

Independent Reporting Mechanism

Results Report
South Africa 2020-2022

Open
Government
Partnership



Independent
Reporting
Mechanism

Executive Summary

The Government of South Africa’s submission of the fourth action plan maintained their status as a member in the partnership. However, the government directed very few human or financial resources to the Open Government Partnership (OGP) process. Consequently, dialogue between the government and civil society remained minimal, contributing to civil society’s further disengagement. As the government fell short of harnessing OGP’s participatory and action-oriented model, no open government results were achieved within the scope of the action plan.

The submission of South Africa’s fourth action plan in 2020 maintained the country’s participation in OGP, which had been dormant since 2018. However, the government did not allocate sufficient financial or human resources for an effective OGP process. This is evidenced by the submission of an action plan largely not specific enough to be measurable and a lack of implementation progress.

The Department of Public Service and Administration (DPSA), which is responsible for OGP activities, dedicated their limited human resources to other multi-lateral commitments. In particular, the government point of contact for OGP is also responsible for South Africa’s engagement in the African Peer Review Mechanism (APRM). During the implementation period, DPSA prioritised South Africa’s Second-Generation Review and adoption of the APRM National Plan of Action. Moving forward, the government intends to undertake a complementary approach to meet OGP and APRM commitments.¹

OGP can provide a platform to ensure that civil society is an equal partner in the design and implementation of APRM reforms. OGP’s action-oriented model helps hold members accountable for co-creating and implementing measurable commitments with observable open government results. South Africa is advised to follow the OGP Participation and Co-Creation Standards to unlock the value of complementarity between the APRM and OGP.²

None of the three commitments saw open government results during the implementation period. The commitments aimed to advance transparency around open data, fiscal processes, and the beneficial owners of companies. Only Commitment 1, on Open Data, saw a limited level of completion. The absence of clear milestones and timelines made it difficult to identify early results linked to the implementation of the commitments. The commitments to advance fiscal and beneficial ownership transparency did not contain verifiable milestones and therefore had an ‘unclear’ relevance to open government. Other challenges that impacted implementation included a lack of institutionalisation of the OGP process and the absence of a monitoring and periodic review system.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION	
0/3	Complete or substantially complete commitments
EARLY RESULTS	
0/3	Commitments with early results
0/3	Commitments with major or outstanding early results
COMPLIANCE WITH MINIMUM REQUIREMENTS	
Not acting according to OGP process.	

Open government reforms progressed outside of the action plan's scope. The National Treasury and civil society organisation Public Service Accountability Monitor (PSAM) continued to update and expand the 'Vulekamali' open budget portal, that was launched under a previous action plan. Likewise, open data and beneficial ownership reforms continued outside of the OGP participatory framework. An effective OGP process could reinforce and coordinate these efforts, broaden participation, and build towards ambitious long-term reforms.

An Interim Steering Committee with representation from DPSA, the National Treasury, the Human Sciences Research Council (HSRC), and civil society aimed to revitalise OGP in South Africa and develop an implementation roadmap. However, the roadmap was not developed, and the level of government engagement with civil society declined during implementation compared to previous cycles.³ Likewise, the decrease in the number of commitments, from seven or eight in previous action plans to three in this action plan, indicates a smaller number of participating government bodies.⁴ The government and civil society's limited funding and human resource constraints inhibited meetings and other activities.⁵ The absence of a designated space for ongoing coordination between government and civil society further drove open government reformers to work outside of the OGP process.

Interviewees held the view that the intended overall goal of the fourth action plan to reinvigorate the OGP process was not achieved. However, they also noted there were efforts made towards continued engagement with high-level political stakeholders and sustaining informal relationships for collaboration among civil society.⁶ The challenge remains to translate high-level political objectives into concrete commitments, in collaboration with civil society.

South Africa does not maintain a public OGP repository with evidence of co-creation and implementation.⁷ Therefore, South Africa is acting contrary to OGP process. Given the absence of early open government results, this report focuses its analysis on recommendations to use the OGP process to advance South Africa's open governance aims.

¹ Government of South Africa, information submitted to the Independent Reporting Mechanism during the report's prepublication period, 27 February 2023.

² 'OGP Participation and Co-Creation Standards', OGP, 24 November 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

³ Zukiswa Kota of the PSAM, interview, 3 November 2022; Paul Plantinga of the HSRC, 27 October 2022.

