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Action Plan Review:
South Africa 2020–2022

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Introduction

Starting in January 2021, the IRM began rolling out new products that resulted from the IRM Refresh process.[1] The new approach builds on lessons from more than 350 independent, evidence-based, and robust assessments conducted by the IRM and input from the OGP community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Cocreation brief**: brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022–2024 action plans.
2. **Action plan review**: an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020–2022 action plans. Action plan reviews are delivered 3–4 months after the action plan is submitted.
3. **Results report**: an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019–2021 action plans ending implementation on 31 August 2021. Results report are delivered up to four months after the end of the implementation cycle.

This product is an IRM review of South Africa's 2020–2022 action plan. The action plan is made up of three commitments. This review analyzes the strength of the action plan to contribute to implementation and results. For commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this action plan review, see Section III: Methodology and IRM Indicators.

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[1] For more details regarding the IRM Refresh, visit https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

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Section I: Overview of South Africa's 2020–2022 Action Plan

South Africa's fourth action plan aims to reinvigorate the OGP process in the country after several years of inactivity. The plan's three proposed themes are relevant and a good foundation on which to build. However, at present the commitments lack clarity and ambition. To strengthen its in-country impact and global leadership, South Africa can take advantage of an opportunity to submit a revised action plan, with clear implementation roadmaps and stronger government engagement.

South Africa had not submitted an action plan since its third ended in 2018. The new fourth plan (2020–2022) is an attempt to revive the OGP process in the country.

All three of the commitments are quite mature in that they build on previous open government plans and have strong civil society leaders supporting them. However, changes in the OGP government point of contact, timing, and complexity of deliberations impacted the quality of the action plan. Two out of the three commitments lack verifiability, do not have clear potential for results, and resemble initial deliberations rather than concrete commitments. For example, the commitment on transformative fiscal transparency provides significant background to understand why it was important to include in the action plan but does not define activities or expected results.

The action plan states that consultations to further develop the commitments will continue, thus the commitment on beneficial ownership transparency is presented in vague terms with the expectation of ongoing co-creation. In the view of the IRM, the ongoing consultations foreseen in the commitment will be critical to articulate what it sets out to achieve during implementation.

One of the main challenges moving forward is strengthening the OGP program in the Department of Public Service and Administration (DPSA). Although there is political leadership, the DPSA and other government agencies require more technical resources and ownership. This action plan was built with strong civil society energy and leadership. Government leadership is necessary to ensure success during implementation but most importantly to deliver results and meet the expectations with which civil society engaged in the OGP process.

> **AT A GLANCE**
>
> **Participating since** 2011
> **Action plan under review:** 2020–2022
> **IRM product:** Action plan review
> **Number of commitments:** 3
>
> **Overview of commitments:**
> - Commitments with an open gov. lens: 3
> - Commitments with substantial potential for results: 0
> - Promising commitments: 0
>
> **Policy areas carried over from previous action plans:**
> - Open budget
> - Fiscal transparency
> - Beneficial ownership transparency
>
> **Compliance with OGP minimum requirements for co-creation:**
> - Acted according to OGP process: Yes

IRM action plan reviews focus on promising commitments. While the action plan is a step in the right direction, none of the commitments as they stand now meet the IRM's criteria for promising

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commitments. Nonetheless, the themes of each commitment area are a strong foundation. The IRM encourages stakeholders in South Africa to further develop the current commitments and take advantage of the opportunity to submit a revised action plan with clear implementation roadmaps and a formal OGP multistakeholder forum that strengthens government engagement.

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Section II: Promising Commitments in South Africa's 2020–2022 action plan

The IRM focuses this section of the review on commitments that the IRM identifies as promising, analyzing the plan's challenges and opportunities, and recommending options to facilitate the learning and implementation of the action plan. In addition, this review informs the IRM's research approach to assess implementation in the results report. The results report builds on the early identification of potential results from this review to contrast with the outcomes at the end of the action plan's implementation.

