INDEPENDENT REPORTING MECHANISM (IRM):

SOUTH AFRICA
END-OF-TERM REPORT
2013–2015

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First End-of-Term Report

Open
Government
Partnership

INDEPENDENT
REPORTING MECHANISM

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South Africa did not fully complete any of its commitments in the second year of the action plan. The next action plan, which features more novel commitments, represents an opportunity for government to bolster implementation. In that regard, establishing a permanent consultation mechanism with civil society could help accomplish better results.

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 a review of the activities of each OGP participating country.

South Africa has been participating in OGP since September 2011.

The Department of Public Service and Administration (DPSA) has the responsibility for coordination of OGP in the country. Different lead departments and agencies hold responsibility for implementing the various commitments. Policy coordination between the national, provincial, and local spheres of government remains a key challenge in the country.

This report summarizes the results of the period August 2013 to December 2015 and includes some relevant developments up to May 2016.

South Africa launched its third action plan in May 2016. The new action plan contains of mix of commitments carried over from the first and second action plans as well as several new commitments. For information on commitments that were carried forward, see detailed analysis below. In keeping with IRM recommendations, the new plan omits the crowdsourcing conservation tool and school connectivity program. Of the new commitments, several focus on improving access to information, such as by developing an open data portal and making beneficial ownership of legal persons publically available.

TABLE 1: AT A GLANCE

NUMBER OF COMMITMENTS: **7**
NUMBER OF MILESTONES: **0**

LEVEL OF COMPLETION

	MID-TERM	END-OF-TERM
COMPLETED:	0	0
SUBSTANTIAL:	2	3
LIMITED:	4	3
NOT STARTED:	0	0
UNCLEAR	1	1

NUMBER OF COMMITMENTS WITH:

	MID-TERM	END-OF-TERM
CLEAR RELEVANCE TO OGP VALUES:	6	6
TRANSFORMATIVE POTENTIAL IMPACT	0	0
SUBSTANTIAL OR COMPLETE IMPLEMENTATION	2	3
ALL THREE (✪):	0	0

DID IT OPEN GOVERNMENT

	MID-TERM	END-OF-TERM
MAJOR	N/A	0
OUTSTANDING	N/A	0

MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	2

Fola Adeleke, an independent researcher, prepared this report.

CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

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

During the second year of implementation, the government had yet to introduce formal mechanisms to allow civil society organisations to engage in the OGP process. According to Afesis-corplan, a civil society organization (CSO) interviewed, when the second national action plan was developed, CSOs called for the establishment of a joint mechanism to monitor implementation, which the DPSA agreed to but did not implement.[1] Afesis-corplan expressed disappointment that there was no process of aligning the efforts of government with that of CSOs in common areas of practice and there was no assessment of the outcomes of the second action plan with CSOs.[2]

The CSO Open Democracy Advice Centre suggests coordination between DPSA and CSOs in relation to general OGP awareness and planning as well as to facilitate implementation of specific commitments. Recommendations include establishing a permanent dialogue mechanism, establishing a community of government practitioners to implement each OGP commitment with the DPSA as lead agency, and allocating a specific budget to fund OGP commitments.[3] ODAC also noted ongoing challenges by CSOs to monitor implementation of the commitments given the lack of consolidated OGP information on government websites.[4]

Table 2: Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT
During Implementation	Regular forum for consultation during implementation?	No
	Consultations: Open or Invitation-only?	N/A
	Consultations on IAP2 spectrum[5]?	N/A

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[1] Afesis-corplan, Interview by the IRM researcher, 31 May 2016.
[2] Ibid.
[3] ODAC, Interview by the IRM researcher, 25 May 2016.
[4] ODAC, emailed response, 11th November 2016.
[5] IAP2 Spectrum information available here http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf

PROGRESS IN COMMITMENT IMPLEMENTATION

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at http://www.opengovpartnership.org/about/about-irm. One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the "starred commitment" (✪). Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.

2. 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.

3. The commitment would have a "transformative" potential impact if completely implemented.

4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, at the mid term report, South Africa action plan contained no starred commitments. At the end of term, based on the changes in the level of completion, South Africa's action plan contained no starred commitments.

Commitments assessed as star commitments in the mid term report can lose their starred status if at the end of the action plan implementation cycle, their completion falls short of substantial or full completion, which would mean they have an overall limited completion at the end of term, per commitment language.

Finally, the graphs 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, see the OGP Explorer at www.opengovpartnership.org/explorer.

ABOUT "DID IT OPEN GOVERNMENT?"

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable 'did it open government?' in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment's implementation. This can be contrasted to the IRM's "Starred commitments" which describe potential impact.

IRM Researchers assess the "Did it open government?" with regard to each of the OGP values that this commitment is relevant to. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

• Worsened: worsens government openness as a result of the measures taken by commitment.

• Did not change: did not change status quo of government practice.

• Marginal: some change, but minor in terms of its impact over level of openness.

• Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale

• Outstanding: a reform that has transformed 'business as usual' in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as *implemented* for changes in government openness.

Readers should keep in mind limitations. IRM End-of-Term Reports are prepared only a few months after the implementation cycle is completed. The variable focus on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End-of-term reports assess an additional metric, "Did it open government?' The tables below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the did it open government variable. For further details on completed commitments at mid-term please see South Africa IRM mid-term progress report.

By the time of the progress report, three of South Africa's commitments were behind schedule, three were on schedule and one was unclear. South Africa's action plan included two major themes: improving service delivery and access to environmental information. Five of the commitments focused on access to information, four on civic participation and accountability and two focused on technology and innovation for transparency and accountability.

Table 3: Overview: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion (Mid-term / End-of-term)				Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
1. Accountability/ Consequences Management Framework			X				X				X			X				X			
(end-of-term)															X						
2. Service Delivery Improvement Forums		X			X	X	X				X			X				X			
(end-of-term)														X							
3. Mainstream Citizen Participation		X			X	X	X			X				X				X			
(end-of-term)														X							
4. Environmental Management Information Portal			X		X			X			X				X					X	
(end-of-term)															X						
5. Anti-corruption and integrity dissemination strategy		X			X	X		X		X				X						X	
(end-of-term)														X							
6. School Connectivity		X			Unclear						X		Unclear					X			
7. Service Rights and Responsibilities Campaign		X			X	X	X			X					X			X			
(end-of-term)															X						

1 | ACCOUNTABILITY/CONSEQUENCES MANAGEMENT FRAMEWORK

Commitment Text:

Overview

Develop and implement an Accountability/ Consequences Management Framework for public servants.

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

Responsible institution: Department of Public Service and Administration

Supporting institution(s): Directorate: Ethics and Integrity Management

Start Date: August 2013 · End Date: Not stated

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
MID-TERM			X				X				X			X				X			
END-OF-TERM															X						

COMMITMENT AIM

This commitment aims to promote accountability and professional integrity in the public service through the development, adoption and implementation of an integrity framework.[1] The policy problem this commitment aims to address is public servants' lack of compliance with laws and regulations dealing with conflicts of interests, receiving gifts, moonlighting, disclosing financial interests and bidding for state contracts.[2] This commitment addresses an important issue; the Public Protector is currently investigating several allegations of corruption by public service officials. The Public Protector is an institution established by the Constitution to investigate and redress improper and prejudicial conduct, maladministration and abuse of power in state affairs.[3]

STATUS

Mid-term: Limited

The Cabinet (executive branch of government) approved the Accountability/Consequences Management Framework in 2013. The framework's purpose is to "strengthen measures for managing unethical conduct and to promote integrity in the public service."[4] However, IRM midterm research could not substantiate a demonstrable record of implementation of the framework. Implementation of the policy, including holding government employees accountable for misconduct, remained a key hindrance in the public service.[5] Please see the 2013-2014 IRM Progress Report for more information.

End-of-term: Substantial

In the second year of implementation of the commitment, the Department of Public Service and Administration (DPSA) took several steps towards implementation of the Framework. This framework aims to concretise the Batho Pele principles, which include consultation, public access, access to information by the public, openness and transparency in government and opportunities for the public to seek redress.[6] The implementation of the framework has exclusively focused on promoting ethics in the civil service through training and revised laws. A leading effort toward the goal of public accountability is the training of ethics officers across various government departments. However, these initiatives do not address public participation and transparency, which are central pillars of the Batho Pele principles. The government took the following steps during the reporting period:

- DPSA conducted workshops at the national and provincial level for ethics officers as well as conducting targeted interventions with a number of government departments, including the South African Police Services (SAPS) and the Office of the Chief Justice.[7] Two provincial workshops covered six provinces. DPSA held training sessions for six national departments in the 2014-2015 period and four sessions in the 2015-2016 period. The government provided evidence of completion that included attendance registers and copies of presentations made at the various workshops.[8]

- The government stated in its progress report that it published three guides[9] on its website. However, the IRM researcher could not find any evidence of these guides on the DPSA website.

- DPSA worked with the National School of Government in the development of ethics training and management materials, which led to the adoption of ethics courses in the school. The National School of Government offered these courses beginning in September 2015, and DPSA provided email correspondence and documents to the IRM researcher that showed DPSA assisted with this development.[10]

- The government introduced new laws and amendments to formalize the implementation of the framework. These include the Public Administration Management Act, which is not yet in force, and an amendment to the Public Service Regulations (PSR), which cover various ethical issues for public sector employees.[11] The Regulations are gazetted and came into effect on 1 August 2016.[12] When the Regulations were in draft form, the CSO Public Service Accountability Monitor indicated that they did not provide "meaningful provisions that embed an accountability/consequences management framework (as envisaged by our NAP) beyond what appears in the 2001 public service regulations currently in force."[13] However, the final regulations differ from the 2001 public service regulations in certain areas. For instance, section 22 of the 2016 regulations deal extensively with anti-corruption management. Section 22 requires the head of a department to develop a strategy that prevents corruption and develop a system for reporting corruption, monitoring allegation the management of the allegations, maintaining records of allegation outcomes and referring allegations to relevant law enforcement agencies.