⁴ 'South Africa', OGP, 2023, <https://www.opengovpartnership.org/members/south-africa/>. Previous action plans may be found here.

⁵ Kota, interview; Plantinga, interview.

⁶ Plantinga, interview; Kota, interview.

⁷ Note: The DPSA website contains some documents on OGP: <https://www.dpsa.gov.za/> However, these documents were uploaded after the implementation period and do not include evidence of co-creation and implementation. Therefore, South Africa is considered acting contrary to process under the 2017 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards-2017/>.

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Section I: Key Observations

The 2020–2022 action plan cycle did not fulfil its potential to bring the South African government and civil society reformers together to advance national open government priorities. Given the absence of measurable progress or early open government results, this report focusses its analysis on South Africa’s Open Government Partnership (OGP) process. Recommendations in the Independent Reporting Mechanism (IRM) Action Plan Review for the 2020–2022 action plan⁸ and the 2022 Co-Creation Brief⁹ to strengthen South Africa’s OGP process remain relevant.

Key Observation 1: A lack of government dedication of human and financial resources, integration across government, and an institutionalised, multi-stakeholder forum has prevented South Africa from achieving results through OGP.

South Africa has struggled to establish a robust OGP process since joining the partnership as a founding member in 2011. In 2020, South Africa was placed under procedural review after failing to submit two consecutive action plans.¹⁰ While the submission of the fourth action plan was an effort to revitalise OGP in South Africa, the absence of a collaborative co-creation process or open government results indicate significant ongoing challenges.

A lack of political prioritisation and government leadership for OGP in South Africa have inhibited a productive OGP process. The Department of Public Services and Administration (DPSA), the agency that houses OGP activities in South Africa, saw a change in ministerial leadership in August 2021. This shift in governance impacted the department’s capacity and the revival process. During a civil society organisation (CSO) stakeholder meeting convened by the Public Service Accountability Monitor, actors who were ‘veterans’ of open government work expressed reluctance to invest their time and energy in a process that was not clearly or adequately supported from within the state.¹¹ As Prudence Cele, Director of Budget Reform at the National Treasury noted, the success of commitment implementation is dependent on other institutions and stakeholders playing a role.¹² Strengthening the OGP program in the DPSA and other government agencies to enhance ownership of the process and improve leadership, technical, and implementation capacities remains a key issue.¹³

Various civil society members expressed frustration at the limited communication and collaboration around the design and implementation of the fourth action plan. An Interim Steering Committee comprising members of civil society, DPSA, the National Treasury, and the Human Sciences Research Council (HSRC) coordinates OGP activities. However, DPSA often convenes government and civil society members separately. The OGP process has remained confined to a small number of government agencies and civil society rather than maturing into a government-wide effort.¹⁴ There is no public information available on the committee or a transparent selection process to facilitate new membership. Factors specifically inhibiting implementation include limited coordination between the ministerial commitment and technical execution and the absence of a system to monitor progress.¹⁵

Stagnation of South Africa’s OGP process has resulted in a disinvestment of money by the government and lower engagement by civil society, which in turn, made revitalising the OGP process more difficult. OGP Point of Contact (POC) Dr. Sokhela attributed the lack of implementation of commitments to human resource and financial constraints and described OGP and African Peer Review Mechanism (APRM) activities as a ‘one-man-show’ under DPSA.¹⁶ The

National Treasury stopped funding the OGP program due to underperformance.¹⁷ Financing is not only necessary for facilitating the implementation of activities but also for institutionalising the OGP process across relevant government departments. This affected the DPSA's ability to convene and consistently engage civil society during the implementation period, further leading to disengagement by civil society who reported disenchantment with South Africa's ability to revive the OGP.¹⁸

Various reformers highlighted open government reforms currently taking place outside of the OGP process. For instance, the National Treasury continues to build on the Vulekamali portal to strengthen fiscal transparency and engage the public in budget processes.¹⁹ Likewise, Interim Steering Committee member Paul Plantinga highlighted ongoing efforts to open data beyond the 'OGP banner'.²⁰ These efforts indicate that there is an appetite for open government reforms in South Africa. An effective OGP process could reinforce and coordinate these efforts, broaden participation, and build towards ambitious long-term reforms. For recommendations on how the Government of South Africa can strengthen the institutionalisation and inclusiveness of the OGP process, see the IRM's Action Plan Review for the 2020–2022 action plan²¹ and the 2022 Co-Creation Brief.²²

Key Observation 2: OGP can provide a platform to ensure that civil society is an equal partner in the design and implementation of reforms that address APRM objectives.

