Independent Reporting Mechanism (IRM): South Africa End-of-Term Report 2016 – 2018

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Overview: South Africa

Independent Reporting Mechanism (IRM) End-of-Term Report 2016 – 2018

Under the third action plan, South Africa advanced open budgeting and citizen engagement through the launch of the Vuleka Mali open budget portal; the GovChat engagement application; and the extension of citizen-based monitoring at payment points of the South African Social Security Agency. Following significant changes in government administration, which delayed the finalisation of the self-assessment report and development of the fourth action plan, interim arrangements are in place to put the OGP process back on track.

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. This report summarises the results of the period July 2016 to August 2018 and includes some relevant developments up to October 2018.

Initially, the OGP process in South Africa was coordinated by the Department of Public Service and Administration (DPSA) with then-Deputy Minister of Public Service and Administration, Ms Ayanda Dlodlo, as special OGP envoy. The DPSA led the process of developing the third national action plan. Some months before the 2017 midterm review, President Jacob Zuma reassigned Deputy Minister Dlodlo to the Ministry of Communications, and in July 2017, he reallocated the OGP process to the Department of International Relations and Cooperation (DIRCO).[1] However, DIRCO did not respond to this mandate and the executive leadership of OGP remained unclear. In May 2018, the new presidential incumbent, President Ramaphosa, re-appointed Minister Dlodlo as the OGP special envoy. It was confirmed that the executive leadership of OGP would reside in Minister Dlodlo rather than a particular government agency. As Minister Dlodlo now heads the DPSA, the DPSA is the current coordinating agency.[2] At the time of the end-of-term report, the OGP point of contact is Ms Qinsile Delwa.[3]

Table 1: At a Glance		
	Mid-term	*End of term*
Number of Commitments	8	
Level of Completion		
Completed	*4*	*4*
Substantial	*3*	*3*
Limited	*0*	*0*
Not Started	*1*	*1*
Number of Commitments with...		
Clear Relevance to OGP Values	*7*	*7*
Transformative Potential Impact	*0*	*0*
Substantial or Complete Implementation	*7*	*7*
All Three (⊙)	*0*	*0*
Did It Open Government?		
Major	*1*	
Outstanding	*0*	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	*NA*	

South Africa's third action plan contained eight commitments focused on improving public service delivery, budget transparency and access to government data. Four of the commitments were completed by the midterm review and a further three showed substantial progress. It should be noted that completion activities were carried out prior to the official start of the action plan period for commitments 6 and 8.

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As a result of the gap in OGP leadership, the South African government has not yet published its self-assessment report for the 2016 – 2018 action plan. The government has requested additional time to prepare a quality fourth action plan.[4]

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[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 14.

[2] Letter from the Ministry of Public Service and Administration, Republic of South Africa to the OGP Co-Chairs, 'Special Envoy to the Open Government Partnership (OGP)', 15 May 2018.

[3] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[4] Ayanda Dlodlo, Minister of Public Service and Administration, 'Fourth Open Government Partnership National Action Plan' (letter addressed to OGP Co-Chairs explaining delay in submission of action plan and requesting additional time), 15 August 2018.

Consultation with Civil Society during Implementation

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

In developing the third action plan, the DPSA consulted a range of civil society actors, including some NGOs that have been involved with OGP since its inception in South Africa, NGOs that have engaged with OGP more recently, and representatives of grassroots organisations. The DPSA's alternative approach in these consultative forums led to some dissatisfaction on the part of civil society organisations (CSOs) with a longer history of OGP engagement, particularly around the lingering issue of a permanent, multi-stakeholder dialogue mechanism, which has not yet been established.[1] However, the government's view is that, given South Africa's unique history, there are still divisions that structure CSOs in terms of contextual reality, resources, skills and priorities, and that it is important for OGP consultative mechanisms to reflect the concerns of people most affected by public services.[2] As such, the government believes it is important to develop a consultative mechanism that responds to South Africa's particular context.[3] No consultation with civil society on this consultative mechanism took place during the second year of implementation.

While the commitment to open government appears to be high in both government[4] and civil society,[5] there is debate in both quarters on whether the OGP process adds value to the project of open government in a South African, and African, context, and the manner in which the coordination of this programme should articulate with the APRM, given limited resources. The government has nevertheless committed to develop a fourth action plan and establish a National OGP Steering Committee, with responsibility for preparing the plan and coordinating the OGP process in general.[6]

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End of Term
1. Did a forum exist?	No	No
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[7] 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 Influence during Implementation of Action Plan		Midterm	End of Term
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		✔

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[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 20.

[2] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[3] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[4] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[5] The IRM researcher attended an OGP civil society workshop convened at the Ford Foundation on 6 June 2018. At the workshop, there was a clear expression of commitment to open government and a lively debate on the value-added of OGP.

[6] Ayanda Dlodlo, Minister of Public Service and Administration, 'Fourth Open Government Partnership National Action Plan' (letter addressed to OGP Co-Chairs explaining delay in submission of the action plan and requesting additional time), 15 August 2018.

[7] For more information on the IAP2 Spectrum, see:
http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[1] One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. 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 judgment 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.[2]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

At the end of term, 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 reporting process. For the full dataset for South Africa, see the OGP Explorer at www.opengovpartnership.org/explorer.

About "Did It Open Government?"

To capture 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.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The "Did It Open Government" variable attempts to captures these subtleties.

The "Did It Open Government?" variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on 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 focuses on outcomes that can be observed

in 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.

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[1] IRM Procedures Manual, http://www.opengovpartnership.org/about/about-irm.
[2] The International Experts Panel changed this criterion in 2015. For more information, visit http://www.opengovpartnership.org/node/5919.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the "Did It Open Government?" metric. For commitments that were 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 these commitments, please see the South Africa IRM progress report (2017).

The current action plan provides a broad set of commitments aimed at addressing issues related to public service delivery, fiscal transparency, civic participation and access to information through various open data initiatives.