DID IT OPEN GOVERNMENT?
Public accountability: Did not change

Once fully implemented, the commitment is expected to enhance accountability and promote higher standards of professional integrity throughout the public service as well as transparency pertaining to conflicts of interests. The development of the ethic courses, as well as targeted workshops with government departments, is a step in the right direction toward improving public accountability. In addition, the training of ethics officers across government on framework implementation shows a commitment toward completed implementation of the framework.

However, the Public Service Regulations, which are meant to formalize the implementation of the framework, only came into force in August 2016, after the time period for the implementation of this commitment had ended. Therefore, the implementation of this commitment has not been fully mainstreamed within government and it is early to assess if the regulations opened 'business as usual' in the government. The regulations are binding on all government officials at all levels of government and should improve the opportunities to hold officials answerable to their actions.

Because the implementation of this commitment is in its early stages, it is difficult to assess whether the government initiatives towards implementation have improved accountability. However, the Corruption Perceptions Index conducted by Transparency International gave South Africa a score of 44 in 2015, which was unchanged from the score in 2014.[14] Corruption Watch, a non-profit organization working to fight corruption in the country, reported in its 2015 Annual Report, that they received a total 2,382 complaints in 2015 and 71 percent of those complaints were classified as corruption complaints.[15] "Abuse of power" was the highest type of corruption reported.[16] Despite this, the Public Protector reported in its 2014-2015 Annual Report that it received a total of 15,618 cases,[17] a dramatic reduction from 2013-2014 which saw 26,195 cases.[18]

According to the Public Service Accountability Monitor (PSAM), a research and advocacy centre of Rhodes University, there are improvements to the new PSR regulations including a reporting framework for corrupt practices.[19] However, PSAM, citing the report of the Auditor-General of South Africa, noted that the existence of good legislation does not solve the accountability crisis because non-compliance with these laws has become a concerning trend. PSAM believes that accountability challenges in the public service are deficient because senior management is not held accountable by the political heads of public institutions. The CSO, Open Democracy Advice Centre (ODAC) agrees that the source of the problem is the impunity around utilisation of laws and fraameworks, rather than the need for more of them.[20] To achieve open government with this framework, PSAM recommends strengthening consequence management frameworks to discipline non-compliance, the need for parliamentary oversight and the strengthening of enforcement institutions to work with the public service.[21] PSAM further recommends the development of a publicly accessible database that will aid public knowledge about the reporting of maladministration in individual departments; this will aid monitoring of historical trends for different levels of advocacy.[22]

CARRIED FORWARD?

The next action plan does not carry forward this commitment to demonstrate the performance of the framework. However, in keeping with the IRM progress report's recommendation that there should be a civil-society-based oversight mechanism to monitor implementation of the framework, there is a new commitment that seeks to strengthen citizen-based monitoring in order to enhance accountability and performance of the public service. The implementation of the new and proposed regulations on accountability by public servants can potentially support the change in institutional culture that facilitates corruption in the public service. On this basis, the IRM researcher recommends continuing government efforts toward implementing the framework.

1 Republic of South Africa, *Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 17. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
2 Ibid.
3 During the period of this report, the Public Protector reported that there are currently over1500 cases that are being handled by her office which have taken longer than a year- Govan Whittles, *Public Protector's Office Inundated with Over 1,500 Cases* (Eyewitness News), ewn.co.za/2015/07/11/Public-Protector-office-inundated-with-over-1500-unsolved-cases.
4 Independent Reporting Mechanism, South Africa Progress Report 2013-2014, 23. www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
5 Ibid.
6 Department of Public Service and Administration, Republic of South Africa, *The Batho Pele Vision*, www.dpsa.gov.za/documents/Abridged%20BP%20programme%20July2014.pdf.
7 Republic of South Africa, *Progress Report on the implementation of the 2nd Country Action Plan 2013-2015*, 2. Other institutions covered in the 2014-2015 period are the National Prosecuting Authority, the Special Investigations Unit, the Department of Science and Technology and the DPSA.
8 Please see the South Africa Public IRM Report Library Folder: http://bit.ly/2bObGBj.
9 The guides meant to accompany the implementation of the framework are: the Guide on managing gifts and other benefits in the Public Service; the Guide on Ethics Management in the Public Service and the Guide on managing other remunerative Work performed outside the Public Service.
10 Please see the South Africa Public IRM Report Library Folder, http://bit.ly/2bObGBj.
11 *Progress Report on the implementation of the 2nd Country Action Plan 2013-2015*, 7. The issues covered include acceptance of gifts by public officers, conducting other remunerative work and disclosure of financial interests.
12 Effective on date of publication in the government gazette. Republic of South Africa, Government Gazette, 10621 (Government Printing Works, 29 July 2016), www.dpsa.gov.za/dpsa2g/documents/acts&regulations/regulations2016/Government%20Gazette%2029%20July%202016.pdf.
13 PSAM, Interview by IRM researcher, 20 May 2016.
14 Corruption Watch, *Annual Report 2015*, 49. http://www.corruptionwatch.org.za/wp-content/uploads/2016/03/Corruption-Watch-annual-report-2015.pdf.
15 Ibid., p. 16.
16 Ibid., p. 18.
17 Public Protector South Africa, *Annual Report 2014/15*, 50. http://www.nationalgovernment.co.za/entity_annual/746/2015-central-government-administration-public-protector-annual-report.pdf.
18 Parliamentary Monitoring Group, "Public Protector on its 2013/14 Annual Report & 2014 performance" (22 October 2014). https://pmg.org.za/committee-meeting/17720/.
19 PSAM, Interview by IRM, 7 October 2016.
20 ODAC emailed response, 11th November 2016.
21 Ibid.
22 Ibid.