In June 2022, the South African Cabinet approved a recommendation to harmonise OGP and APRM activities due to their similar focus on open governance.²³ DPSA then informed the OGP Interim Steering Committee of their intention to use the fifth OGP action plan to implement APRM recommendations.

Interim OGP Steering Committee member Zukiswa Kota highlighted the importance of taking a strategic approach to harmonising APRM and OGP efforts. She underscored a need to analyse the feasibility and value linking APRM to OGP.²⁴ As with OGP, the Government of South Africa has struggled to create space for equal collaboration with civil society within the APRM.²⁵ Kota specifically noted the need for the government to consider how civil society and other interested actors could be part of the OGP and APRM process.²⁶ If undertaken through a considered and collaborative approach, APRM's political currency across government and OGP's action-oriented approach could advance open government reforms.²⁷ Moreover, aligning OGP and APRM processes could use limited resources efficiently and ensure strong ownership from an African perspective.²⁸ However, the absence of an inclusive and collaborative space for dialogue between government and civil society members could undermine these harmonisation efforts.

OGP provides a platform to augment APRM open government aims and creates an avenue for civil society to participate in their design and implementation. Ten years of OGP data demonstrate that dialogue and feedback between government and civil society results in more ambitious commitments. Additionally, civil society involvement in implementation leads to better open government results.²⁹ Consequently, OGP provides a platform to translate the high-level goals established under APRM into measurable activities and intended outcomes in partnership with civil society. For example, Kenya's OGP and APRM Secretariats have partnered to advance shared aims. The APRM in Kenya offered 'strategic convening influence' and the OGP process facilitated multi-stakeholder collaboration and encouraged action through deadlines and accountability.³⁰ This partnership resulted in a commitment in the 2020 OGP action plan to implement a County

Peer Review Mechanism.³¹ Establishing an inclusive and collaborative process for open government reforms is a prerequisite for the Government of South Africa to benefit from the harmonization of APRM and OGP.

Key Observation 3: An absence of specific and measurable activities in commitments’ design presented a major challenge to effective implementation and monitoring of reforms.

All three commitments under the action plan were carried forward from the previous action plan cycle. Despite their continuation, Commitments 2 and 3, on Transformative Fiscal Transparency and Beneficial Ownership, respectively, lacked measurable activities. As a result, they were not verifiable. South Africa did not take advantage of the opportunity to revise the action plan. Initial discussion in the Interim Steering Committee to create implementation roadmaps did not come to fruition.³² Interim Steering Committee members noted that progress was made generally regarding open budget and open data during the implementation period.³³ However, these activities, and efforts related to beneficial ownership transparency, were advanced outside of the OGP platform. Moreover, the absence of concrete milestones or intended outcomes for Commitments 2 and 3 prevented the IRM from attributing efforts towards fiscal and beneficial ownership transparency to the action plan. As indicated by 10 years of OGP data, establishing a dedicated space for multi-stakeholder dialogue on open government could assist in coordinating, expanding, and gaining international acknowledgment of these reforms.

⁸ ‘South Africa Action Plan Review 2020–2022’, IRM, OGP, 26 July 2021,

<https://www.opengovpartnership.org/documents/south-africa-action-plan-review-2020-2022/>.

⁹ ‘South Africa Co-Creation Brief 2022’, Independent Reporting Mechanism, Open Government Partnership, 9 June 2022,

<https://www.opengovpartnership.org/documents/south-africa-co-creation-brief-2022/>.

¹⁰ Sanjay Pradhan, CEO of OGP, email to Senzo Mchunu, Minister of Public Service and Administration, Government of South Africa, 7 February 2020.

¹¹ Anonymous stakeholder, comment during a Zoom CSO discussion.

¹² Prudence Cele, Director of Budget Reform at the National Treasury of South Africa, interview, 20 October 2022.

¹³ IRM, ‘South Africa Action Plan Review.’

¹⁴ IRM, ‘South Africa Action Plan Review’, 9.

¹⁵ Ibid., 5; Cele, interview; Zukiswa Kota of the Public Service Accountability Monitor, interview, 3 November 2022; Paul Plantinga of the HSRC, 27 October 2022.

¹⁶ Dr. Patrick Sokhela, OGP POC and Chief Director of International Relations, DPSA, Government of South Africa, interview, 18 October 2022.