Table 4: Assessment of Progress by Commitment

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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Strengthening citizen-based monitoring (Midterm)			✔			✔		✔		✔						✔					
1. Strengthening citizen-based monitoring (End of Term)																✔			✔		
2. Open budgeting (Midterm)			✔		✔	✔					✔					✔					
2. Open budgeting (End of Term)																✔				✔	
3. Back to Basics Programme (Midterm)			✔			✔					✔				✔						
3. Back to Basics Programme (End of Term)															✔			✔			
4. Integrated Environmental Management Portal (Midterm)				✔	✔			✔			✔				✔						
4. Integrated Environmental Management Portal (End of Term)															✔			✔			
5. Institutionalisation of Community Advice Offices (Midterm)			✔		Unclear					✔					✔						
5. Institutionalisation of Community Advice Offices (End of Term)															✔			✔			
6. Development			✔		✔			✔	✔							✔		✔			

8

of Pilot Open Data Portal																✔				
7. Roll-out of Open Government Awareness-Raising Campaign		✔				✔				✔			✔					✔		
8. Implement Action Plan on G20 High Level Principles on Beneficial Ownership				✔	✔				✔							✔		✔		

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 (as written)				Potential Impact				Completion				Midterm / 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	Completed		Worsened	Did Not Change	Marginal	Major	Outstanding
1. Overall				✔		✔		✔		✔						✔				✔		
																✔						
1.1. CBM Model in nine police stations				✔		✔		✔		✔						✔						
																✔						
1.2. CBM Conference				✔		✔				✔						✔						
																✔						
1.3. CBM toolkit and video				✔		✔		✔		✔						✔						
																✔						

Commitment Aim

This commitment aimed to improve public service delivery at the sites of three government entities: The South African Police Service (SAPS), the Department of Health, and the South African Social

Security Agency (SASSA), by implementing a Citizen-Based Monitoring (CBM) Process. Specifically, the commitment planned to increase CBM implementation points, develop a CBM toolkit and video, and require the Department of Planning, Monitoring and Evaluation (DPME) to convene a government-civil society CBM conference.

Status
Midterm: Complete

This commitment was completed by the midterm. At that time, the DPME had implemented the CBM model in 17 police stations, 20 service points of the SASSA (in partnership with Making All Voices Count, a project coordinated by the NGO Black Sash in partnership with 20 community-based organisations), and a pilot sample of health facilities in the province of Mpumalanga (in partnership with the Mpumalanga Department of Health). The DPME convened an 'Advancing Citizen-Based Monitoring Workshop' on 20–21 September 2016 in Johannesburg, published a CBM Toolkit, and produced a CBM video.[1]

By October 2018, the national executive of the SAPS had not yet decided on a national roll-out of the CBM model, and staff changes at the National Commissioner's office meant that the champions of the project no longer occupied the same positions.[2] Similarly, there has been no decision on the part of national health authorities to extend the roll-out of CBM to other health facilities following the pilot in Mpumalanga.[3]

Through the work of Black Sash, however, CBM has helped transform the payment system at SASSA service points,[4] along with service delivery at a couple of local government service points and health facilities. Black Sash maintains a dedicated website for CBM[5] which includes information on CBM resources (including the DPME's Citizen-Based Monitoring Toolkit), details of 54 CBM sites,[6] details of 43 community partners,[7] and the results of CBM surveys undertaken at various CBM sites from June 2015 to May 2018.[8] The goal is to survey at least 300 participants at each site, with data gathered by trained monitors and captured on a central database.[9] Findings are reported to the facility and its users and serve as the basis for dialogue to develop an improvement plan to address concerns.[10]

Did It Open Government?
Civic Participation: Marginal

At the start of the implementation period, CBM had been piloted in four service delivery departments and 34 government facilities, including police stations, health facilities and SASSA sites.[11] By the end of action plan, CBM has gained traction in the social security sector, where it is being used to improve service delivery, in addition to providing feedback on policy decisions such as transitioning payment systems for social security grants.

For service delivery improvements at SASSA sites, the CBM tool provides the government, civil society and the public with invaluable information on the types of grants for which people are applying at a facility, service preferences (e.g. whether the grant applicant would switch to another method of payment), methods of accessing payment facilities (distance from service point as well as time and cost of travel), the quality of facilities (e.g. adequate toilet facilities and safety at the paypoint), the quality of service (e.g. time queuing), and possible corruption (e.g. whether anyone had asked the grant applicant for money or a favour).[12]

However, the CBM methodology has not yet improved civic participation in health facilities, and early indications for a broad-scale adoption of CBM on the part of the SAPS have not materialised.

Carried Forward?
At the time of writing this report (September 2018), the South African government has not finished its next action plan. To build on the momentum of CBM at SASSA service points, the next action plan could include a commitment to extend CBM monitoring to an additional 20 – 30 SASSA sites to

track improvements over time, alongside extending this model to more local government service points, health facilities and stations of the SAPS.

[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 29 – 30.
[2] Jonathan Timm (Director: Citizen-Based Monitoring, Department of Planning, Monitoring and Evaluation), email correspondence with IRM researcher, 3 October 2018.
[3] Ibid.
[4] Ibid.
[5] Black Sash, 'Community-based Monitoring', https://cbm.blacksash.org.za
[6] Black Sash, 'Community-based Monitoring: Sites', https://cbm.blacksash.org.za/sites
[7] Black Sash, Community-based Monitoring: Community Partners', https://cbm.blacksash.org.za/partners
[8] See the links at Black Sash, 'Community-based Monitoring: Sites', https://cbm.blacksash.org.za/sites
[9] Black Sash, 'Community-based Monitoring: Sites: About Community-based Monitoring', https://cbm.blacksash.org.za/learn-about-cbm
[10] Ibid.
[11] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 29.
[12] See, for example, the survey results for the JHB Metro SASSA paypoint, https://cbm.blacksash.org.za/sites/taaibos/results/96

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 (as written)				Potential Impact				Completion / Midterm 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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall			✔		✔	✔					✔					✔				✔	
																✔					
2.1. Information sessions			✔		✔	✔					✔					✔					
																✔					
2.2. Civil society engagement on current procurement reforms			✔			✔					✔				✔						
																✔					

2.3. Support to CSOs to publish Citizens' Guides to the budget		✔		✔	✔				✔					✔		
														✔		
2.4. Interactive data portal on budget and expenditure outcomes		✔		✔	✔		✔		✔					✔		
														✔		

Commitment Aim

This commitment aimed to deepen citizen engagement in the budget process in order to enhance the progressive realisation of socioeconomic rights and enable citizens to track public expenditure. The commitment entailed making government-held information on the budget and procurement accessible to the public via centrally accessible websites, and envisioned new platforms for citizens to voice their opinions on specific budget issues through roadshows, information sessions and an interactive data portal.[1]