2 | SERVICE DELIVERY IMPROVEMENT FORUMS

Commitment Text:

The focus of this commitment is to implement and formalise partnerships with civil society organisations in all nine provinces to establish Service Delivery Improvement Forums (SDIFs) and to provide timely citizen report cards on service delivery. […]

POSSIBILITIES/EMERGING

Our focus going forward would be to establish functional SDIFs in the period new financial year based on the concept document and consultations with provinces. Part of the effort is to galvanize civil society organisations and partner with them in forging these forums.

Responsible institution: Department of Planning, Monitoring and Evaluation

Supporting institution(s): Directorate: Citizen-Based Monitoring

Start Date: January 2012　　　　　　　　　　　　　　　　　　　　End Date: December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
														MID-TERM: ✗							
		✗			✗	✗	✗				✗			END-OF-TERM: ✗				✗			

COMMITMENT AIM:

This commitment aims to empower South African citizens to monitor government performance with the purpose of strengthening public accountability and improving service delivery.[1] This is necessary because the current performance monitoring and evaluation practices in government do not include citizen participation. Consequently, the proposed solution is the development of a community forum for citizens, CSOs and government. This forum will aid conversations on governance challenges and will host surveys on citizen experiences with government services and a plan to address identified challenges. It will also allow communities to monitor the implementation of the agreed upon plan of action developed in the forum.

STATUS

Mid-term: Limited

In August 2013, the Department of Performance Monitoring and Evaluation (DPME), in "consultation with a number of civil society and government actors," published a Framework for Strengthening Citizen-Government

Partnerships for Monitoring Frontline Service Delivery.[2] It explicitly aimed to provide the conceptual framework necessary for citizen-based monitoring of frontline service delivery.[3] During midterm reporting, the status of the Service Delivery Improvement Forum's (SDIF) pilot phase was unclear. IRM was also unable to determine the status on the DPME frontline service delivery satisfaction pilot project. Please see the 2013-2014 IRM Progress Report for more information.

End-of-term: Limited

At the end of the action plan, this commitment's completion remains limited. The government held consultations with provincial governments in eight provinces on the importance of community-led SDIF.[4] However, government did not establish any new SDIFs. Additionally, the government acknowledged that SDIFs already existed in five provinces, having been previously established by various community organisations independent of the government initiative. These SDIFs were working with communities at ward levels.[5]

The government seems to have changed its position on the necessity of SDIFs during the commitment's implementation. According to the government self-assessment report, a concern that emerged from their consultations was that the existence of so many provincial forums diminished participation by citizens.[6] However, despite its perception about their lack of effectiveness, the government will continue to go ahead with the establishment of SDIFs in provinces that currently do not have them.

Throughout the action plan's implementation, the government did not work with CSOs to provide citizen report cards on service delivery as stated in this commitment's objectives.

DID IT OPEN GOVERNMENT?

Access to information/Civic participation/Public accountability: Did not change

The evidence and report provided by government to the IRM researcher show that the government did not establish SDIFs as envisaged by the commitment. Additionally, the government has not formalised partnerships with the existing SDIFs established by the community organizations to improve dialogue with civil society. The DPSA acknowledged that it only consulted government departments and failed to consult civil society in the planning phase for the SDIFs. Since no new SDIFs were established, the commitment did not lead to increasing access to information or creating new opportunities for civic participation. Additionally, the government took no progress in formalising partnerships with CSOs to provide citizen report cards on service delivery. Due to this inaction, there has been no change in government practice related to public accountability.

CARRIED FORWARD?

The third action plan carries forward this commitment. The new action plan provides for the creation of SDIFs within the South African Police Service, Department of Health, and the South African Social Security Agency. The government intends to establish SDIFs at a national level. However, a real need exists for SDIFs at the municipal level, specifically addressing basic service delivery, including the provision of public housing to qualifying citizens. Each SDIF could be comprised of a multi-stakeholder steering committee of local government officials and community representatives; this would increase the forum's functionality. The commitment should clearly spell out the participation mechanism that ensures citizens an opportunity to evaluate services and the consideration of their feedback by implementing agencies.