After an initial review of commitments in South Africa's 2020–2022 action plan, the IRM determined that all three of the commitments in the plan have an open government lens, yet all lack any substantial potential for results, and most lack the clarity to be considered promising. The commitment on open data is verifiable and although the potential for results is modest, interviewed stakeholders considered this commitment to be fundamental to advance other commitment areas in the action plan.

Commitments 2 (transformative fiscal transparency) and 3 (beneficial ownership transparency) are vague and do not include clear activities or actionable milestones, making their potential for results impossible to predict or verify.

Given the lack of clarity in the design of most commitments in the action plan, the analysis below will focus on areas of opportunities and recommendations to inform the ongoing co-creation process of this action plan.

Challenges and opportunities
After a long period of inactivity, South Africa viewed this action plan as an opportunity to reinvigorate the open government agenda.

According to the former DPSA OGP Coordinator, who led the fourth action plan cocreation process through July 2020, the main challenge in keeping the OGP process active was the lack of institutionalization of the agenda in government and weak coordination between the ministerial commitment and the technical execution.[1]

The OGP Support Unit played an important role supporting the government point of contact (POC), the DPSA OGP Coordinator, in transforming the political and technical aspirations into concrete conversations around the action plan. According to the former OGP POC, the IRM assessment of the 3rd action plan was invaluable to rescue institutional memory of previous OGP action plans.

To secure support from within government, the strategy was to identify open government thematic areas that could have traction with government agencies and that had strong civil society support and counterpart organizations to shape the work. That is how the three commitment themes were selected, all carried over from previous OGP initiatives. The themes were endorsed in a meeting with CSOs held in March 2020 and civil society leaders were identified to carry out deliberations and draft each commitment. According to an interview with a

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representative from Corruption Watch, prioritizing commitments on beneficial ownership transparency and fiscal transparency were obvious choices given efforts in prior action plans.[2]

This approach was likely needed given the challenges at the time to bring back the OGP process. However, this limited wider government engagement in the design of the commitments. If unaddressed, this is likely to undermine wider government ownership beyond the DPSA, and weaken implementation. For example, opening data involved five to eight organizations at different points, including the Impact Centre of the Human Sciences Research Council, the Centre for Public Service Innovation and Innovation Hub, and ad-hoc engagement from the Department of Communications and Digital Technology (DCDT). The DCDT is a key implementor for this commitment, and as the commitment develops government data champions and increases capacity to use data, the DCDT is the ideal government department to model this approach. According to the IRM researcher's observations during interviews for this review, the process to embed leadership of commitment implementation at the DPSA level is still ongoing and requires more engagement with various DPSA officials. The ongoing co-creation process stated in the action plan is an opportunity to raise awareness at the government level.

One clear opportunity in the design of the open data commitment is the establishment of the Open Data Steering Committee. As pointed out by interviewees, the open data commitment is important in itself, but it could also be instrumental to achieve progress and coordination with the other two commitments. The Open Data Steering Committee would coordinate implementation of the commitment and become a formal engagement space between government and civil society on open data issues.[3] Given the challenge of broadening OGP commitment awareness, ownership, and government traction, this open data steering committee may be an opportunity to convene government agencies that will also be involved in the fiscal transparency and beneficial ownership commitments, as they both have data components.

In addition, the COVID-19 pandemic has opened South African's eyes to the power of open data in the form of the coronavirus portal, which contains detailed statistics on new infections, recoveries, and vaccinations. Nonetheless, the pandemic has also been tainted by allegations of corruption in granting tenders for personal protective equipment.[4] Fiscal transparency, as stated in the second commitment, is more relevant than ever. Yet, the commitment fails to state activities or milestones to guide implementation. The rich background reflects the discussions of the commitment, but also allows broad interpretations of the possible actions under Commitment 2. From procurement, to participatory budgeting, to gender-focused budgets and pandemic fiscal transparency, the stakeholder discussions may have raised high expectations for civil society stakeholders that may be challenging for the government to deliver without an implementation roadmap.

