

Department of Public Service and Administration



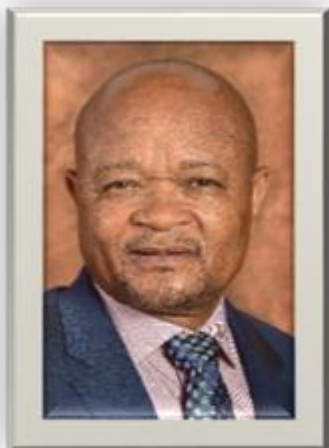
REPUBLIC OF SOUTH AFRICA

Reviving the OGP Process in South Africa OGP 4th National Action Plan 2020-2022

30 December 2020



1. Foreword



Mr Senzo Mchunu, MP



In September 2011, South Africa endorsed the *Open Government Partnership* (OGP) Declaration of Principles, thereby committing itself to work with civil society towards enhancing transparency, public participation, accountability, and the fight against corruption in both the public and private spheres. This global partnership initiative on open government is in line with the African Union’s *African Peer Review Mechanism* (APRM) which encourages African governments to improve good governance - including participation, openness and service delivery to their populations.

Open Government in the South African context, is premised on our progressive and transformative Constitution which enshrines a *Bill of Rights* and the principles of good governance. Chapter 9 of our Constitution specifically provides for the establishment of independent institutions to safeguard and enforce openness, transparency, accountability, responsiveness, and ethical governance in the public and private spheres. These institutions are an important armoury in promoting and protecting the rights of our citizens.

South Africa is also committed to leading the implementation of the African Union decision to pursue universal accession to the African Peer Review Mechanism by AU Member States; especially during its Chairship of the African Peer Review (APR) Forum of Heads of State and Government for the two year period of February 2020 to February 2022.

This is also in line with the State of the Nation Address (SONA) 2020 commitment of ensuring “A better Africa and better World” by using the APRM as a platform to work with other countries to advance good governance and democracy.

This important outcome is a further indication of government's continued commitment to deliver services to its citizenry in a participatory and transparent manner. At an operational level, we promote citizen engagement and participation through, among others, direct contact with citizens in the form of over 3000 Community Development Workers (CDWs) who are based in local communities throughout the country.

Also important in promoting open and accountable government is the fight against corruption. In his State of the Nation Address (SONA) on 07 February 2019, President Cyril Ramaphosa reinforced the need for the strengthening of state capacity as one of the *five* tasks that will underpin everything that the government does, including stepping up the fight against corruption and state capture.

The first SONA of the sixth (6th) administration delivered by President Cyril Ramaphosa on 20 June 2019, further reinforced the building of a capable, ethical and developmental State as one of the seven (7) priorities (overarching tasks) that all government policies and programmes must be directed to pursue in order to deliver a better life for all South Africans.

The creation and maintenance of genuine avenues for participatory democracy and development; and independent institutions to uphold and enforce the broad principles of good governance is indicative of the South African government's unambiguous commitment to the values and principles of an open society as espoused in, among other documents, the Declaration of Principles of the OGP.

As part of reviving the OGP Process in South Africa, civil society played a crucial role in leading the consultation processes for the drafting of the OGP 4th National Action Plan 2020. Government will thus continue to count on the active role of civil society as it re-establishes and consolidates the OGP structures. These consultation processes will continue as we regard the OGP 4th National Action Plan as a living document that responds to the ever-changing governance environment.

As we commit to continue our support to the global OGP initiative, we will also continue to support and participate in continental initiatives that assess our performance in open governance. In partnership with the other countries and stakeholders, we'll continue to find synergies between the OGP and the APRM as these two initiatives are mutually affirming in strengthening good governance practices in Africa.

Working with our people, we will deliver on our undertakings to create a society where all South Africans have a voice and participate in processes to determine and improve how they are governed. I want to thank the civil society leadership and organisations who participated in drafting the three OGP commitments that constitute our OGP 4th National Action Plan.

I also want to thank those active citizens and organisations in the business and civil society sectors that made inputs to this important document - our OGP 4th National Action Plan.

Mr. Senzo Mchunu, MP

Minister for the Public Service and Administration

Government Focal Point on OGP

Republic of South Africa

A. Summary of the Commitments

(a) Background

The OGP was formally launched on 20 September 2011 on the sidelines of a United Nations General Assembly (UNGA) meeting during which Heads of State from 8 founding governments (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, and the United States) endorsed the Open Government Declaration.

The OGP focuses on promoting accountable, responsive and inclusive governance. There are 79 countries and a growing number of local governments, representing more than two billion people, along with thousands of civil society organisations who are members of the OGP.