¹⁷ Sokhela, interview.

¹⁸ Kota, interview; Plantinga, interview.

¹⁹ Kota, interview.

²⁰ Plantinga, interview.

²¹ IRM, ‘South Africa Action Plan Review.’

²² IRM, ‘South Africa Co-Creation Brief 2022.’

²³ Sokhela, interview.

²⁴ Kota, interview.

²⁵ ‘Civil Society Participation in the Open Government Partnership (OGP)’, Terence Corrigan & Steven Gruzd, April 2018, https://pdf.usaid.gov/pdf_docs/PA00T4H6.pdf, 9; *ibid.*, 7.²⁵

²⁶ Kota, interview.

²⁷ Kota, interview.

²⁸ Plantinga, interview; Sokhela, interview.

²⁹ ‘OGP Vital Signs – 10 Years of Data in Review’, OGP, December 2021, <https://www.opengovpartnership.org/ogp-vital-signs-10-years-of-data-in-review/>.

³⁰ 'Kenya models County Peer Review Mechanism for more responsive governance at the sub-national level', Jessica Musila, Local Development Research Institute, 17 June 2020, <https://www.developlocal.org/kenya-models-county-peer-review-mechanism-for-more-responsive-governance-at-the-sub-national-level/>.

³¹ 'Apply County Peer Review Mechanism to improve public service delivery (KE0028)', OGP, <https://www.opengovpartnership.org/members/kenya/commitments/KE0028/>.

³² Sokhela, interview; Cele, interview.

³³ Kota, interview; Plantinga, interview.

Section II: Implementation and Early Results

The following section typically looks at the commitments or clusters that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded significant results. Based on these criteria, the IRM assessed that this action plan did not lead to any early open government results. See Annex I for more information on the IRM assessment of each commitment.

The IRM assessed commitment 1 to advance open data in the Action Plan Review as having a modest potential to open up government. Milestones within this commitment included establishing an Open Data South Africa Steering Committee and training citizens and intermediaries on open data use. There was limited progress as a handful of webinars on open data were held.³⁴ The IRM did not find any evidence of early open government results.

Commitment 2 to strengthen fiscal transparency did not contain verifiable milestones and therefore its level of completion and early open government results could not be assessed. The National Treasury and Imali Yethu, a civil society coalition, continued efforts to publish information and improve the Vulekamali open budget portal during the implementation period.³⁵ As a continuation of the previous commitment, the government continued publishing up-to-date budget information on both platforms. During the current action plan cycle the government began developing the second phase of the Vulekamali portal to include procurement and performance data.³⁶ However, the lack of measurable activities made it impossible to attribute ongoing efforts to the commitment's inclusion in the action plan.

Commitment 3 promised to review ongoing efforts to advance beneficial ownership transparency and determine next steps. In a previous assessment, the IRM determined that this commitment was not verifiable and therefore had an unclear potential to open government. The IRM researcher did not find evidence of a review or strategy regarding beneficial ownership transparency efforts. South Africa made efforts to amend legislation to comply with the G20 Principles and Financial Action Task Force requirements on beneficial ownership transparency.³⁷ However, it was not possible to attribute these efforts to the action plan. This was prevented by a lack of clarity in the commitment text regarding overall policy objective, milestones, or intended outcomes.

³⁴ 'Open Data Engagements & Toolkit', Policy Action Network, 17 October 2022, <https://policyaction.org.za/open-data-engagements-toolkit>.

³⁵ Zukiswa Kota of the Public Service Accountability Monitor, interview, 3 November 2022.

³⁶ Kota, interview; Prudence Cele, Director of Budget Reform at the National Treasury of South Africa, interview, 20 October 2022.

³⁷ 'Implementing Beneficial Ownership Transparency for anti-corruption and good governance in South Africa', United Nations Office on Drugs and Crime, 2, 23 March 2021, https://www.unodc.org/documents/ft-uncac/BOT_Workshop_-_Event_Outline.docx.

Section III. Participation and Co-Creation

An Interim Steering Committee facilitated a limited level of communication between the Department of Public Service and Administration and a handful of civil society partners throughout the action plan cycle. The Department of Public Service and Administration (DPSA) attributes limited meetings to inadequate funding and time constraints. Generally, open government reforms took place outside of the Open Government Partnership (OGP) process with government and civil society acting separately.