According to stakeholders from the beneficial ownership theme, beneficial ownership transparency requires time and regulatory amendments, as well as practical changes like building IT systems for registries and data management. The aspiration for the ongoing development of the commitment is to have several milestones that focus on policy, governance, legislative review, and the technical infrastructure to support data disclosure.

Timing also posed a challenge for this action plan. The OGP government point of contact changed in July 2020, halfway through the development process; this affected the quality of

commitment design as the deadline to submit the action plan was quickly approaching. The IRM acknowledges that more time was needed for onboarding the new government POC and to conclude deliberations on draft commitments.

For example, the beneficial ownership transparency group was still trying to harmonize a definition of "beneficial ownership" across different acts and organize the information gathered during discussions. Therefore, although the group had discussed milestones, they ultimately decided not to submit them and instead focused on lessons learned from the previous action plan as part of the ongoing co-creation of the action plan.[5]

Recommendations

- **Continue the co-creation process,** using the OGP rules and guidance that give countries up to the end of the first year of implementation to revise their action plans. For **each commitment area, articulate expected results that would generate substantial impacts and an implementation roadmap** that clarifies stakeholders, milestones, possible indicators of success, and activities needed to reach them. South Africa's action plan seems to have a strong foundation in responding to key civil society priorities and has the support from expert leaders in the three commitment areas included in the action plan.

- **The opportunity to revise the action plan is a second chance South Africa cannot afford to waste,** as noted by the head of development at the International School for Transparency and a former OGP Steering Committee member.[6]

- Strongly **promote** the improved action plan with its new implementation roadmaps **across all relevant government departments** to raise understanding of expectations and improve implementation coordination.

- Formalize a **multistakeholder forum to oversee the OGP process and monitor commitment implementation**. The forum can build on the existing commitment groups and integrate government departments required for implementing commitments.

- **Narrow the focus of the commitment on transformative fiscal transparency**. Considering the implementation time left, define a line of action that can support immediate attention to areas that will benefit from increased transparency like open procurement in the pandemic response. The Open Budget Survey also suggested that focusing fiscal transparency on a local level, like in urban metropolitan areas, can yield meaningful results.[7]

- Consider weaving **connections between commitments** to focus work in areas that will deliver results in multiple commitments. For example, apply the open data commitment's focus on increasing data use and supporting government data leaders to fiscal transparency and beneficial ownership data. Open data initiatives could help detect corruption and understand the scale of corruption regardless of subject matter.

- **Strengthen the open data commitment** by establishing the **type of data** to be disclosed, prioritize **data with public value,** and possibly in consultation with the public, establish metrics to **measure data awareness and use,** especially by citizens.

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- Given the complexity of work needed for progress on **beneficial ownership**, consider **generating a longer-term roadmap with reform goals set for this and subsequent action plans.**

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[1] Kgothatso Senamela (former OGP POC), interview by IRM researcher, 8 Mar. 2021.

[2] Mashudu Masuthu (Corruption Watch), interview by IRM researcher, 4 Mar. 2021.

[3] Dr. Paul Platinga (Impact Centre at the Human Sciences Research Council), interview by IRM researcher, 4 Mar. 2021.

[4] Lynsey Chutel. "South Africa's Big Coronavirus Aid Effort Tainted by Corruption" (*New York Times*, 19 Aug. 2020), https://www.nytimes.com/2020/08/19/world/africa/coronavirus-south-africa-aid-corruption.html.

[5] Notes from the IRM researcher's interviews with the Beneficial Ownership Transparency working group and the update document shared by the working group with the IRM researcher, Mar. 2021.
https://drive.google.com/drive/folders/1aeaqUjdKunhXxjHnl49dOqsPTWmiB80x

[6] Mukelani Dimba, "Government has a second chance to improve transparency efforts" (Mail & Guardian, 19 Apr. 2021), https://mg.co.za/opinion/2021-04-19-government-has-a-second-chance-to-improve-transparency-efforts/.