[1] Republic of South Africa, *Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 19. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[2] Independent Reporting Mechanism, *South Africa Progress Report 2013-2014*, 27. www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[3] Ibid.
[4] Please see the South Africa Public IRM Report Library Folder accessible at http://bit.ly/2bObGBj.
[5] Government response received by IRM, 15th August 2016.
[6] Republic of South Africa, 10.

3 | MAINSTREAM CITIZEN PARTICIPATION IN THE PUBLIC SECTOR

Commitment Text:

Focus on mainstreaming citizen participation in the public sector. Inter-alia ensure that every public sector department across all spheres has a functional, resourced and well capacitated citizen engagement unit which regularly and proactively engages with civil society. […]

POSSIBILITIES/EMERGING

The DPSA is working with nine government departments (three per quarter) in the period 1 April 2013 to 31 March 2014, with the aim of institutionalising public participation in these departments. In collaboration with the Public Administration Leadership and Management Academy (PALAMA), the DPSA will provide training for officials in all departments to build internal capacity to successfully implement and sustain Public Participation activities in their respective departments.

Responsible institution: Department of Public Service and Administration

Supporting institution(s): Chief Directorate: Community Development and Citizen Relations

Start Date: January 2012   End Date: March 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
															MID-TERM						
															END-OF-TERM						
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
		X			X	X	X			X				X				X			
														X							

COMMITMENT AIM:

This commitment aims to train Community Development Workers (CDWs) and CSOs in educating citizens about their service delivery rights and responsibilities.[1] The South African government acknowledged in its third action plan that local governments are facing immense challenges. The third action plan states that a collapse in municipal infrastructure has led to failed provision of services.[2] The plan adds that a third of municipalities are dysfunctional, which has led to "inadequate public participation and poorly functioning ward councillors and ward committees".[3] The commitment seeks to increase and inform public participation in government processes. A citizenry engagement and participation guide that provides direction for both CDWs and CSOs will achieve this goal. The guide will focus on service delivery planning, implementation and monitoring through using online and mobile technology innovations.[4]

STATUS

Mid-term: Limited

According to the IRM progress report, the nature and intent of this commitment was unclear, making assessment difficult.[5] The report further stated, "The language of the commitment suggests some policy development with significant training across all departments."[6] Despite the government's laudable achievement of training over 1,000 CDWs in five provinces, the training of CDWs was not seen by the IRM as congruent across "all departments" and progress was coded as "limited."[7] In addition, the government failed to establish the proposed citizen engagement units. The self-assessment report identifies a Citizens Participation Guide that was approved by cabinet and published in 2013. Please see the 2013-2014 mid-term IRM report for more information.

End-of-term: Limited

The government conducted workshops for CDWs in all nine provinces and provided evidence of this to the IRM researcher.[8] The IRM researcher spoke to some CDWs, who confirmed this training took place.[9] However, given that the commitment language promised to train "all departments," the commitment remains unfulfilled. Furthermore, the commitment aimed to have every public department establish a "functional, resourced, and well-capacitated engagement unit." The government took no action on this part of the commitment.

DID IT OPEN GOVERNMENT?

Access to information/Civic participation/Public accountability: Did not change

The government provided evidence to the IRM researcher of CDW workshops held in all nine provinces to promote the importance of citizen participation. However, CSOs working in the Western Cape and Eastern Cape were not aware of these trainings.[10] Therefore, CDWs may not have transferred this information to the public, rendering the CDW training ineffective.

CARRIED FORWARD?

The third action plan does not carry forward this commitment. However, it does introduce a new commitment called the "Back to Basics Programme." This commitment aims to give South Africans a set of tools to hold their municipalities accountable and to measure whether municipalities are living up to their promises. In the new commitment, the Department of Cooperative Governance and Traditional Affairs aims to "promote public confidence in local government" by conducting "annual citizen satisfaction surveys".[11]

[1] Republic of South Africa, *Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 21. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[2] The 3rd South African Open Government Partnership Action Plan 2015-2017 p. 10. http://bit.ly/2fR4sPj
[3] Ibid.
[4] Republic of South Africa, *Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 21. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[5] Independent Reporting Mechanism, *South Africa Progress Report 2013-2014*, 31. www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[6] Ibid.
[7] Ibid.
[8] Please see the South Africa Public IRM Report Library Folder accessible at http://bit.ly/2bObGBj.
[9] Community Development Workers in the Eastern Cape, Western Cape and Mpumalanga, Interviews by IRM, 19 August 216 and 8 October 2016.
[10] Afesis-Corplan, Interview by IRM, 30 August 2016. Community Engagement Unit, Interview by IRM researcher, 1 September 2016.
[11] The 3rd South African Open Government Partnership Country Action Plan 2016-2018 p. 10.