The DPSA is the body in charge of the OGP process in South Africa. Part of their primary mandate is to ensure inclusive stakeholder engagement throughout the OGP action plan cycle. Interviewees were of the view that engagement during the implementation period declined compared to the co-creation process and previous action plan cycles.³⁸ However, according to Dr. Patrick Sokhela and Zukiswa Kota, there was some level of interaction between the Point of Contact (POC) and the Interim Steering Committee members, as well as with high-level officials. These interactions took place during the implementation period on an ad hoc basis, or over email. Evidence of these meetings and email correspondence was not provided.³⁹ Civil society and other members of the OGP also built informal relationships which resulted in the implementation of joint activities outside of the OGP process.

The Interim Steering Committee is an informal platform continued from the previous action plan cycle. Its purpose was to oversee the process of reviving the OGP and the implementation of the current action plan commitments. The Interim Steering Committee includes DPSA, the National Treasury, the Human Sciences Research Council, and four civil society organisations.⁴⁰ The interviewees stated that engagement took place through sharing updates and information relating to the OGP via email and meetings organised on an ad hoc basis. These meetings were facilitated financially by DPSA for civil society representatives to attend. Interviewees stated that the Committee met at least once during the implementation period, on 4 March 2022, and discussed complementary aspects between APRM and OGP processes.⁴¹ Documentation of the meeting was not provided. Inadequate funding and time constraints made it difficult for the DPSA to convene frequently.⁴² Beyond engagements at the Interim Steering Committee level, Paul Plantinga stated that, informal interactions and collaboration between stakeholders involved in the co-creation process continued throughout the implementation cycle. These took place outside of a formal OGP platform.⁴³

Establishing an inclusive and effective OGP platform in South Africa could help to translate APRM and anti-corruption priorities into concrete reforms. The OGP model of collaboration ensures civil society is an equal partner in the design and implementation of measurable commitments. In 2021, OGP updated the Participation and Co-Creation Standards,⁴⁴ to reflect insights from a decade of OGP. DPSA is encouraged to review the updated standards, along with the Independent Reporting Mechanism (IRM) Co-Creation Brief,⁴⁵ to ensure that South Africa meets the minimum requirements when designing the fifth action plan. South Africa should strive to meet the full ambition of the standards. However, at a minimum, members are expected to:

- Maintain an ongoing space for dialogue with both government and nongovernment that meets at least once every six months, with public information on its basic rules

- Maintain an OGP website and repository that is updated at least twice a year; this should include information on the OGP process, such as the latest action plan, and evidence of co-creation and implementation
- Provide at least two weeks advanced public notice of the co-creation timeline and opportunities to get involved, as well as a mechanism for the public to provide input
- Prior to final submission of the action plan, document and share how stakeholder feedback was considered during co-creation
- During implementation, hold at least two meetings a year to provide public updates on the action plan’s progress and enable civil society to provide comments

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.⁴⁶ During co-creation, South Africa did not act according to the OGP process.⁴⁷ The two minimum requirements listed below must achieve at least the level of ‘in progress’ for a country to have acted according to OGP process.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Acted according to OGP process during the implementation period?	
<p>The government maintained an OGP repository that is online, updated at least once during the action-plan cycle, and contains evidence of development and implementation of the action plan. The DPSA website contains recent documents on South Africa’s OGP process. However, these documents were uploaded after the implementation period. They do not include evidence of implementation and co-creation.⁴⁸</p>	Red
<p>The government provided the public with information on the action plan during the implementation period. The DPSA convened the Interim Steering Committee one time during the implementation period.⁴⁹</p>	Yellow

³⁸ Zukiswa Kota of the Public Service Accountability Monitor, interview, 3 November 2022; Paul Plantinga of the Human Sciences Research Council, interview, 27 October 2022.

³⁹ Dr. Patrick Sokhela, OGP POC and Chief Director of International Relations, DPSA, Government of South Africa, interview, 18 October 2022; Kota, interview.

⁴⁰ Sokhela, interview.

⁴¹ Sokhela, interview; Kota, interview.

⁴² Kota, interview; Plantinga, interview.

⁴³ Plantinga, interview.

⁴⁴ ‘OGP Participation and Co-Creation Standards’, OGP, 24 November 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

⁴⁵ ‘South Africa Co-Creation Brief 2022’, IRP, OGP, 9 June 2022, <https://www.opengovpartnership.org/documents/south-africa-co-creation-brief-2022/>.