Status
Midterm: Complete

By the time of the midterm review, the government had completed the activities associated with this commitment and some activities exceeded their original scope. The Budget Reform Directorate of the National Treasury engaged with a number of CSOs through the Public Service Accountability Monitor to craft a series of budget engagements where the perspectives and budget requests of participating CSOs were taken into consideration and informed the workshop plans.[2] The government and CSOs also collaboratively developed an interactive data portal on budget and expenditure outcomes. A governance framework for the project had been formalised, comprising an Operational Working Group to deal with day-to-day operational issues, and a steering committee tasked with considering overarching governance issues, such as the relevance and accessibility of the data on the interactive portal. CSOs were represented on both tiers of the governance framework.[3] The government made little progress in developing a platform for making government-held information on procurement publicly accessible, as there had been rapid change in the senior leadership of the Office of the Chief Procurement Officer.[4]

Notwithstanding the completion of this commitment by the midterm, the launch in February 2018 of 'Vuleka Mali', an online budget data portal, is a major development extending the aim of this commitment.[5] The data portal was initially focused on the budget, but is planned to be extended over time to include wider government institutional information, including performance and procurement information.[6] The site contains links to national and provincial department budgets for four cycles (from 2015-2016 to 2018-19),[7] learning resources on the budget and budget process in five official languages,[8] and links to additional datasets, including analyses contributed by civil society stakeholders and other socio-economic data sources (for example, the Department of Planning, Monitoring and Evaluation's evaluations repository, which contains detailed documents for every major government evaluation undertaken since 2006).[9]

The National Treasury developed Vuleka Mali in collaboration with IMALI YETHU, an open coalition of CSOs working to make budget information more accessible, user-friendly, and to empower civil society during the budgetary process.[10] Vuleka Mali has been developed using an 'agile' project development approach, which entails iterative development in rapid cycles and active user involvement throughout the project cycle.[11] To this end, the project has incorporated hackathons

(encouraging participants to work with data available through the portal), Data Quests (designed to understand user data needs), and civic information events.[12] The Treasury also co-ordinated a naming competition for the portal that extended to users who were not online (for example, the agency received competition names in paper envelopes.[13]

Did It Open Government?
Access to Information: Major
Civic Participation: Major

In recent years, South Africa has ranked high in the International Budget Partnership's Open Budget Survey, ranking first out of 115 countries, tied with New Zealand, in 2017.[14] However, while budgetary information was made available on the National Treasury website, the data was static, unintegrated and not conducive to public interaction.[15] Prior to the commitment, there were opportunities for the public to participate in budgetary processes at national and provincial levels of government. Civil society associations could make submissions to the committees of Parliament or the provincial legislatures; prior to the release of major budgets the Treasury Communications team sometimes put out press releases asking South Africans for inputs ('tips for Trevor', 'notes for Nene'), the Treasury co-operated with civil society to prepare Peoples' Guides on the Budget. Also, civil society and the media were given access to the budget on the day of its release and were allowed to engage with government officials.[16] These opportunities still exist.

However, Treasury officials and CSOs did not believe that the levels of participation were optimum.[17] The technicality of the process, and the form in which information was made available, still made the process intimidating.[18] Glen Robbins, a research associate at the School of Economics, University of Kwa-Zulu Natal, said that CSOs were concerned about the lack of adequate space for budgetary engagement.[19] Organizations that were affected by budgetary cuts found that administrative barriers were put in their way when they wished to engage government officials on budgetary issues, particularly at provincial level.[20] South Africa accordingly wished to deepen its commitment to open budgeting through the completion of this commitment and the development of the Vuleka Mali portal.

In terms of access to information, the Vuleka Mali project provides consolidated, time series-linked access to budget data. For example, the portal enables users to view the budgets for all national and provincial departments, from FY 2015–2016 to 2018–2019. Each department's page includes the departmental expenditure from the Estimates of National Expenditure, a book published along with the tabling of the budget in each FY; the budgets for each programme within a department, and the budgeted spending for each sub-programme. The portal sets out information on budgeted and actual expenditure, incorporating the estimates set out in the Medium Term Expenditure-Framework. As such, it is possible to determine if a department's expenditure is increasing or decreasing in real terms. The portal includes information on the budgeting process and details of what the Treasury and different departments are busy with at different times of the year.

Civil society stakeholders agreed that Vuleka Mali had transformed the way Treasury presents budget data, with a concerted effort being made to understand and respond to the needs of data users. Kirsten Pearson, ex-government employee and current co-ordinator of the Budget Justice Coalition said that the information is presented in a visually appealing way and includes video material explaining the budgetary process through the eyes of the citizen.[21] Glen Robbins held that the portal was a major improvement to the previous forms of access to provincial budgetary information (hardcopy files and excel sheets that were not made available timeously). It was also helpful to have a site that brought the information together in one place.[22] Although Ms Zukiswa Kota, Head of Monitoring and Advocacy at the Public Service Accountability Monitor, agreed that the commitment had improved access to information, she said that much of this information was already in the public domain. The challenge going forward would be to extend the type of data available to sets that have not previously been made public, such as non-financial performance data, procurement information

and provincial quarterly reports. This could involve strategic engagement with other state entities or departments.[23]

Civil society views on the commitment's impact on civic participation were somewhat more muted. Kirsten Pearson believed that the Vuleka Mali portal promotes civic participation by enabling individuals and civil society organizations to know at which level it is best to participate (national or provincial level of government, line department vs Treasury), and when it is best to make submissions.[24] She acknowledged, however, that although digital exclusion was something the Vuleka Mali project team had considered and engaged, to some extent the portal still relied on the work of intermediaries who could advocate on behalf of others with lower levels of budget literacy.[25] Glen Robbins remarked that the accessibility of the information, and its impact on civic participation, could depend on the extent to which users were familiar with government processes.[26] Furthermore, the specificity of the data on the portal, and the interpretation of such data, could at times function as a barrier to civic participation. Rather than engaging on the substantive budgetary issue at hand, provincial government officials had in at least one case disputed civil society's opinion on how the money was being spent. This pointed to a need to educate public officials on the use of the portal, alongside members of civil society.[27]

A strong opinion was nevertheless expressed that with IMALI YETHU, the Treasury had achieved a genuine partnership with civil society. Strong working relationships had been established between government and civil society, which had significant value for civic participation going forward.[28]

Carried Forward?
At the time of writing this report, South Africa has not finished developing its fourth action plan. The IRM researcher recommends carrying forward this commitment to the next action plan, with a focus on the Vuleka Mali project stages three (incorporating wider government institutional information) and four (incorporating spatial data to provide a view of budget-related information at national and provincial public entities and municipal levels across sectors and by economic classification). To deepen civic participation, project proponents could consider incorporating the public participation standards produced by the Global Initiative for Fiscal Transparency, working closer with budget intermediaries and developing an educational program on Vuleka Mali for officials in national and provincial governments.