4 | PORTAL OF ENVIRONMENTAL MANAGEMENT INFORMATION

Commitment Text:

Develop an integrated and publicly accessible portal of environmental management information. […]

Overview

Currently government has portals across different government departments on environmental information. A need has been identified to have an integrated portal that provides aggregated environmental information across sectors. The availability of such a portal would strengthen compliance with environmental regulation while at the same time providing citizens with access to comprehensive information on environment.

Responsible institution: Department of Environmental Affairs

Supporting institution(s): Chief GISC Professional, Integrated Environmental Management Systems

Start Date: January 2012   End Date: March 2018

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
MID-TERM			✗		✗			✗			✗				✗				✗		
END-OF-TERM															✗						

COMMITMENT AIM:

This commitment aims to develop a public portal that will provide access to environmental data and information. The commitment responds to a need to increase transparency, accountability, and participation through the use of technological innovation in the environmental sector. The proposed 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."[1] The government will use this data to identify and map environmentally sensitive areas at a national level.

STATUS
Mid-term: Substantial

The government's open data portal is available at http://egis.environment.gov.za/. It allows access to geographic information system and spatial data such as land cover, conservation, protected areas, solar data, and distribution maps of mammals in South Africa. It also allows users to print maps and download spatial data. These tools support the portal's aim to provide public information and allow the creation of digital sharing networks.[2] Please see the 2013-2014 *IRM* progress report for more information.

End-of-term: Substantial

The portal remains under expansion. The portal was included in the third action plan with a completion date of March 2017. Additional datasets include marine and coastal data.

DID IT OPEN GOVERNMENT?
Access to information: Marginal

While the centralization of environmental data is a step toward making this data easier to access, the portal is not always user-friendly. The portal targets only users of geospatial technology and not all files are easily downloadable without special software.[3] For example, while users can hover over an area to get basic information, it is not possible to download associated documents.[4] Given these hurdles in accessibility, this commitment has not opened government more than marginally.

The Center for Environmental Rights (CER) is a leading NGO in South Africa working with communities to defend their constitutional right to a healthy environment and an important user of portal information. CER found the map of EIA applications on the open data portal to be useful.[5] However, the portal only contains data on renewable energy applications as opposed to applications for all environmental authorisations.[6] Furthermore, CER stated that the information on the portal is not well organised; links to documents are not available when users hover over a particular site and this makes it difficult to find information.[7]

The government could enhance the functionality of the portal by enabling users to access unrestricted data on the datasets identified in the commitment. Such unrestricted information should be accurate, complete, current and verifiable, enabling the public to assess government compliance with environmental laws.

CARRIED FORWARD?
The next action plan carries forward this commitment. In a letter to the government, the CSO, Open Democracy Advice Centre (ODAC), recommended that the Government Communication Information Services explore the alignment of the environmental portal with the open government portal. This would ensure "the interoperability of datasets that will probably present challenges between departments."[8] The government has not provided enough information through the environmental management portal to ensure the availability of all proposed disclosures of environmental management information mentioned in the commitment. According to ODAC, the limitation of the data to largely being spatial data sets can also not be considered to be "environmental information".[9]

[1] Republic of South Africa, Mid-Term Self-Assessment Report: National Action Plan 2013-2015, 23. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[2] See Nigel Shadbolt, "Britain is at the forefront of the open data revolution," (The Guardian, 28 June 2012), https://www.theguardian.com/commentisfree/2012/jun/28/britain-open-data-revolution.
[3] Department of Environmental Affairs, Republic of South Africa, "Spatial Information," egis.environment.gov.za/frontpage.aspx?m=27. Accessed by the IRM researcher on 19 July 2016 and 9 August 2016 while attempting to download quarterly data reports.
[4] Centre for Environmental Rights, 11 August 2016.
[5] Ibid.
[6] Ibid.
[7] Ibid.
[8] ODAC, *South Africa and the Open Government Partnership: Mid-Term Self Assessment Report-Feedback from the Open Democracy Advice Centre* (April 2015) 2.
[9] ODAC emailed response, 11th November 2016.

5 | DATA ON CONSERVATION AREAS

Commitment Text:

IDevelopment of an on-line crowdsourcing tool that will allow the public to submit data on protected areas and conservation areas.

Responsible institution: Department of Environmental Affairs

Supporting institution(s): Directorate: Enterprise Geospatial Information

Start Date: August 2013   End Date: December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
		✗			✗	✗		✗		✗				✗ (MID-TERM)					✗		
														✗ (END-OF-TERM)							

COMMITMENT AIM:

This commitment aims to create a platform where the public may submit information to improve the quality of data on South Africa's conservation areas. The proposed policy solution uses crowdsourcing to flag existing data gaps in the inventory of protected and conservation areas. These data gaps represent designated private conservation areas and farms, currently unrecorded in the government's database.