To join the OGP, governments commit to upholding the principles of open and transparent government by endorsing an Open Government Declaration. Members must meet eligibility criteria and pass the values check. In essence the programme is a voluntary international effort which consists of 79 participating countries that seek to encourage good governance principles, namely: transparency, accountability, participation, and innovation

These good governance principles resonate with South Africa's constitutional values, as well as the vision of a developmental state, as articulated in the National Development Plan (NDP). The ethos of the OGP has centred on exhibiting exemplary leadership in the global community through being an action-orientated initiative that requires Members to develop National Action Plans (NAPs) that reflect ambitious and time bound commitments.

(b) Highlights

South Africa has previously submitted three NAPs to the OGP Head Office. Civil society, supported by the OGP local office, played a key role in driving the OGP through their leading of the thematic areas that constitute the OGP 4th NAP, while the DPSA has supported their work and also convened the multi-stakeholder consultation session on 08 October 2020.

Though DPSA has operated with limited human and financial capital in the driving of the OGP, it has ensured that the commitments/ obligations of South Africa to the OGP are met. Despite limited capacity dedicated to the programme, South Africa has continued to be a steadfast champion on the African Continent for good governance and sound democratic principles, such as: accountability, transparency and citizen engagement.

Civil society played a key role in the drafting of the three (3) commitments, supported by the OGP country office; while DPISA coordinated the production of the 4th NAP to ensure that South Africa meets its commitments. The thematic areas that constitute the OGP 4th NAP are the following:

Open Data/ Government – Consultations were led by Mr. Paul Plantinga from Human Sciences Research Council (HSRC).

Fiscal Transparency and Open Contracting – Consultations were led by Ms. Zukiswa Kota from Public Service Accountability Monitor.

Beneficial Ownership Transparency – Consultations were led by Ms. Lize van Schoor from Financial Intelligence Centre (FIC).

B. Detailed narration of the three (3) commitments numbered

1. Open Data Commitment

1.1 Introduction and background

In previous OGP National Actions Plans South Africa has successfully implemented commitments related to open data such as establishing a publicly accessible portal of environmental management information¹, as well as launching an open budgeting portal² and a pilot national open data initiative called Open Data South Africa³ which was led by the Department of Public Service and Administration (DPISA).

By opening data, emerging innovators and researchers, both inside and outside government, are able to develop useful information services for public officials and citizens. For example, by opening train and bus schedule as well as route data, mobile applications which have been built enable commuters to plan their travel more easily. South Africa has adopted a unique approach to open data by placing capacity building and community involvement at the forefront of these technology-oriented initiatives.

¹ Environmental Geographical Information Systems (E-GIS) <https://egis.environment.gov.za/>

² Vulekamali <https://vulekamali.gov.za/>

³ Open Data South Africa <https://opendataza.gitbook.io/toolkit/>

This approach has enabled broad participation and awareness of the potential of open data in supporting modernisation of the public service and inclusive socio-economic development. As an indication of the growing interest, at the culmination of the Open Data South Africa pilot phase in September 2018, over 250 young designers and developers participated in a 3-day *Service Delivery #IgniteHack* at the University of Johannesburg to work on challenges related to a Values-Driven Public Service, Maternal Care, Gender-Based Violence, Youth Skills and Work, and a Healthy Environment.⁴

1.2 Recent progress and a new open data commitment

New open data achievements have continued into 2020 such as #BIDataHack 2020 at UNISA;⁵ the launch of an eThekweni Municipality EDGE Portal;⁶ the inclusion of public infrastructure projects on Municipal Money;⁷ the large-scale, volunteer-driven collection and cleaning of health facilities data for a COVID-19 ZA Dashboard;⁸ and the expansion of data awareness and literacy through the UK-SA Digital Literacy For Development (DL4D) programme in all nine provinces.

For the 4th NAP, it is envisaged that through a new commitment on open data, and strong partnership between government, civil society, private sector, academia and public research organisations, significant progress and impact can be achieved in this area. Continuing our previous emphasis, the commitment would be centred on involving young, local participants in open data initiatives and building capacity to work with data. In addition, national, provincial and local government entities will be supported with safely managing and sharing data and working with young data innovators, to facilitate more meaningful public participation and build data skills amongst current and future public servants.