[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 35.

[2] Ibid 35.

[3] Ibid 36.

[4] Ibid 35.

[5] South African Government Budget Data & Analysis, https://vulekamali.gov.za

[6] Vuleka Mali 'Background', https://vulekamali.gov.za/about

[7] Vuleka Mali 'Department budgets', https://vulekamali.gov.za/2018-19/departments

[8] Vuleka Mali 'Learning resources', https://vulekamali.gov.za/videos

[9] Vuleka Mali, 'DPME Evaluations Repository', https://vulekamali.gov.za/datasets/socio-economic-data/dpme-evaluations-repository

[10] Imali Yethu 'Open Budgets For What? For Who?', https://imaliyethu.org.za

[11] Vuleka Mali 'Background', https://vulekamali.gov.za/about

[12] Ibid.

[13] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

[14] Vuleka Mali 'Background', https://vulekamali.gov.za/about

[15] Kay Brown, Chief Director: Expenditure Planning, National The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from government 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. This report summarizes the final results of the period between October 2016 and December 2017 and includes relevant developments up to May 2018. 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.

[16] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

[17] Citizen participation in the budgeting process took place prior to the commitment formulated in the current action plan. For example, a Citizen's Guide to the Budget was published in 2015/2016 and at that time the National Treasury was already in ongoing discussions with a civil society coalition of about 50 organisations interested in the budget. 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] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

[19] Glen Robbins, research associate, PRISM, School of Economics, University of KwaZulu-Natal; research fellow, Urban Futures Centre, Durban University of Technology, UN Consultant, interview with IRM researcher, 29 January 2019.

[20] Ibid.

[21] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

[22] Glen Robbins, research associate, PRISM, School of Economics, University of KwaZulu-Natal; research fellow, Urban Futures Centre, Durban University of Technology, UN Consultant, interview with IRM researcher, 29 January 2019. Mr Robbins uses the Vuleka Mali site and has been an active commentator on its development.

[23] Ms Zukiswa Kota, Head of Monitoring and Advocacy at the Public Service Accountability Monitor, interview with IRM researcher, 15 October 2018.

[24] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

[25] Ibid.

[26] Glen Robbins, research associate, PRISM, School of Economics, University of KwaZulu-Natal; research fellow, Urban Futures Centre, Durban University of Technology, UN Consultant, interview with IRM researcher, 29 January 2019.

[27] Ibid.

[28] Kirsten Pearson, Co-ordinator of the Budget Justice Coalition, former Deputy Director, Government Technical Advisory Centre, interview with IRM researcher, 25 January 2019.

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.

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 (as written)				Potential Impact				Completion / Midterm 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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall			✔			✔					✔				✔			✔			
															✔						
3.1. Promote citizen engagement mechanisms				✔		✔					✔				✔						
															✔						
3.2. Culture of good governance			✔			Unclear					✔				✔						
															✔						
3.3. Implement initiatives to improve financial sustainability			✔			✔					✔			✔							
														✔							

Commitment Aim

This commitment was part of the government's Back to Basics (B2B) Programme and included activities that address the broader operating environment for civic participation, such as reforming the regulatory framework for municipal public participation, enhancing mechanisms for citizens' voices to be heard, piloting a citizen empowerment programme, and conducting a national annual citizen satisfaction survey. The commitment further incorporates initiatives that improve financial sustainability, revenue management and audit outcomes.

Status
Midterm: Substantial

To promote citizen engagement measures (milestone 3.1), by 31 March 2017, the Department of Cooperative Government and Traditional Affairs (COGTA) had established ward committees in 208 different municipalities and overseen the development of 500 ward committee operational plans across three provinces (KwaZulu-Natal, Northern Cape and Western Cape). COGTA also finalised 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. This lays the groundwork for the more difficult and protracted process of revising the regulatory framework for citizen engagement in municipal governance.[1] The government also developed 'GovChat', a social media platform enabling interactive communication between municipal councillors, officials and communities.[2] However, by the midterm review, Govchat had not yet been launched.

The government made progress in strengthening anti-corruption measures and enforcing applicable legislation and policies (milestone 3.2). Under the B2B Programme, municipalities are required to

submit monthly reports of dismissals for fraud, and 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).

There was limited progress in actions related to milestone 3.3 (implementing initiatives to improve financial sustainability). COGTA was unable to conduct its intended national campaign to improve the culture of revenue collection in municipalities as the quotation it obtained from the Government Communication and Information System (GCIS) to conduct the work was unaffordable.[3] Related to this milestone, the government made limited progress in improving the percentage of unqualified audit outcomes.[4]

End of term: Substantial

In respect of promoting citizen engagement mechanisms (milestone 3.1) in September 2018 COGTA launched GovChat in partnership with the Government Communication and Information Service (GCIS) and the South African Local Government Association (SALGA).[5] The social media platform is available on mobile and web-based (https://za.govchat.org) and has three components:

- A survey tool to rate civil service facilities (police stations, early childhood development centres, post offices, schools, special needs education centres, and healthcare facilities). Users are able to search for particular facilities and to rate both the service and facilities. Survey results are submitted to contact persons at the relevant facility.

- A facility to view service requests.

- A donation tool, allowing users to donate blankets, food, clothes and electronics for collection by the local Ward Councillor.

