purposes, including money laundering, bribery and corruption, insider dealings, tax fraud, terrorist financing and other illegal activities.

Take concrete actions to implement the G20 High Level Principles on Beneficial Ownership Transparency and to meet the Financial Action Task Force (FATF) standards regarding the beneficial ownership of companies and other legal arrangements such as trusts.

The G20 High-Level Principles on Beneficial Ownership Transparency set out concrete measures G20 countries will take to prevent the misuse of and ensure the transparency of legal persons and legal arrangements. The G20 leaders encourage all countries to tackle the risks raised by the opacity of legal persons and legal arrangements.

South Africa commits to take concrete action and to share in writing by means of developing, publishing and reporting regular progress on a Country Implementation Plan regarding the various steps to be taken to implement these principles and improve the effectiveness of their legal, regulatory and institutional frameworks with respect to beneficial ownership transparency.

***Milestones:** Establishment of an Inter-Departmental Committee responsible for developing, implementing and reporting on a Country Implementation/Action Plan. Development of the Country Implementation Plan*

Responsible institution: Department of Public Service and Administration (DPSA)

Supporting institutions: Financial Intelligence Centre, South African Revenue Service, National Treasury, Department of Trade and Industry, Department of Justice and Constitutional Development, National Prosecuting Authority, Companies and Intellectual Property Commission

Start date: November 2015 ....

End date: October 2016

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Overall				▯	▯				▯				Yes				▯

8.1. Establishment of an Interdepart-mental Committee responsible for developing, implementing and reporting on a Country Implementa-tion/Action Plan													Yes					
8.2. Development of the Country Implementa-tion Plan													Yes					

Context and Objectives

In a 2015 report on national arrangements to implement G20 beneficial ownership commitments, Transparency International found that the ability of competent authorities in South Africa to assess beneficial ownership information was severely restricted. It highlighted that there was no definition of beneficial ownership in South African law, and no requirements for legal entities, financial institutions, or Designated Non-Financial Businesses and Professions (DNFBPs) to collect information on the natural persons who ultimately own legal companies.[1]

In an effort to address these issues, the South African Cabinet endorsed the G20 High-Level Principles on Beneficial Ownership Transparency in October 2015.[2] This commitment identifies the establishment of an Interdepartmental Committee, responsible for developing a Country Implementation Plan in line with the beneficial ownership principles. The establishment of the Interdepartmental Committee took place in October 2015 prior to the public launch of the third national action plan.[3] Convened by the Department of Public Service and Administration (DPSA), the Committee meets quarterly and includes representation of 20 key state departments and private sector institutions, including the National Treasury, the Financial Intelligence Centre (FIC), the Department of Trade and Industry (DTI), the Companies and Intellectual Property Commission (CIPC), the Financial Services Board and the Johannesburg Stock Exchange, among others.[4] Apart from private sector regulatory institutions such as the Estate Agency Affairs Board and the Law Society of South Africa, civil society are not represented on this Committee.[5] The minutes of the Interdepartmental Committee are not published online or shared with civil society organizations. Only the South African Cabinet can make information regarding the work of the Committee public.[6]

Although this commitment posits that the ambition of improving the transparency of legal persons and arrangements is relevant to the OGP values of access to information and technology and innovation for openness and accountability, in substance the commitment text and milestones fail to give effect to these values. The initiative is expected to generate adequate, accurate and current information regarding the beneficial ownership of legal persons and legal arrangements, but this information will only be made available to

competent South African authorities. By failing to guarantee open access to information, it excludes an essential aspect of the OGP values. Further, while future laws and regulations will generate new datasets on beneficial ownership that are suited to innovative open data solutions,[7] the commitment text contains no reference to the promotion and use of technologies relating to this data, other than specifying that the commitment is relevant to this OGP value. That said, the publication of progress reports on the development of the *Country Implementation Plan is* relevant for public access to understanding how the work on the beneficial ownership transparency is proceeding and what steps are being taken to implement the principles.