⁴ Young SA tech geeks develop new solutions to improve public service <https://www.uj.ac.za/newandevents/Pages/Young-SA-tech-geeks-develop-new-solutions-to-improve-public-service.aspx>

⁵ BI Datathon <https://v2.itweb.co.za/event/itweb/business-intelligence-summit-2020/?page=datathon>

⁶ The Durban EDGE <https://edge.durban/>

⁷ Municipal Infrastructure Projects <https://municipalmoney.gov.za/infrastructure/projects/>

⁸ COVID 19 ZA South Africa Dashboard <http://bit.ly/COVID19ZADash> and facilities data mapping <https://andysouth.shinyapps.io/hosp-viewer-SA-v02/>

1.3 Commitment development process

1.3.1 Organisations/ stakeholders that have been engaged directly

Organisations that were involved directly in the commitment discussions and draft development include:

Organisation name	Sector
Department of Public Service and Administration (DPSA) – OGP	National Government department
Centre for Public Service Innovation (CPSI)	National Government component
The Innovation Hub Management Company (TIHMC)	Gauteng Provincial Government public entity
OpenUp	Private/ non-profit organisation
Open Cities Lab	Private/ non-profit organisation
Geekulcha	Private/ non-profit organisation
Human Sciences Research Council (HSRC)	Public research council
Public Service Accountability Monitor (PSAM), Rhodes University	Public university research group
Data Science for Social Impact (DSFSI) research group, University of Pretoria	Public university research group
Civic Technology Innovation Network (CTIN), University of the Witwatersrand	Public university project

1.3.2 Dates of iterations & consultations

Commitment drafting actions	Date(s)
Initial OGP discussions and proposal to develop an open data commitment	11 March 2020
First stakeholder meeting to discuss possible open data commitment	28 April 2020
Draft of an exploratory Open Data Discussion Document	April 2020
Second stakeholder meeting on way forward for drafting an open data commitment	12 May 2020
First drafts of possible open data commitment options	18 May 2020
Draft of a consolidated open data commitment with inputs from stakeholders	29 May - 24 June 2020

Additional stakeholders engaged on draft via email	June 2020
Draft of commitment Cover Note	02 September 2020
Presentation at the DPSA Convened Multi-Stakeholder Consultations on the 3 Draft Commitments that Constitute the Draft 4 th National Action Plan	08 October 2020

1.4 Commitment Template

Commitment Template	
Open Data	
1 January 2020 - 30 December 2022	
Lead implementing agency/actor	Department of Public Service and Administration (DPSA)
Commitment description	
What is the public problem that the commitment will address?	The opening of government data in South Africa has shown promise in reconnecting citizens with governance processes and stimulating innovation around social challenges. ⁹ However, the use of government data continues to be limited, with low awareness of what data is (or could be) available and how this data may enhance interaction with public entities.
What is the commitment?	Commitment partners will expand training and development of capabilities of citizens and local data intermediaries to use government data for civic engagement and social innovation, especially in peripheral urban areas and rural municipalities. At the same time, engagement will be deepened with data champions in targeted municipalities and provincial and national government line departments to enhance data management practices and facilitate responsible sharing and collaborative use of administrative data.
How will the commitment contribute to solve the public problem?	The commitment will increase the awareness and capacity of citizens, local data intermediaries and government data champions to access, share and use public data individually and collaboratively, in ways that are relevant to their local context and decision-making.
Why is this commitment relevant to OGP	This commitment will enhance civic participation by creating new opportunities and capabilities for the sharing and reuse of data by citizens and data intermediaries.

⁹ See South Africa End of Term Report (EOTR) 2016-2018 sections on national open data portal and other commitments (e.g. fiscal transparency) <https://www.opengovpartnership.org/documents/south-africa-end-of-term-report-2016-2018/>

values?			
Additional information	Open data intersects with a number of other OGP commitments, especially those related to fiscal transparency. This commitment seeks to complement what other commitments are pursuing by addressing data capacity building and practices broadly.		
Milestone activity with a verifiable deliverable	Start Date	End Date	
Operationalisation of the Open Data South Africa Steering Committee.	February 2021	March 2021	
Training, development and support to citizens and local data intermediaries/ champions on using open government data for civic engagement and social innovation.	Sep 2020	March 2022	
Contact Information			
Name of responsible person from implementing agency	Dr. Patrick M Sokhela Chief Director: International Cooperation and Stakeholder Relations		
Department	Department of Public Service and Administration		
Email address	patrick@spsa.gov.za		
Note: Working with civil society and relevant government departments, the DPSA will establish an overarching Steering Committee to drive all the three Commitments. Reports on progress on this commitment will be informed primarily by the deliverables already approved in the DPSA Annual Performance Plan 2021-2022.			