STATUS

Mid-term: Limited

The government's midterm self-assessment report indicated that the "Protected Areas Database" (PAD) was deployed for testing in 2014. It is available at http://www.padcollaboration.org. In the midterm report, a crowdsourcing expert claimed that the tool is for use by experts. However, the language of the commitment indicates that the tool is meant for public use and the government consequently confirmed this. The highly technical manner of the tool hinders public access and usability. As a result, the completion level of the commitment is limited. Please see the 2013-2014 mid-term IRM report for more information.

End-of-term: Limited

Based on government self-assessment report and media monitoring conducted by the IRM researcher, there was no further progress on the implementation of the commitment.

DID IT OPEN GOVERNMENT?

Access to information: Marginal
Civic participation: Did not change

The tool provides a previously unavailable database of conservation estates and protected areas in South Africa. This is an important contribution to public access of information; however, the required online registration may be a barrier for much of the public. According to the Center for Environmental Rights (CER), a leading environmental NGO in South Africa and key user of this type of data, the protected areas database is useful but limited in scope.[1] CER found useful the identification of development areas that will not interfere with protected areas.[2] In addition, the database improves the previous status quo such as publishing the borders of existing protected areas.

The South African government recognises the importance of active civic participation in the open data system and as a result proposed the model of crowdsourcing for protected areas. The tool allows members of the public to upload information on conservation estates and protected areas which could be of interest to government and other users of the portal. According to the government's self-assessment report, the data provided by this tool will support strategic planning in sectors such as mining, waste management, etc.

The government anticipated the public would submit information regarding existing protected areas, particularly individual farms, community properties and private reserves. Expected uploads included maps or documents that will clarify the history, geography or legal status of a protected area. However, according to the Department of Environment, the public has not yet provided data; all data currently originates from national government entities and the provinces.[3] Given the overall aim of enabling users to submit data on protected areas and conservation areas, this commitment has not opened government in terms of civic participation. According to the CSO Open Democracy Advice Centre, given the lack of implementation plan to advertise and collaborate on the portal, the Department has created a site that will be largely ineffectual, as there seems to be no effort to get a critical mass of users to use it.[4]

CARRIED FORWARD?

The new action plan does not carry forward this commitment. Despite IRM recommendation to the contrary, this commitment was not integrated into the development of a portal on environmental management information.

[1] Centre for Environmental Rights, 11 August 2016.
[2] Ibid.
[3] Emailed response, 22 August 2016.
[4] ODAC emailed response, 11th November 2016.

6 | SCHOOL CONNECTIVITY

Commitment Text:

[…] The Department has embarked on a schools connectivity rollout project with telecom operators as a start to ensure that we bring technology to learners. This will be done in 2 phases, whereby phase 1 will entail the connectivity of 1 650 schools by savings achieved in the 2010 World Cup, and phase 2 will be rolled out by telecom operators under their Universal Service Obligations (USO). […]

Responsible institution: Department of Communications

Supporting institution(s): None

Start Date: August 2013   End Date: March 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE *(as written)*				POTENTIAL IMPACT				COMPLETION				DID IT OPEN GOVERNMENT?				
															MID-TERM						
															END-OF-TERM					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
		X			Unclear					X					Unclear			X			
															Unclear						

COMMITMENT AIM:

This commitment aims to connect schools to the internet to ensure that information communication technology (ICT) is used to enhance learning and teaching. According to government, this should enhance citizen participation among young people and strengthen open governance.[1] The government intended to achieve school connectivity through the National Broadband Policy (SA Connect), which provides a framework for the provision of broadband connectivity to schools. The policy requires all schools to have access to broadband at a speed of 10 megabytes per second by 2020 in partnership with the private sector.[2]

STATUS

Mid-term: Unclear

According to the government's self-assessment report, Telkom SA, a state-owned enterprise, will install computers and provide equipment to the 1,650 identified schools. Subsequently, a private company, Intel South Africa, will provide free teacher training on the provided equipment thereafter. Intel's training partner will be SchoolNet, a civil society organization. The government point of contact for this commitment did not respond to the IRM request for information and IRM was unable to determine the level of completion of this project. Please see the 2013-2014 IRM progress report for more information.

End-of-term: Unclear

Based on government self-assessment report and media monitoring conducted by the IRM researcher, there was no further progress on the implementation of this commitment.

DID IT OPEN GOVERNMENT?

The IRM Progress Report assessed this commitment as being of unclear relevance to OGP values as it did not entail any measures that would directly improve citizens' access to information, create opportunities for civic participation or enhance public accountability of government. Due to the lack of information about this commitment, the IRM researcher was unable to determine if it had in any way contributed to open government.

CARRIED FORWARD?

In keeping with IRM recommendations, the new action plan does not carry forward this commitment.

[1] *Republic of South Africa, Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 29. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[2] Ibid.

7 | SERVICE RIGHTS AND RESPONSIBILITIES CAMPAIGN

Commitment Text:

The purpose of this commitment was/is to enhance the capacity and capabilities of communities to access and claim their socioeconomic rights through the roll-out of national public education campaigns, specifically a public outreach campaign on Know Your Service Rights and Responsibilities (KYSR&R) to inform citizens about their service rights, responsibilities, and legal mechanisms available to hold government accountable.