If fully implemented, the potential impact of this commitment would be minor, as the substance of the commitment is essentially procedural. The objective and activities for this commitment reflect a compromise between civil society and government. Several civil society organizations initially campaigned for a commitment squarely centred upon the establishment of a public register on beneficial ownership, and not upon the procedural milestones of establishing an Interdepartmental Committee and a Country Implementation plan.[8] In the opinion of these organizations, the Commitment as formulated was weak because it did not commit to a public register on beneficial ownership, and did not define the appropriate institutional home for such register.[9] Furthermore, the potential impact of the establishment of the Interdepartmental Committee is none as the action was completed prior to the launch of the NAP.

Completion

This commitment was completed. The Interdepartmental Committee has finalised the Country Implementation Plan on time.[10] In what could be regarded as an important milestone for the Plan's implementation, the President signed the FIC Amendment Act, 2017 into law on 26 April 2017.[11] The Amendment Act inserts a definition of 'beneficial owner' into the FIC Act,[12] and contains provisions responding to the FATF recommendations on adequate customer due diligence and record-keeping measures. The Minister of Finance signed various provisions of the FIC Amendment Act into law on 13 June 2017.[13] There was a 30-day public consultation period.[14] The definition of beneficial owner in the FIC Amendment Act has not yet entered into effect. However, with a view to this happening, the documents released for noting and public consultation address beneficial ownership and transparency.[15]

The DPSA is further driving the Plan's implementation by commissioning a national risk assessment of beneficial ownership, in line with Principle 2 of the G20 High-Level Principles, with an envisaged completion date of March 2018.[16] There are no details given on what risks the assessment will evaluate. The lack of funding specifically dedicated to the work of the Interdepartmental Committee potentially delays giving effect to the Implementation Plan. The DPSA must either seek donor funding (e.g. for the national risk assessment), or rely on departmental budgets for specific action items, including holding public consultation.[17]

Despite this progress, a lack of communication and engagement on the work of the Interdepartmental Committee has caused civil society organisations to believe that this commitment is at a 'standstill'.[18] As convener of the Interdepartmental Committee the DPSA has not published any reports regarding the Committee's work and the Country Implementation Plan itself is not publicly available. At a civil society meeting convened by Making All Voices Count (MACV) South Africa in May 2016, the DPSA invited civil society to engage with the Interdepartmental Committee. However, one participant noted that as there had been no structured engagement with civil society on this Commitment to date the invitation to engage did not seem sincere.[19] The expectation in this regard centres on both regular correspondence and inclusion in the meetings on the Country Implementation Plan.[20] Leanne Govindsamy, the head of legal and investigations at Corruption Watch, said that the MAVC workshop was the last civil society engagement on Commitment 8.[21]

The DPSA is of the opinion that it is not required to consult with or engage CSOs on the interdepartmental work being undertaken, because consultation occurs at a departmental level as departments address specific beneficial ownership transparency issues.[22]

Early Results (if any)

The commitment has been useful to the extent that South Africa's commitments under the G20 High-Level Principles on Beneficial Ownership have been dovetailed with FATF compliance in the work of the Interdepartmental Committee. It has also provided civil society organisations with an additional ground of advocacy in their quest to secure a public register of beneficial ownership in South Africa. For example, in its submissions to the Standing Parliamentary Committee on Finance on the Draft FIC Amendment Bill, 2015, Corruption Watch noted that although the Bill needed to respond to FATF recommendations, South Africa had also made binding commitments on beneficial ownership under the OGP.[23] Corruption Watch highlighted in particular that in order for South Africa to deliver on its OGP commitments, it was necessary to address interdepartmental coordination between the DTI and the FIC, as there were gaps in identifying beneficial owners under a CIPC public registry and the information obtained by the FIC from accountable and reporting institutions.[24] Corruption Watch found that the Parliamentary Committee was not aware of South Africa's OGP commitments in this regard.[25] Mr Mongale nevertheless affirmed that the DTI is going to embark on a process to amend the Companies Act, 2008, to address civil society concerns regarding the CIPC registry, which would incorporate civil society engagement.[26]

Next Steps

The commitment is complete. The IRM researcher nevertheless recommends that during the remaining period of implementation of the national action plan there could be greater access to information and civic participation in the work of the Interdepartmental Committee and the Country Implementation Plan. Pending Cabinet approval of the publication of the Country Implementation Plan, the DPSA could publish quarterly progress reports on the Plan's implementation, and provide for public consultation in the national risk assessment of beneficial ownership.