In rural communities, where connection speeds are slower, GovChat is available through the Unstructured Supplementary Service Data channel.[6]

The promoters of GovChat claim that the tool will enable 16 million citizens to access more than 10,000 public representatives supporting more than 30,000 public facilities and services in communities across the country.[7] The tool does not enable public representatives to respond to public messages, however, queries are routed to the responsible person at public facilities while national departments, councillors, ward committees and community development workers are able to view issues and trends on the GovChat dashboard. This will enable public officials to compare facilities at a granular level.[8]

GovChat was initially launched in four provinces: Western Cape, Limpopo, KwaZulu Natal, and the Free States.[9] However, the launch took place after the official end date of the action plan. The IRM researcher was unable to ascertain the level of completion at the end-of-term for the other milestones in this commitment.[10]

Did It Open Government?
Civic Participation: Did Not Change

At the conclusion of the midterm, there were already signs that the commitment had led to improvements in civic participation. For example, a report tracking implementation of the B2B programme over the first 21 months found that the number of ward meetings and ward councillor report back meetings had increased, alongside the existence of complaint mechanisms.[11] The launch of GovChat promises to have significant potential to improve citizens' ability to participate in government planning and service delivery.[12] However, as the platform was only launched in September 2018, and is only at the earliest stages of roll-out, it is too early to assess results.

Carried Forward?

At the time of writing this report (September 2018), South Africa has not finished developing its next action plan. The IRM researcher recommends carrying this commitment forward but scaling it back to focus on the implementation and roll-out of the citizen engagement tool GovChat. During the fourth action plan cycle, this tool could be extended to all provinces. The developers and promoters

of the tool could also consider mechanisms for sharing the data generated by the tool in a manner that promotes public-facing accountability.

[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 41.
[2] Eldrid Jordaan & Donald Liphoko "GovChat – a social media platform that enables interactive communication between government officials and communities" (no date), slide 2.
[3] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 43.
[4] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 44.
[5] Eldrid Jordaan, Chief Executive Officer, Govchat, whatsapp communication with IRM researcher, 27 September 2018. A launch video is available at https://player.vimeo.com/video/290289728
[6] Deputy Minister Andries Nel, 'Launch of Govchat, 25 September 2018, https://www.gov.za/speeches/govchat-25-sep-2018-0000
[7] Ibid.
[8] Eldrid Jordaan, Chief Executive Officer, GovChat, telephone interview with IRM researcher, 11 October 2018.
[9] Ibid.
[10] The IRM researcher contacted Ms Gigi Gosnell on 4 October 2018 regarding the OGP point of contact for the department. She was informed that the designated point of contact, Mr Edwin Molebale, had left the Department months before. She was referred to the Chief Director of Citizen Engagement, Ms Boitumelo Diale. The IRM researcher contacted Ms Diale by email on 9 October 2018, who responded, and a telephone interview was set up for 15 October 2018. Due to a misunderstanding on the part of the IRM researcher the meeting did not take place. Attempts to secure a subsequent meeting were unsuccessful.
[11] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 43.
[12] Ms. Damaris Kiewits, Community Liaison Officer at the Community Engagement Unit, University of the Western Cape, stated that it would be a 'critical tool' for consultation with the Western Cape Government, interview with IRM researcher, 10 July 2017.

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 (as written)				Potential Impact				Completion				Midterm / 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	Completed		Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall			✔	✔	✔			✔			✔				✔				✔			
															✔							
			✔	✔	✔			✔			✔				✔							

Milestone													
4.1. Open the portal for public access											✔		
4.2. Allow users to create screening reports		✔	✔		✔		✔				✔		
												✔	
4.3. Integrate portal with Integrated Permitting System		✔	✔		✔		✔				✔		
											✔		
4.4. Add marine and coastal datasets to portal			✔	✔		✔		✔		✔			
										✔			

Commitment Aim

This commitment, carried forward from both the first and second action plans, sought to establish an Integrated Environmental Management Information Portal to address the problem of disaggregated environmental datasets within and across government departments. While some of these datasets are publicly accessible on an Environmental Management Geographical Information Systems webpage,[1] the new portal was designed to be an online repository of disaggregated data (such as on protected areas, land cover, the oceans and coast, renewable energy projects and environmental management frameworks).[2]

Status
Midterm: Substantial

By the midterm, the Department of Environmental Affairs (DEA) made substantial progress in implementing the first two phases of the Integrated Environmental Management Information Portal through the integration of government datasets and development of user screening reports. A project team within the DEA also began integrating marine and coastal datasets into the new portal. Outstanding technical issues (for example, ensuring the portal functions with the Integrated Permitting System) prevented the portal from going live by the time of the midterm review, although the DEA anticipated setting a launch date for mid-January 2018.[3]

End of term: Substantial

By the end of term, the DEA had not yet launched the Integrated Environmental Management Information Portal. All milestones relating to this commitment therefore remained at the same status as the midterm review. The publicly-accessible Environmental Management Geographical Information Systems webpage remains active with updated datasets.

Although not initially conceptualised as part of Commitment 4, the DEA concentrated its efforts on developing a national screening tool.[4] The screening tool, launched in July 2018, is a geographically-based web application that draws on 180 datasets to enable government, civil society and the public to determine if an area is environmentally sensitive.[5] In particular, it allows a proponent intending to submit an application for an environmental authorisation in terms of the 2014 Environmental Impact Assessment Regulations to pre-screen their proposed site, down to the level of individual municipal erfs.[6] Under Regulation 16(1)(v) of the Regulations, a pre-screening report generated by the screening tool must accompany any application for an environmental authorisation.[7]

The DEA developed a webinar to outline the functionality of the screening tool in collaboration with the International Association for Impact Assessment.[8] A total of 262 people attended the 2.5-hour live event.[9] A recording of the webinar is available on the national screening tool site.

The DEA is also involved in the South African Environmental Information Metadata (SANEIM) Project. The SANEIM project aims to develop, populate and maintain a complete, current and accurate catalogue of metadata on significant environment-related information. The project is being undertaken with the South African Environmental Observation Network (SAEON) and the Department of Rural Development and Land Reform.[10]

Did It Open Government?
Access to Information: Did Not Change

Although work on an Integrated Environmental Management Information Portal proceeded over the cycle of the third action plan, it resulted in no substantive change in access to information, as datasets at the end of term were available in the same format and on the same portal as they were at the start of the action plan's cycle.