[7] International Budget Partnership South Africa and Dullah Omar Institute, *Measuring Transparency, Public Participation and Oversight in the budget processes of South Africa's Metropolitan Municipalities* (Feb. 2020), https://www.internationalbudget.org/wp-content/uploads/Metro-Open-Budget-Survey-2019-IBP.pdf.

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Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as in former IRM reports. It is intended as an independent, concise, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the commitment's priority for country stakeholders, and the priorities in the national open government context. To determine which reforms or commitments the IRM identifies as promising, the IRM follows a filtering and clustering process:

Step 1: Determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

    a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use the thematic tagging done by OGP as a reference.

    b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.

    c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: Assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and sign-off by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability
- **Yes/No**: Is the commitment specific enough to review? As written in the action plan, the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

* Commitments that are not verifiable will be considered "not reviewable," and further assessment will not be carried out.

II. Relevant — does it have an open government lens?

This indicator determines if the commitment relates to open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance, and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation**: Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability**: Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy, or institutional framework to foster accountability of public officials?

III. Potential for results

Formerly known as the "potential impact" indicator, it was adjusted taking into account feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review, it lays out the expected results and potential that would later be verified in the IRM results report, after implementation. Given the purpose of this action plan review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of any added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but standalone initiative or changes to process, practice, or policies. These commitments do not generate binding or institutionalized changes across government or institutions that govern a policy area (e.g., tools like websites, data releases, trainings, or pilot projects).
- **Substantial:** a possible game changer or the creation of new practices, policies, or institutions that govern a policy area, the public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

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This review was prepared by the IRM in collaboration with Tracy-Lynn, an independent researcher, and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the "About IRM" section of the OGP website available [here](#).

Annex I. Commitment by Commitment Data

1: Open Data
• Verifiable: Yes
• Does it have an open government lens? Yes
• Potential for results: Modest
• Clustered: No
2: Transformative Fiscal Transparency
• Verifiable: No
• Does it have an open government lens? Yes
• Potential for results: Unclear
• Clustered: No
3. Beneficial Ownership Transparency
• Verifiable: No
• Does it have an open government lens? Yes
• Potential for results: Unclear
• Clustered: No

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Annex II: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "involve" level of public influence per the IRM's assessment of the cocreation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's Participation & Co-creation Standards. The IRM will assess whether the country complied with the following standards during development of the action plan, which constitute the minimum threshold:
1. **A forum exists:** there is a forum to oversee the OGP process;
2. **The forum is multistakeholder:** both government and civil society participate; and
3. **Reasoned response:** the government or multistakeholder forum documents or can demonstrate how they provided feedback during the cocreation process. This may include a summary of major categories and themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the procedural review. This summary verifies compliance with minimum requirements, and it is not a full assessment of performance under OGP's Co-creation and Participation Standards. A full assessment of cocreation and participation throughout the OGP cycle will be provided in the results report.

Table 2. Summary of minimum requirements to act according to OGP process

OGP Standard	Was the standard met?
A forum exists. Although a formalized MSF does not exist, the action plan was developed in thematic groups that deliberated and drafted commitment proposals.	Yellow
The forum is multistakeholder. Aside from the DPSA, there was limited government participation in the commitment discussions.	Yellow
The government provided a reasoned response on how the public's feedback was used to shape the action plan. The three thematic groups presented the draft commitments during an 8 October meeting.[1] Commitments were discussed and approved, and verbal feedback was provided regarding how input from deliberations were used.	Yellow

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[1] "2020 Meeting Agenda" (8 Oct.), https://drive.google.com/drive/folders/1aeaqUjdKunhXxjHnl49dOqsPTWmiB80x

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