The IRM researcher recommends that the actual establishment and operation of a central public register of beneficial ownership should be taken forward in the next action plan. In that regard, the Interdepartmental Committee can consider the learning achieved by the National Treasury in its implementation of an open data portal on budget information.

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[1] Maira Martini & Maggie Murphy *Just for Show? Reviewing G20 promises on beneficial ownership* (Transparency International, 2015) 10.
[2] "Statement on Cabinet meeting of 21 October 2015", Government Communication and Information System, http://www.gcis.gov.za/newsroom/media-releases/statement-cabinet-meeting-21-october-2015
[3] Cabinet of the Republic of South Africa, "Terms of Reference of the Interdepartmental Committee: Transparency of Beneficial Ownership", section 2 'Mandate'.
[4] Cabinet of the Republic of South Africa, "Terms of Reference of the Interdepartmental Committee: Transparency of Beneficial Ownership", section 4 'Composition' and section 7 'Frequency of Meetings. The other institutions represented on the Committee are: the DPSA; the South African Revenue Service; the South African Police Service; the National Prosecuting Authority; the Department of Justice and Constitutional Development; the Department of Social Development; the Department of International Relations and Cooperation; the State Security Agency; the National Intelligence Coordinating Committee; the South African Reserve Bank; the Financial Services Board; the Johannesburg Stock Exchange; the Estate Agency Affairs Board; the Law Society of South Africa; the National Gambling Board; and the Independent Regulatory Board of Auditors.
[5] Cabinet of the Republic of South Africa, "Terms of Reference of the Interdepartmental Committee: Transparency of Beneficial Ownership", section 4 'Composition'.
[6] Mr Itumeleng Mongale, Ethics and Integrity Management and DPSA Point of Contact for Commitment 8, email communication with IRM researcher, 12 September 2017. Mr Mongale stated that as the Committee reports to Cabinet, only Cabinet can decide to make the workings of the Committee public.
[7] Adi Eyal, Director, OpenUp, interview with IRM researcher, 22 September 2017.

[8] Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017. Mr Chiviru was also a lead campaigner with the One Campaign at the time Commitment 8 was formulated.
[9] Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017.
[10] A copy of the Country Implementation Plan is on file with the IRM researcher.
[11] National Treasury, "Media Statement: Minister signs FIC Amendment Act into operation", 13 June 2017.
[12] The definition reads as follows: '"beneficial owner" in respect of a legal person, means a natural person who, independently or together with another person, directly or indirectly, (a) owns the legal person, or exercises effective control over the person", see s 1 FIC Act.
[13] See National Treasury, "Commencement of Financial Intelligence Centre Amendment Act, 2017", Government Notice 563 *Government Gazette* 40916 of 13 June 2017.
[14] National Treasury, "Media Statement: Minister signs FIC Amendment Act into operation", 13 June 2017. The documents tabled for noting and public consultation are: a *Draft Guidance*, issued by the FIC, to assist accountable institutions to implement the FIC Amendment Act; a National Treasury high-level document *A New Approach to Combat Money Laundering and Terrorist Financing*, providing long-term vision, strategy and overview on implementation of the FIC Amendment Act; a *Roadmap* for supervisors and accountable institutions on the short-term implementation of the FIC Amendment Act; and a Government Notice on the withdrawal of exemptions and amendment or regulations.
[15] See for example, section 8 of National Treasury's *A New Approach to Combat Money Laundering and Terrorist Financing*, 13 June 2017.
[16] Mr Itumeleng Mongale, Director: Ethics and Integrity Management and DPSA Point of Contact for Commitment 8, interview with IRM researcher, 8 September 2017.
[17] Mr Itumeleng Mongale, Director: Ethics and Integrity Management and DPSA Point of Contact for Commitment 8, interview with IRM researcher, 8 September 2017.
[18] Leanne Govindsamy, Head: Legal & Investigations, interview with IRM researcher, 8 September 2017; Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017.
[19] Making All Voices Count, South Africa *Community of Practice Report. Theme #P4 Partnership: Strengthening partnership in fostering OGP commitments* 24 – 26 Macy 2016, 9–10
[20] Leanne Govindsamy, Head: Legal & Investigations, interview with IRM researcher, 8 September 2017.
[21] Leanne Govindsamy, Head: Legal & Investigations, interview with IRM researcher, 8 September 2017.
[22] Mr Itumeleng Mongale, Director: Ethics and Integrity Management and DPSA Point of Contact for Commitment 8, interview with IRM researcher, 8 September 2017.
[23] Corruption Watch, "Supplementary submissions by Corruption Watch: Draft Financial Intelligence Centre Amendment Bill, 2015" (12 February 2016), para 17.
[24] Corruption Watch, "Supplementary submissions by Corruption Watch: Draft Financial Intelligence Centre Amendment Bill, 2015" (12 February 2016), para 18.
[25] Leanne Govindsamy, Head: Legal & Investigations, interview with IRM researcher, 8 September 2017.
[26] Mr Itumeleng Mongale, Director: Ethics and Integrity Management and DPSA Point of Contact for Commitment 8, interview with IRM researcher, 8 September 2017.