2. Fiscal Transparency and Open Contracting

2.1 Introduction and background

“Perhaps the greatest defence against corruption in public procurement is to make the entire process more transparent and open to public scrutiny.” (President Cyril Ramaphosa, 23 August 2020)

South Africa continues to champion fiscal transparency, but fundamental issues persist with connecting transparency to meaningful public participation that has the potential to be transformative. The link between transparency and accountability is weak, particularly at the

subnational level. The links between transparency and accessibility/ use/ inclusion also continues to be weak. In addition to this - while the public finance and procurement regulatory environment is being enhanced (for example, through the introduction of the 2020 draft public procurement bill) - oversight by the public (citizens, civil society and the media) is not adequately supported.

The budget transparency that South Africa currently has and which is globally recognized, is unfortunately not sufficient to achieve oversight of public expenditure, including public procurement. While high level budget data is available, much of the government's granular level spending data and its procurement and contracting data is simply not available. This is contributing to a lack of real-time monitoring both by government and civil society, which is resulting in inadequate oversight of spending.

The result has been repeated in annual reports by the Auditor-General (AG) in which he has highlighted the growing scale of unauthorised, irregular, and fruitless and wasteful expenditure, much of it amounting to corruption. Over the course of several years, the AG has called for improved consequence management as a deterrent to maladministration and malfeasance. It is a matter of public record that these calls have been ineffective. One result has been to give the AG new powers in terms of the Public Audit Amendment Act 2018 to take action itself if accounting officers fail to do so.

While these powers are welcomed, they have already proven to be an ineffective deterrent, as has been evident in the large-scale COVID-19 PPE procurement irregularities currently under investigation by the AG and the Special Investigating Unit (SIU), among others. Whatever the rigour and effectiveness of these investigations, recovering misappropriated monies is almost without exception a lengthy and costly process. A new proactive and preventative approach is an urgent priority. This followed the President issuing directives for all state entities to publish contracting data via National Treasury's website in response to allegations of corruption and fraud in COVID-19 related procurement.

Prior to that, the President directed the Special Investigations Unit to investigate all state entities involved in procuring goods and services to provide COVID-19 relief. Corruption is a

breach of the social contract that citizens enter into when they pay taxes in exchange for services and to provide solidarity in the form of social support to society's vulnerable members. It is imperative that the trend of worsening corruption is halted. Corruption is not a victimless crime. Its effects are visited worst upon the country's most vulnerable because corruption diverts money that could have been spent on the social wage and service delivery.

It is critical that public finances are spent responsibly and that ill-afforded leakages be stemmed. As such tackling corruption should be an integral part of any transformative fiscal transparency work which should ensure that the power of the people to demand accountability is increased and realized. Techno centrist reforms that do not acknowledge the reality that despite South Africa's extensive fiscal transparency, it is insufficient to enable meaningful oversight cannot feasibly lead to development-oriented reform.

There is a need to ensure that public finances are spent in the intended manner and for the advancement of the country's development goals. By making this recognition the central thrust of this commitment, fiscal transparency will become transformative. In 2020, the Covid-19 pandemic has had harsh economic implications for the country. A common analysis is that Covid-19 did not cause the problems, but has revealed the cracks that already existed and exacerbated them. In pandemic and general health contexts, effective, value-for-money procurement can mean the difference between life and death.

Lack of monitoring and oversight to avoid delays in the delivery of ventilators to hospitals or personal protective equipment is made worse by opaque supply chain systems. Whether these are consequences of legitimate market-related problems or intentional derailment of supply chain processes is important but not easily determined in many systems. Women and girls are the 'shock absorbers' in a time of economic crisis. Despite South Africa's prior leading role in the gender budgeting domain, the work has stalled, with publications such as those spearheaded by the [Women's Budget Initiative](#) of 1995 no longer being produced.

There is a lack of gender-disaggregated information about the budget or the performance of government programmes. Without gendered budget and performance indicators, budgeting

is gender blind and it will be hard to design and implement programmes to achieve equality. Furthermore, it is widely recognized that public procurement that does not support inclusion of women entrepreneurs, for instance, is detrimental to the country's socio-economic progress.

To this end, gender-responsive procurement ensures the selection of projects, goods and services that take cognizance of their impact on gender equality and women's empowerment. Building upon South Africa's institutional memory about gender-responsive budgeting, this commitment encompasses a rekindling of this important work. The Open Contracting Partnership recently launched research outlining key problems encountered by both governments and women-led businesses in open contracting: <https://www.open-contracting.org/resources/empower-women-led-business-procurement/>

A secondary issue, which previous iterations of the commitment sought to address, is transparency that is geared at enabling reformers with capacity to robustly engage with and use that information. In this national action plan we envisage further educational outreach to equip reformers with the capacity to engage with budget information.