Strictly speaking, the screening tool is not relevant to Commitment 4. It is nevertheless a major step forward in access to environmental information as it consolidates information on environmental sensitivity into a single interface that is aligned with regulatory requirements. Previously, private sector applicants needed to sift through numerous datasets and government had no objective tool against which to test environmental sensitivity claims without working through the datasets themselves or conducting a site visit. Civil society and government actors alike have welcomed the screening tool as a positive change in the quality of environmental decision making. For example, in an email addressed to the DEA commenting on an information session on the screening tool, Ms Nicky McLeod, a Grade A control officer at the Gauteng Department of Agriculture and Rural Development and an environmental assessment practitioner,[11] and Marc Leroy, also a Grade A control officer at the Gauteng Department of Agriculture and Rural Development,[12] expressed satisfaction with the development of the screening tool to date. It remains to be ascertained whether stakeholders prefer the screening tool to the Integrated Management Information Portal, and whether the screening tool is intended to replace the latter.

Carried Forward?
At the time of writing this report (September 2018), South Africa has not finished developing its next action plan. Since this commitment has already been carried over twice and is nearing completion, and the screening tool has been launched, the IRM researcher does not recommend carrying it forward to the next action plan.

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[1] The Environmental Geographical Information Systems webpage, https://egis.environment.gov.za
[2] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 46.
[3] Ibid 47.
[4] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, telephone interview with IRM researcher, 29 October 2018.
[5] The National Screening Tool, https://screening.environment.gov.za/screeningtool/index.html#/pages/welcome
[6] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, telephone interview with IRM researcher, 29 October 2018.
[7] Department of Environmental Affairs 'Welcome to the national screening tool',
https://screening.environment.gov.za/screeningtool/index.html#/pages/welcome
[8] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, telephone interview with IRM researcher, 29 October 2018.
[9] Deon Marais *et al,* 'Presentation of Webinar Analytics: Demonstration of South Africa's National Environmental Screening Tool', 21 August 2018, Johannesburg.
[10] Ms Marlanie Moodley, EGIM Director, Department of Environmental Affairs, email communication with IRM researcher, 30 October 2018.
[11] Nicky McCleod, environmental impact assessment practitioner, email addressed to Ms Dee Fischer and Ms Marlanie Moodley on 26 July 2018 and made available to the IRM researcher.
[12] Marc Leroy, Grade A Control Environmental Officer, Gauteng Department of Agriculture and Rural Development, email addressed to Ms Marlanie Moodley on 21 August 2018 and made available to the IRM researcher.

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 wellversed 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(s): National Alliance for Development of Community Advice Offices (NADCAO)

Supporting Institution(s): Association of Community-based Advice Offices of South Africa

Start Date: January 2016

End Date: December 2017

Commitment Overview	Specificity	OGP Value Relevance (as written)	Potential Impact	Completion	Midterm	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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall			✔			Unclear				✔					✔			✔			
															✔						
5.1. Training community-based paralegals			✔			Unclear				✔						✔					
																✔					
5.2. Sector training in fundraising, communication and advocacy			✔			Unclear				✔						✔					
																✔					
5.3. Sector training in engaging and networking			✔			Unclear				✔						✔					
																✔					
5.4. Build cohort through Dullah Omar School for Paralegals				✔		Unclear				✔						✔					
																✔					
5.5. Engage international actors		✔				Unclear				✔				✔							
														✔							
5.6. Awareness campaigns on access to socio-economic rights			✔			Unclear			✔							✔					
																✔					

Commitment Aim

Led by the National Alliance for Development of Community Advice Offices (NADCAO), this commitment marked the first incorporation of a civil society-led initiative into a South Africa OGP action plan. The commitment primarily aimed to contribute to the long-term development and sustainability of Community Advice Offices (CAOs), which are small, community-based, non-profit organisations offering free basic legal and human rights information to marginalised people. There are about 300 CAOs in South Africa, yet the sector is unregulated and does not receive public funding.[1]

Status
Midterm: Substantial

NADCAO undertook a variety of training initiatives in 2017. For example, from 22 to 27 October 2017, more than 125 paralegals were trained at the third Dullah Omar School for Paralegalism.[2] NADCAO and the Association of Community Advice Offices of South Africa (ACAOSA) also led trainings on the use of the Promotion of Access to Information Act to promote social justice coalitions.[3] NADCAO also led workshop discussions with training service providers on coordinated approaches to accreditation of training in the sector.[4]

NADCAO engaged the Department of Justice (DoJ) and the Department of Public Service and Administration (DPSA) on the issue of the long-term funding of the sector, but by the midterm, no long-term public or donor funding for the CAO sector had been secured.[5]

End of term: Substantial

The IRM researcher was unable to contact representatives of NADCAO to gauge the implementation progress of this commitment, despite several attempts.[6] A desktop survey of the state of institutionalisation of the CAO sector also failed to reveal any further progress.

Did It Open Government?
Access to information: Did Not Change
Civic participation: Did Not Change
Public accountability: Did Not Change

This commitment was not directly relevant to OGP and did not lead to opening government as implemented. Nor did it resolve the two key policy questions at the heart of the CAO sector's instability: namely, how the paralegal sector should be regulated, and whether CAOs should be publicly funded. This can largely be ascribed to the design of the commitment and the lack of a government partner.

Carried Forward?
At the time of writing this report, the South African government has not finished developing its fourth action plan. The IRM researcher recommends carrying this commitment forward, but with a focus on advancing the legislative formalisation of the CAO sector and funding. The IRM researcher also recommends that the DPSA convene a steering committee with representation from the DoJ and Constitutional Development, NADCAO and ACAOSA, with a view to developing an action plan for legislative reform and funding of the CAO sector.

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[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 46.
[2] NADCAO & Social Change Assistance Trust *Summary Report on the Third Dullah Omar School for Paralegalism*, https://www.blacksash.org.za/images/campaigns/education/SummaryReportThirdDullahOmarSchoolforParalegalism.pdf, 4.
[3] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 51.
[4] Ibid.
[5] Ibid 52.
[6] The IRM researcher attempted to reach Lungile Kubheka, an officer previously used as the contact person for NADCAO, on 9 and 10 October 2018 on her cellphone but the call went to voicemail. Calls to the landline of NADCAO's head office on 11 October 2018 also went unanswered.