V. General Recommendations

The recent transition of OGP leadership has impacted the coordination and implementation of the current action plan among governmental agencies and contributed to a lack of communication about its progress to CSOs. Recommendations to enhance OGP efforts include clarifying the mandate of the OGP coordinator, involving local governmental leaders in a greater capacity, and engaging civil society in a more inclusive way.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

Similar to the IRM process for the second National Action Plan, CSO priorities relating to the current action plan focused on the themes of (1) national coordination of the OGP programme; and (2) meaningful participation and partnership with the whole of civil society. Additional themes arising from the current process of review related to (3) a need for a wider range of government OGP partners; (4) localisation of the OGP; (5) the potential of open data initiatives; and (6) stretch commitments beyond existing governmental programs.

National coordination of the OGP

There was consensus among some government points of contact and broad consensus among CSO representatives interviewed that national coordination of OGP has been problematic.[1] Numerous CSOs voiced frustration at the lack of consultation and information on the OGP programme, particularly surrounding the shift in executive leadership; the establishment of the permanent multi-stakeholder dialogue mechanism; and the compilation of the self-assessment report.[2] Weaknesses in national coordination are evident from the coherence of the action plan itself, and the differences in how the commitments are formulated. There was a sense that national coordination of OGP had reached a crisis point and needed to be urgently resolved.

Meaningful participation and partnership with the whole of civil society

There was also broad consensus among government points of contact and CSO representatives that while government engagement with civil society at the level of national coordination of the programme has been problematic, there were examples of best practice at the level of the individual commitments, such as the manner in which the National Treasury engaged a loose coalition of CSOs committed to open budgeting through a national coordinator.[3] There was broad support for the view that it is not the business of government to define civil society, and that the government should not impede creative processes by which civil society organisations committed to a particular policy area come forward and organise themselves to make a contribution, even if they assumed a critical position.

A number of stakeholders made thoughtful contributions on the characterisation of civil society in a vastly unequal society like South Africa that cut across the prevailing distinction between ‘blue-chip’ and ‘grassroots’ CSOs. Mr Jonathan Timm, Director of Citizen-Based Monitoring in the Department of Planning, Monitoring and Evaluation, for example, pointed out that of the 80,000 CSOs registered with the Department of Social Development in South Africa, at least half were NGOs that delivered social welfare services, and that for purposes of OGP engagement it would be helpful to distinguish such service delivery NGOs from organisations focusing more on research and advocacy.[4] Ms Lynette Maart, on the other hand, points to the difference between generalised CSOs (such as SANGOCO, which represents

organisations engaged in a number of advocacy issues), and CSOs with a more specific advocacy mandate.[5]