Responsible institution: Department of Public Service and Administration

Supporting institution(s): Directorate: Chief Directorate: Community Development and Citizen Relations

Start Date: January 2012   End Date: March 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE *(as written)*				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
															END-OF-TERM						
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
															✗						
		✗			✗	✗	✗			✗					✗			✗			

COMMITMENT AIM:

This commitment aims to improve the capacity of communities to exercise their socioeconomic rights by educating citizens about these rights and the legal mechanisms to hold governments accountable.[1]

STATUS

Mid-term: Substantial

According to the IRM progress report, this commitment was a pre-OGP initiative developed in 2009; it originated under the Integrated Criminal Justice Cluster and Batho Pele initiative led by the Department of Public Service and Administration.[2] Civil society organisations were involved in the drafting of a "Know your Service Rights and Responsibilities" campaign booklet.[3] According to the government self-assessment report, the community development workers (CDWs) in five of the nine provinces held community trainings on rights awareness. The trainings covered the constitutional rights as well as responsibilities; for instance, to pay for services received, and to hold government accountable. For more information, please see the 2013-2014 IRM progress report.

End-of-term: Substantial

Based on government's self-assessment report, the government ended implementation of this commitment. The government distributed over 35 000 of the campaign booklets, although this number could not be substantiated by the IRM researcher.[5] The government, however, provided an electronic copy of the guide to the IRM researcher.[6] The government also conducted several training sessions for CDWs introducing the booklet and discussing citizen engagement. However, these trainings took place prior to the implementation of this commitment. The DPSA had conducted training of CDWs in seven provinces except Gauteng and Kwa-Zulu Natal.[7]

DID IT OPEN GOVERNMENT?
Access to information/Civic participation/Public accountability: Did not change

While booklet distribution may have contributed to increased awareness of rights and responsibilities, the means for exercising and protecting these rights remains a problem. A prime example is the right to access information, a right central to the realization of any of the other constitutional rights. A study by the CSO Open Democracy Advice Centre (ODAC) and monitoring by the Department of Performance Monitoring and Evaluation (DPME) in the Presidency show inadequate emphasis on meeting the public demand for information for the realisation of rights for South Africans.[8] DPME's monitoring initiative showed that out of 41 national departments, only six met minimum statutory requirements in the Promotion of Access to Information Act (South Africa's freedom of information law).[9]

According to the Democracy Development Program, an NGO that specializes in citizen participation, human rights and good governance,[10] there is little evidence of the KYSR&R campaigns or workshops in any of the provinces.'[11] The community engagement unit at the University of Western Cape as well as a local CSO, Afesis, working in the Western Cape and Eastern Cape, similarly claimed they were unaware of any recent CDW training in the provinces.[12] Therefore, the effectiveness expected from this campaign in opening government remains unrealized.

CARRIED FORWARD?
The third action plan does not carry forward this commitment. In the progress report, the IRM suggested the government could include the development of a KYSR&R implementation strategy with targeted milestones and measurable outcomes. This recommendation was not included in the next action plan.

[1] Republic of South Africa, *Mid-Term Self-Assessment Report: National Action Plan 2013-2015*, 31. http://www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[2] Independent Reporting Mechanism, *South Africa Progress Report 2013-2014*, 45. www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.
[3] Ibid.
[4] Republic of South Africa, *Progress Report on the implementation of the 2nd Country Action Plan 2013-2015*, 12.
[5] A copy of the guide can be found here: http://www.dpsa.gov.za/dpsa2g/documents/cdw/2013/KYSRR_01_2013.pdf.
[6] Please see the South Africa Public IRM Report Library Folder accessible at http://bit.ly/2bObGBj.
[7] Twaweza, *South Africa has carried out a national public education campaign on Know Your Service Rights and Responsibilities* (Open Government Guide),
   www.opengovguide.com/country-examples/south-africa-has-carried-out-a-national-public-education-campaign-on-know-your-service-rights-and-responsibilities/.
[8] Gabriella Razzano, *Accessing information? What we know from user experiences* (Open Democracy Advice Centre, May 2015),
   http://www.opendemocracy.org.za/images/docs/publications/PAIA_Users.pdf.
[9] Department of Planning, Monitoring and Evaluation, Leadership Commitment Continuous Improvement Results (2013),
   www.dpme.gov.za/keyfocusareas/mpatSite/MPAT%202013/MPAT%20report.pdf
[10] Democracy Development Program, ddp.org.za.
[11] DDP, Interview by IRM researcher, 30 May 2016.
[12] Comments received by the OGP researcher from Afesis on 30 August 2016 and from Damaris Kiewiets of the University of Western Cape on 1 September 2016.

METHODOLOGICAL NOTE

Commitments are based on the original OGP action plan. This report uses a desk review of governmental programmes, draft laws and regulations, governmental reports, the government self-assessment report, analysis of the commitments, e-mail interviews with government officials and civil society representatives.

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