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(s): Department of Public Service and Administration (DPSA)

Supporting Institution(s): 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 (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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall (Midterm)			✔		✔			✔	✔							✔		✔			
6. Overall (End of Term)																✔					
6.1. Pilot open data portal (Midterm)			✔		✔			✔	✔							✔					
6.1. Pilot open data portal (End of Term)																✔					
6.2. Execution of specific community to interact with the portal (Midterm)			✔		✔			✔	✔							✔					
6.2. Execution of specific community to interact with the portal (End of Term)																✔					

Commitment Aim

This commitment aimed to improve citizen access to government-held information, data and services by developing a pilot open data portal. The pilot open data portal was intended to gauge interest and understand the specific needs of South African citizens and developers, in addition to establishing an open data presence for South Africa on the eve of its assumption of the Lead Chair of the OGP Steering Committee in October 2015.[1]

Status
Midterm: Complete

The commitment was completed prior to the start of the action plan. In 2015, OGP Envoy and Deputy Minister of Public Service and Administration, Ms Ayanda Dlodlo, assembled a task team of representatives from government, business and civil society to develop a pilot national open data portal (www.data.gov.za) to host data on behalf of government departments and agencies, in addition to linking to existing datasets on external websites.[2] A total of 409 government datasets were added to the portal in 2015, ranging from annual fuel sales, to the estimated percentage of children living with HIV, to water analyses for the City of Cape Town, among others.[3] Together with civil society, the Department of Public Service and Administration nevertheless continued working on securing funding for the development of a permanent open data portal and associated hackathons.[4]

There has been no addition to the 409 government datasets on the national open data portal. However, there are additional datasets on the 'Data Showcase' page added by third parties, such as Code for South Africa, the Institute of Security Studies and the Independent Electoral Commission. These include datasets on the identity of ward councillors, load shedding, a municipality of compliance tracker, and a tool for determining the costs of generic medicines.[5] Despite several attempts, the IRM researcher was not able to reach the contact person for this commitment to inquire about further updates on the portal.[6]

Following the development of a pilot open data portal, the open data task team sourced funding for a second phase of pilot project from the Tirelo Bosha public sector improvement facility. Four main actions were completed between September 2017 and October 2018:

1. A data availability and needs assessment was conducted to identify and log new government data sources which occurred together with engagement of open data early adopters;[7]

2. Anew data user engagement was organised around three themed 'challenges' on air quality, healthcare and spatial transformation. Through the challenges, over 400 students and government officials participated in ten hackathons and training workshops in smaller (e.g. Emalahleni, Polokwane, Kimberley) and larger cities (e.g. Durban, Johannesburg) across South Africa;[8]

3. Following interaction with a number of national and subnational line departments about data sharing and supporting new user engagement, the task team conducted pilot training workshops with government departments on the management and use of data;[9] and

4. Based on early adopter engagement, the portal design has been reoriented to helping 'intermediate' level data users (e.g. NGO data managers, university postgrad students, government M&E practitioners/ researchers) to find, extract, link and use data from existing portals.[10]

Did It Open Government?
Access to Information: Did Not Change

This commitment did not lead to any change in government practice, as the open data portal was developed prior to the finalisation of the third action plan. Although significant work on a fully-fledged open data portal continues, by the end of term there had been no change in the government datasets available.

Carried Forward?

The IRM researcher recommends the development of a permanent national open data portal be included in the next action plan, with the focus on expanding engagement with champions within targeted line departments related to certain thematic areas and encouraging the adoption of useful, shared practices for data management and sharing to improve the quality of available data and to open additional data where possible. At the same time, the task team should increase training and awareness amongst civil society and subnational government, to build new data use cases. The portal should continue to be revised and updated to support this work.

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[1] South Africa National Data Portal, 'Open Government Partnership', http://data.gov.za/about.html

[2] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 56.

[3] These datasets can be viewed at http://data.gov.za/all-datasets.html.

[4] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 56.

[5] These datasets can be viewed at http://data.gov.za/showcase.html

[6] The IRM researcher sent an email to Ms. Prudence Kolman, administrative assistant to Zaid Aboobaker in the Department of Public Service and Administration on 11 October 2018, requesting an interview with Mr Aboobaker for the end-of-term report. The email was unanswered. The IRM researcher sent an email to Mr Aboobaker directly on 11 October 2018, requesting an interview, but the email went unanswered. A telephone call to the office of Mr Aboobaker on 12 October 2018 was also not answered.

[7] A public catalogue of these datasets is available at https://docs.google.com/spreadsheets/d/1asrQMHp_aJrD-LqkmW9n5yLT6Cm-K1geBEn9nLfYb3E/edit?usp=sharing.

[8] A working toolkit was published to capture these events and lessons for other local data champions that may want to host events. See https://opendataza.gitbook.io/toolkit.

[9] Ibid.

[10] An alpha version of the revised pilot portal is being tested and is expected to move to data.gov.za domain during Jan/ Feb 2019: https://odza.herokuapp.com/opendataza/home.

7. Roll-out of 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 Institution: None

Start Date: None Specified

End Date: None specified

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm / 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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall						✔				✔			✔								

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		✔											✔					✔		
7.1. GCIS to raise awareness among public servants		✔				✔				✔			✔ ✔							
7.2. GCIS platforms used to create awareness (print media)		✔				✔				✔			✔ ✔							
7.3. Collaboration on OGP information series		✔				✔				✔			✔ ✔							
7.4. Joint collaboration between GCIs/MDDA for community radio		✔				✔				✔			✔ ✔							
7.5. Research information citizens want made available		✔				✔				✔			✔ ✔							

Commitment Aim

From the text of this commitment, it was unclear whether the activities specified related to awareness raising of the OGP initiative, or to the project of open government more generally.[1] Ms Qinsile Delwa, the interim OGP point of contact, confirmed that the commitment was formulated with the intent to raise awareness about South Africa's participation in OGP.[2]

Status
Midterm: Not Started

By the midterm, this commitment was not started. With one exception, none of the GCIS publications listed in the commitment text published any piece relating to OGP.

End of term: Not Started

The commitment remained not started by the end of the action plan cycle, even though the South African government continues to actively participate in regional initiatives aimed at guiding the direction and development of OGP to ensure its continued relevance to Africa.[3] From 26 – 28 May 2018, the South African government participated in a workshop in Cote d'Ivoire to discuss collaboration between the African Peer Review Mechanism (APRM) and OGP.[4] South Africa was identified as a primary country for purposes of piloting collaboration between the two governance platforms.[5]

Did It Open Government?
Civic participation: Did Not Change

Due to the lack of implementation, the commitment did not result in any change in government practice.

Carried Forward?