Need for a wider range of government OGP Partners

A theme underlying some of the commitments was the need to secure the cooperation of a wider range of government OGP partners. This was most marked in the case of the civil-society-led commitment on the Institutionalisation of Community Advice Offices, where the absence of the Department of Justice and Constitutional Development's participation in the commitment was identified as a significant challenge,[6] but also arose in the case of Commitment 8, where the Ministry of Finance resisted attempts to serve as the OGP point of contact and the Department of Trade and Industry failed to respond to requests for involvement.[7] The need to broaden the network of OGP-committed government departments can also be discerned in Commitment 6, where one of the constraints to the development of a national open data portal is the reticence on the part of government departments to release particular datasets into the public domain.[8]

Localisation of the OGP

One CSO stakeholder was particularly insistent on the need to drive the localisation of OGP in South Africa, given the problems experienced with the national coordination of the programme.[9] This could make commitments more relevant to the subnational level, for example, by extending citizen-based monitoring to the provision of local government services (Commitment 1); ensuring the tender documentation for municipal services is incorporated into procurement open data portals (Commitment 2); formulating commitments that extend and deepen the existing B2B programme (Commitment 3); and incorporating the GovChat programme as part of Commitment 7.

Open data initiatives

Some government points of contact and CSOs interviewed were upbeat about the potential for open data technologies to advance open government. With partners such as OpenUp SA, open data initiatives in South Africa are gaining traction with Commitment 1 (citizen-based monitoring), Commitment 2 (open budgeting), Commitment 4 (integrated environmental management information portal), Commitment 6 (national open data portal), Commitment 7 (GovChat) all incorporating use of open data technologies. Adi Eyal, Director of OpenUp SA, highlighted the importance of the social processes surrounding the establishment of an open data portal (data supply and demand), which must also receive due consideration;[10] while the process surrounding the establishment of the open budgeting data portal foregrounds ways in which civil society could become involved in government-led open data initiatives.

Stretch commitments beyond existing governmental programs

Civil society is keen to collaborate with government on the inclusion of new initiatives that stretch existing activities outlined in departmental Key Performance Areas. Institutional arrangements need to be put in place to avoid a situation where the OGP National Action Plan simply incorporates existing initiatives (for example, Citizen-Based Monitoring under Commitment 1 or open budgeting under Commitment 2), and which have included situations where the activities were completed prior to the public launch of the national action plan (for example, the Pilot Open Data Portal under Commitment 7 or the establishment of an Interdepartmental Committee under Commitment 8).

5.2 IRM Recommendations

The IRM recommendations are aimed at re-invigorating the integrity of the OGP process in South Africa and nudging the government, in collaboration with civil society, to take on more ambitious and transformative commitments.

1. Clarify mandate of National OGP Coordinator

There is a transition in the leadership of the national coordination of the OGP from the Department of Public Service and Administration (DPSA) to the Department of International Relations and Cooperation (DIRCO). The transition is not proceeding smoothly. There is a strong perception among civil society actors that national coordination of the programme is in crisis due to DIRCO's mandate to effect interdepartmental coordination and the loss of institutional memory that has been built within the DPSA.

It is recommended that:

- As the new lead agency for the OGP in South Africa, the Department of International Relations and Cooperation (DIRCO) cooperate with the Department of Public Service and Administration (DPSA) to formally handover the OGP programme and clarify the department's role in managing OGP efforts;
- DIRCO immediately revitalize the process to establish the OGP National Steering Committee;
- The working group for the establishment of the OGP National Steering Committee should present Draft Rules on the establishment of the Committee for discussion and approval among OGP stakeholders;
- DIRCO specifically invite departments that have not yet led an OGP commitment but which have an interest in or role to play in existing commitments, namely the Department of Justice and Constitutional Development (Commitment 5), the Ministry of Finance (Commitment 8), and the Department of Trade and Industry (Commitment 8).

2. Engage civil society in a more inclusive way

While it is laudable for the government to seek to extend the range of civil society actors involved in OGP, it is important not to predetermine who can participate. The government should treat every institution willing to become involved in the development and implementation of the OGP action plan with equal recognition and respect. Successful models already exist in a South African context, such as the collaboration between the National Treasury and a coalition of NGOs interested in open budgeting (Commitment 2).