2.2 Commitment development process

Beginning in early 2020 a range of discussions were held, starting with a fiscal transparency webinar hosted by representatives of civil society, the OGP Support Unit and the DPSA on 30 April. Following that, a small working group was tasked with formulating a process toward the development of a process and draft outline for a commitment. This included civil society activists and researchers and officials of the National Treasury. Parallel to this, discussions were facilitated with support from the OGP Support Unit to explore open contracting commitments. Webinars were held on 30 April and 14 July. The working group held online meetings between May and August 2020 culminating in the merging of fiscal transparency and open contracting plans.

The objective of this commitment on transformative fiscal transparency (open budgets and open contracting) is to contribute to the following:

- *Fiscal transparency that is transformative and inclusive of traditionally marginalized groups and communities across South Africa.*
- *Transparency for greater engagement, accountability and improved effective proactive management of public finances.*

With recent Presidential proclamations, directives and COVID-19 related announcements for SIU investigations, audits and for the publication of contracting data - there likely hasn't been a better moment to include a smart commitment in this regard. The budget transparency that South Africa currently has and which is globally recognized, is unfortunately not sufficient to achieve oversight of public expenditure, including public procurement. Often at times granular details are not available in real-time to ensure effective oversight. As such tackling corruption should be an integral part of any transformative fiscal transparency work which should ensure that the power of the people to demand accountability is increased and realized.

In due course our deeper, broader consultations must include many more organizations who have been at the forefront of addressing COVID-19 responses as well civic actors undertaking monitoring and research.

Working group discussions have included various departments, organisations and coalitions such as:

- The Department of Public Service and Administration,
- National Treasury,
- The Office of the Chief Procurement Officer,
- The Open Government Partnership,
- The OGP Support Unit,
- The Public Service Accountability Monitor,
- The Rural Health Advocacy Project,
- Accountability Lab,
- Corruption Watch,
- Imali Yethu Coalition for Open Budgets,

- The Budget Justice Coalition,
- The Open Data Initiative,
- Oxfam South Africa,
- The Public Affairs Research Institute,
- The Human Sciences Research Council (HSRC),
- The Nelson Mandela Foundation,
- The University of the Western Cape,
- Open Ownership and
- The Open Contracting Partnership.

2.3 Commitment Template

Commitment Template	
2.3 Transformative Fiscal Transparency	
1 January 2020 - 30 December 2022	
Renewed commitment	
Lead implementing agency/actor	National Treasury (and Office of the Chief Procurement Officer)
Commitment description	
What is the public problem that the commitment will address?	South Africa continues to champion fiscal transparency, but fundamental issues persist with connecting transparency to meaningful public participation that has the potential to be transformative. The link between transparency and accountability is weak, particularly at the subnational level. The links between transparency and accessibility/ use/ inclusion also continues to be weak.
What is the commitment?	Fiscal transparency that is transformative and inclusive of traditionally marginalised groups and communities across South Africa.
How will the commitment contribute to solve the public problem?	Transparency for greater engagement, accountability and effective proactive management of public finances in a manner that ensures better access to relevant information by marginalized groups and thus better enabling them to hold government to account.
Why is this commitment	This commitment will enhance open government and enable better civic participation especially by marginalised groups.

relevant to OGP values?	
Contact Information	
Name of responsible person from implementing agency	Ms. Prudence Cele
Department	Deputy Director: Budget Reform, National Treasury
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3. Beneficial Ownership Transparency

Commitment Template	
3. Beneficial Ownership Transparency	
Ongoing commitment	
Lead implementing agency/actor	Department of Public Service and Administration (DPSA) with the Technical Support of Financial Intelligence Centre (FIC)
Commitment description	
What is the public problem that the commitment will address?	The South Africa Open Government Partnership is developing its 4 th National Action Plan for the 2020-2022 cycle. The SA OGP process had its first beneficial ownership transparency commitment in the 3 rd OGP National Action. Several milestones have been achieved in response to the commitment. BOT remains crucial for South Africa's open governance, and stemming the tide against corruption, money-laundering and illicit financial flows.
What is the commitment?	<ol style="list-style-type: none"> 1. To review the progress made in the 3rd Country Action Plan and align it with the priorities of the 6th Administration, especially the work done under the Security Cluster. 2. To propose the course of action on carrying forward with the BOT commitment under the OGP auspices given the sixth Administration priorities.
Contact information	
Name of responsible person from implementing agency	Dr. Patrick M Sokhela Chief Director: International Cooperation and Stakeholder Relations
Department	Department of Public Service and Administration
Email address	patrick@spsa.gov.za