The IRM researcher does not recommend carrying forward awareness raising centred on OGP to the next action plan. Depending on the outcome of a Memorandum of Understanding setting out the basis and guidelines for prospective APRM and OGP collaboration, the Department of Public Service and Administration (DPSA) could conduct a broad-ranging awareness-raising campaign that extends to all segments of South African civil society.

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[1] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 59.

[2] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[3] Qinsile Delwa, Acting Executive Director, Centre for Public Service Innovation, interview with IRM researcher, 8 October 2018.

[4] African Peer Review Mechanism (APRM) and Open Government Partnership (OGP) 'APRM & OGP Collaboration: Concept Note' (copy on file with IRM researcher).

[5] Ibid 2.

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 (as written)				Potential Impact				Completion				Did It Open Government?				
													Not Started	Limited	Substantial	Completed (Midterm / 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	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall			✔		✔				✔							✔ (Midterm) ✔ (End of Term)		✔			

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8.1. Establishment of an Interdepartmental Committee			✔	✔				✔					✔	
													✔	
8.2. Development of Country Implementation Plan		✔		✔				✔					✔	
													✔	

Commitment Aim

The commitment sought to consolidate South Africa's action on beneficial ownership obligations under two key international regimes: endorsement of the G20 High-Level Principles on Beneficial Ownership Transparency,[1] and compliance with the guidance on Transparency and Beneficial Ownership issued by the Financial Action Task Force (FATF).[2] The deficiencies of South Africa's legal framework in this regard had been raised in several FATF Mutual Evaluation Reports and discussed at meetings of the FATF.[3] The commitment aimed to give effect to South Africa's beneficial ownership obligations through (i) the establishment of an Interdepartmental Committee; and (ii) the development of a Country Implementation Plan on beneficial ownership.

Status
Midterm: Complete

The Interdepartmental Committee, comprising representation from 20 key State departments and a few private sector regulatory institutions, was established in October 2015 – prior to the start of the third action plan.[4] The Interdepartmental Committee finalised the Country Implementation Plan on beneficial ownership by the time of the midterm review.[5] During the second year of implementation the Interdepartmental Committee met three times. In May 2018, it finalised an assessment of existing and emerging risks associated with different types of legal persons and arrangements in South Africa. The report is yet to be released.[6]

Although not expressly incorporated as part of the commitment, legislative reforms identified in the Country Implementation Plan were under way by the midterm review. Specifically, in April 2017, the President signed the Financial Intelligence Centre Amendment Bill, 2017 (FIC Amendment Act) into law. Regarding beneficial ownership, the FIC Amendment Act amended the Financial Intelligence Centre Act, 2001 (FIC Act) by:

- Inserting a definition of 'beneficial owner'; [7]

- Imposing an obligation on 'accountable institutions'[8] to undertake due diligence measures to establish the identity of the beneficial owner where the prospective client to a business relationship is a legal person, or a natural person acting on behalf of a partnership, trust or similar arrangement between natural persons;[9]

- Imposing an obligation on accountable institutions to undertake ongoing due diligence during the course of a business relationship, including for purposes of establishing and verifying beneficial ownership;[10]

- Imposing an obligation on accountable institutions to keep records of customer due diligence, which would include information on beneficial ownership.[11] Under the FIC Act, such records could be accessed by investigative authorities and supervisory bodies for purposes of investigating money laundering and terrorist financing.

Regarding the substantive legislative reforms that give effect (in part) to the Country Implementation Plan on Beneficial Ownership, apart from the definition of a beneficial owner (which entered into

force on 2 October 2017), none of the other legislative amendments were in effect by the end of the action plan cycle.

Did It Open Government?
Access to Information: Did Not Change

The commitment did not change access to information on beneficial ownership in South Africa. At best, it could be construed as a procedural step towards remedying deficiencies in South Africa's legal framework for the governance of beneficial ownership, for the purpose of combating money laundering and terrorist financing. In its design, the commitment did not respond to calls from civil society to open government by establishing a central, public registry of beneficial ownership.

The legal reforms that have been passed (though not yet brought into force) situate beneficial ownership identification and verification within a narrow range of social action (business transactions and relationships with accountable institutions), do not require the establishment of a central registry (information remains disaggregated with accountable institutions), and do not allow for public access to information (access being limited to investigate authorities and supervisory bodies). Issues regarding a register of beneficial ownership are nevertheless being addressed as part of the risk assessment process. The type of register, and the process to be followed in establishing such, will be determined based on the recommendations of this intra-governmental risk assessment process.[12]

Carried Forward?
At the time of writing this report (September 2018), South Africa had not finished developing its next action plan. The IRM researcher recommends carrying forward the establishment and operation of a central public register of beneficial ownership to the next action plan. Rather than the Department of Public Service and Administration, the responsible institutions in this regard should be the Companies and Intellectual Properties Commission and the Department of Trade and Industry.

[1] *Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018*, 63. The South African Cabinet approved the G20 High-Level Principles at a meeting held on 21 October 2015.

[2] Financial Action Task Force FATF Guidance: Transparency and Beneficial Ownership (October 2014).

[3] See, for example, FATF 'Outcomes of the June 2017 Meeting of the Financial Action Task Force' (undated).

[4] Independent Reporting Mechanism (IRM): South Africa Progress Report 2016 – 2018, 64.

[5] Ibid 64.

[6] Professor Richard Levin, Director-General, Department of Public Services and Administration, letter to addressed to IRM researcher, 13 November 2018.

[7] A beneficial owner is 'a natural person who, independently or together with another person, directly or indirectly owns the legal person, or exercises effective control of the legal person', section 1, FIC Act.

[8] Accountable institutions include a wide range of legal entities, financial institutions and Designated Non-Financial Businesses and Professions (DNFBPs). See the definition of 'accountable institution' in section 1 of the FIC Act, read together with Schedule 1.

[9] Section 21B(2), FIC Act.

[10] Section 21C(b), FIC Act.

[11] Section 22, FIC Act.

[12] Professor Richard Levin, Director-General, Department of Public Services and Administration, letter to addressed to IRM researcher, 13 November 2018.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

The end-of-term report was prepared on the basis of desk research, face-to-face and telephone interviews, email communication with key stakeholders, and participant observation at a civil society workshop on the OGP convened by the Ford Foundation.

Tracy-Lynn Humby is a Professor in the School of Law, University of the Witwatersrand. This research was undertaken in an independent capacity.

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

Open Government Partnership