- DPSA/DIRCO to establish criteria for funding support for civil society organisations to participate in OGP and make any actual funding arrangements transparent;
- DIRCO to consider the use of external monitors/evaluators in OGP engagements to reflect upon even-handed treatment of civil society organisations in a manner that fosters understanding, respect, and participation;
- GCIS to proceed more vigorously in using online and broadcasting platforms to promote awareness of the OGP;
- DIRCO, in collaboration with civil society, could investigate different models of civil society engagement, drawing upon the experience of other African and developing countries and publish a toolkit;
- DIRCO must adhere to prior IRM recommendations on adequate time and opportunity for quality engagement.

3. Enhance Open Budgeting Efforts

South Africa already has a strong record and commitment to open budgeting. However, at a time of some instability within the National Treasury, it is important to consolidate and enhance the progress already achieved. Some specific activities include:

- The government and civil society could consider incorporating the principles of public participation in fiscal policy produced by the Global Initiative for Fiscal Transparency (GIFT).[11] These principles can support the development of participation mechanisms that enhance inclusiveness, accessibility, and openness;
- In order to maximize meaningful engagement, any published budget data should be disaggregated to provide more granular data to the community and at the facility

level. This ensures additional clarity, understanding and opportunity for citizens to provide more specific feedback by having the ability to effectively track budgetary resources;
- Public procurement documentation could be further improved by increasing the quantity, enhancing the quality (e.g. accuracy) and timeliness of the existing information on the web portals.

4. Localise the OGP

Based on the perceived crisis in the national coordination of OGP, coupled with the number of existing commitments that incorporate or could incorporate a local government element (local government citizen-based monitoring, open budgeting for municipalities, improved participation in local government through reforming the ward committee structure under the Back-to-Basics Programme, the GovChat initiative) there is support from some quarters of civil society to localise OGP. This development aligns with broader developments in the OGP movement where a number of city governments have signed on to the initiative.

- DIRCO takes the lead in consulting with the South African Local Government Association (SALGA) on the possibilities of localising OGP and invites SALGA to all OGP engagements;
- SALGA consults among its members about the possibility of running a local OGP pilot
- OGPNSC, once established, considers the policy option of localising OGP and develops criteria for the identification of a local OGP champion(s)
- OGPNSC, once established, expressly considers how existing commitments and recommended next steps can be made more relevant to the subnational level.

5. Promote and expand open data initiatives in high risk areas

To respond substantively to the state context where allegations of state capture are rife, the IRM recommends deepening and expanding open data initiatives in high risk areas such as, public procurement, the extractive industries, and the governance of state-owned enterprises, particularly the State energy facility Eskom.

- DPSA, as lead department on Commitment 7 (Open Data Portal) to consult broadly with civil society on the types of open data that will best respond to the issue of state capture.
- Existing commitments (Commitment 3 – Back-to-Basics Programme [financial accountability mechanisms] and Commitment 8 [Beneficial Ownership]) should be fast-tracked and deepened in terms of bringing legislation into force and establishing public registries.

Table 5.1: Five Key Recommendations

1	Clarify mandate of National OGP Coordinator
2	Engage civil society in a more inclusive way
3	Enhance open budgeting efforts
4	Localise the OGP
5	Promote and expand open data initiatives in high risk areas

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings 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.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM 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 (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[12]

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the 'usual suspects' list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

In addition to a comprehensive desktop review of written sources, the primary sources of data collection for purposes of the third IRM progress report were focus groups and one-on-one interviews, telephone and Skype interviews, and email communication with key stakeholders.

One-on-one interviews and focus groups

The IRM researcher conducted one-on-one interviews with the following government departments and CSOs:

- Black Sash
    - Ms Lynette Maart, face-to-face interview with IRM researcher on 21 September 2017 to discuss Community-Based Monitoring (relating to

Commitment 1), Institutionalisation of Community Advice Offices (Commitment 5), and national coordination of the OGP.

- Department of Cooperative Governance and Traditional Affairs
    - Ms Gigi Gosnell, face-to-face interview with IRM researcher on 20 September 2017 to discuss coordination of Back to Basics Programme (Commitment 3).
- Department of Public Service and Administration
    - Mr Thokozani Thusi (OGP Point of Contact), face-to-face interviews with IRM researcher on 23 June 2017 and 28 August 2017 to discuss national coordination of OGP.
    - Mr Zaid Aboobaker, face-to-face interview with IRM researcher on 11 September 2017 to discuss coordination of the Open Data Portal (Commitment 6).
- Department of Planning, Monitoring and Evaluation
    - Mr Jonathan Timm, face-to-face interview with IRM researcher on 6 September 2017 to discuss coordination of Citizen-Based Monitoring (Commitment 1).
- National Treasury
    - Focus group discussion with Dr Kay Brown, Mr Andisile Best, and Ms Prudence Cele and IRM researcher on 5 September 2017 to discuss coordination of Open Budgeting (Commitment 2).
- National Association for Development of Community Advice Offices (NADCAO)
    - Focus group discussion with Ms Lungile Kubheka, Ms Damaris Kiewiets (by Skype) and IRM researcher on 7 September 2017 to discuss Institutionalization of Community Advice Offices (Commitment 5).
- One Campaign/OGP Regional Government Support
    - Mr Theo Chiviru face-to-face interviews with IRM researcher on 26 June 2017 to discuss national coordination of OGP and 28 August 2017 to discuss Beneficial Ownership (Commitment 8).
- SACONO
    - Ms Tiintswalo Makhubele, face-to-face interview with IRM researcher on 21 July 2017 to discuss national coordination of OGP.

Telephone and Skype interviews

- Afesis Corplan
    - Ms Nontando Ngamlana, Skype interviews with IRM researcher on 22 July 2017 and 18 September 2017 to discuss Citizen-Based Monitoring (Commitment 1), Open Budgeting (Commitment 2), Back to Basics Programme (Commitment 3), Institutionalisation of Community Advice Offices (Commitment 5), and national coordination of OGP.
- Community Engagement Unit, University of the Western Cape
    - Ms Damaris Kiewiets, Skype interview with IRM researcher on 10 July 2017, 7 September 2017, and 29 September 2017 to discuss Back to Basics Programme (Commitment 3), Institutionalisation of Community Advice

Offices (Commitment 5), Open Government Initiative (Commitment 7) and national coordination of OGP.

- Corruption Watch
    - Ms Leanne Govindsamy, telephone interview with IRM researcher on 8 September 2017 to discuss Beneficial Ownership (Commitment 8).
- Democracy Development Program
    - Dr Rama Naidoo, telephone interview with IRM researcher on 19 July 2017 to discuss national coordination of OGP.
- Department of Environmental Affairs
    - Ms Marlanie Moodley, telephone interview with IRM researcher on 22 September 2017 to discuss coordination of Integrated Environmental Management Information Portal (Commitment 4).
- Department of Public Service and Administration
    - Mr Itumeleng Mongale, telephone interview with IRM researcher on 8 September 2017 to discuss coordination of Beneficial Ownership (Commitment 8).
- GovChat
    - Mr Eldrid Jordaan, telephone interview with IRM researcher on 13 September 2017 to discuss coordination of Open Government Initiative (Commitment 7).
- Making All Voices Count
    - Ms Deborah Byrne, Skype interviews with IRM researcher on 18 September 2017 to discuss Citizen-Based Monitoring (Commitment 1), institutionalisation of the Community Advice Offices (Commitment 5), and national coordination of OGP.
- National Association for Development of Community Advice Offices (NADCAO)
    - Ms Lungile Kubheka, telephone interview with IRM researcher on 3 August 2017 to discuss national coordination of OGP.
- OpenUpSA
    - Mr Adi Eyal, telephone interview with IRM researcher on 22 September 2017 to discuss the Open Data Portal (Commitment 6) and national coordination of OGP.
- OGP Regional Civil Society Coordinator
    - Ms Maureen Kariuki, Skype interview with IRM researcher on 21 June 2017 to discuss civil society stakeholders involved with OGP.
- Public Service Accountability Monitor
    - Ms Zukiswa Kota, Skype interview with IRM researcher on 29 September 2017 to discuss civil society involvement in Open Budgeting (Commitment 2).
- South African Human Rights Commission
    - Mr Fola Adeleke, Skype interview with IRM researcher on 29 August 2017 to discuss Beneficial Ownership (Commitment 8).

Email and Whatsapp communication

The IRM researcher obtained additional information on the review of the third National Action Plan from the following government contacts and CSOs using email and Whatsapp:

- Centre for Environmental Rights
    - Melissa Fourie, Whatsapp communication with IRM researcher, 25 August 2017 on the Integrated Environmental Management Portal (Commitment 4).
- Centre for Environmental Management, North-West University
    - Reece Alberts, email communication with IRM researcher, 28 August 2017 on the Integrated Environmental Management Portal (Commitment 4).
- Department of Cooperative Governance
    - Edwin Molabele, email communication with IRM researcher on 28 September 2017 on coordination of Back to Basics Programme (Commitment 3).
- Open Democracy Advice Centre (ODAC)
    - Gabriella Razzano, email communication with IRM researcher on 21 June 2017 on national coordination of OGP.

Additional contacts

In addition to the contacts outlined above, the IRM researcher reached out to the following important stakeholders but was unable to secure an interview or focus group participation:

- Ms Qinsile Delwa (former OGP Point of Contact), regarding national coordination of OGP.
- Mr Mukelani Dimba (former Director, ODAC), regarding national coordination of OGP.
- Mr Dumisani Mthalane (SANCO), regarding national coordination of OGP.
- Mr Lucas Khakazi (SANCO), regarding national coordination of OGP.
- Mr Donald Liphoko (GCIS), regarding coordination of Open Government Initiative (Commitment 7).
- Ms Yul Derek Davids (Human Sciences Resources Council) regarding Institutionalisation of Community Advice Offices (Commitment 5).

About the Independent Reporting Mechanism

The 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 an 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.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt

- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

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

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[1] Kay Brown, Chief Director: Expenditure Planning, National Treasury; Andisile Best, Director: Budget Reform, National Treasury; Prudence Cele, Deputy Director: Budget Reform, National Treasury, focus group discussion with IRM researcher, 5 September 2017;
[2] Ms Lynette Maart, Executive Director of Black Sash, for example, said that the Good Governance Learning Network, of which her organization is a member, had received no feedback on the Draft Rules for the Open Government Partnership National Steering Committee, interview with IRM researcher, 21 September 2017.
[3] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, for example, said that the work undertaken by the Treasury and the coordinator, Ms Kota had been "brilliant" and that "no one had been left behind". Interview with IRM researcher, 7 September 2017.
[4] Interview with IRM researcher, 6 September 2017.
[5] Interview with IRM researcher, 21 September 2017.
[6] Ms Lungile Kubheka, Strategic Programme Coordinator, NADCAO, interview with IRM researcher, 7 September 2017.
[7] Mr Theophilous Chiviru, OGP Africa Government Support and Exchange Officer, interview with IRM researcher, 28 August 2017.
[8] Zaid Aboobaker, Chief Director E-enablement, Office of the Government CIO, interview with IRM researcher, 11 September 2017.
[9] Ms Damaris Kiewiets, Community Liaison Officer of the Community Engagement Unit, University of the Western Cape, interview with IRM researcher, 30 September 2017.
[10] Interview with IRM researcher, 22 September 2017.
[11] http://www.fiscaltransparency.net/giftprinciples/
12 IRM Procedures Manual, V.3 : https://www.opengovpartnership.org/documents/irm-procedures-manual

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for South Africa

Criteria	2011	Current	Change	Explanation
Budget Transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.53)[5]	4 (7.94)[6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	16/16 (100%)	16/16 (100%)	No change	75% of possible points to be eligible

1 For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

2 For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

3 The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

4 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization 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), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

5"Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.

6 "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), http://bit.ly/18kEzCt.