⁴⁶ Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

⁴⁷ 'South Africa Action Plan Review 2020–2022', IRM, OGP, 26 July 2021, <https://www.opengovpartnership.org/documents/south-africa-action-plan-review-2020-2022/>.

⁴⁸ *DPSA, Republic of South Africa* (website), 2023, <https://www.dpsa.gov.za/>.

⁴⁹ Sokhela, interview; Kota, interview.

Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.⁵⁰ The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.⁵¹ The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.⁵² To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:

- *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

This report was prepared by the IRM in collaboration with Eva Maria Anyango Okoth and was reviewed by Brendan Halloran, IRM external expert. The IRM methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snježana Bokulić
- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweied
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual⁵³ and in South Africa’s Action Plan Review 2020–2022.⁵⁴ For more information, refer to the ‘IRM Overview’ section of the OGP website, available [here](#). A glossary on IRM and OGP terms is available on the OGP website.⁵⁵

⁵⁰ ‘Creating OGP’s Future Together: Strategic Planning 2023–2028’, OGP, <https://www.opengovpartnership.org/creating-ogps-future-together/>.

⁵¹ The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses ‘potential for results’ and ‘Did it open government?’ at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

⁵² ‘Open Government Partnership Articles of Governance’, OGP, 17 June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

⁵³ ‘IRM Procedures Manual’, IRM, OGP, 16 September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual/>.

⁵⁴ South Africa Action Plan Review 2020–2022’, IRM, OGP, 26 July 2021, <https://www.opengovpartnership.org/documents/south-africa-action-plan-review-2020-2022/>.

⁵⁵ For definitions of OGP terms, such as co-creation and promising commitments, see ‘OGP Glossary,’ <https://www.opengovpartnership.org/glossary/>.

Annex I. Commitment Data⁵⁶

Commitment 1: Open Data

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Modest

- **Completion:** Limited

- **Did it open government?** No early results to report yet

This commitment aimed to operationalise the Open Data South African Steering Committee and train citizens and local data intermediaries in using open government data. The [Department of Public Service and Administration \(DPSA\)](#), with support from the Human Sciences Research Council (HSRC), through its Policy Action Network (PAN) project, convened three Open OGP Open Data webinars between May and July 2021. These covered the DPSA's work on public service data management strategy; the Drakenstein Municipality—drawing on technology in its response to the COVID-19 pandemic; and OpenUp's.⁵⁷ The IRM researcher did not find any evidence that the Open Data South African Steering Committee was operationalised.

Beyond the milestones listed in the commitment text, PAN collaborated with various partners to support and host dataquests and hackathons between November 2021 and October 2022.⁵⁸ PAN has also been assisting with ongoing content updates to the Open Data South Africa Toolkit⁵⁹ that was established in 2018. This is a collaboration between some of the OGP's partners, including the DPSA, OpenUp, the Centre for Public Service Innovation, the Innovation Hub, Geekulcha, the Open Cities Lab, and HSRC.⁶⁰

Both OGP Point of Contact Dr. Sokhela and Interim Steering Committee member Paul Plantinga stated that no progress was made under this commitment. Dr. Sokhela cited human resource and financial constraints.⁶¹ Paul Plantinga of HSRC attributed limited implementation to the lack of institutionalisation of the broader OGP process and across individual commitments.⁶²

Commitment 2: Transformative Fiscal Transparency

- **Verifiable:** No

- **Does it have an open government lens?** Yes

- **Potential for results:** Unclear

- **Completion:** Not started

- **Did it open government?** No early results to report yet

This commitment, as phrased, has an open governance lens. However, there were no key milestones with which to gauge the level of completion.

In general, the National Treasury and civil society partners continued efforts to enhance fiscal transparency, with activities that followed from previous commitments. During the action plan cycle, The National Treasury and Imali Yethu, a civil society coalition, continued to maintain Vulekamali and Municipal Money, both publicly-open portals for national, provincial, and local government data.⁶³ The budgetary information in both portals was published in an easy-to-access and user-friendly manner that allows civic actors and residents to track the use of public funds by cities and municipalities.⁶⁴ Additionally, South Africa continued to develop the second

phase of the Vulekamali portal to include procurement and performance data.⁶⁵

There is no evidence that marginalised communities at the local level accessed information contained in these public portals. However, it can be confirmed that the website contained current financial information which was relevant to the current action plan cycle. The commitment's goal was to give marginalized communities access to fiscal data to enhance community participation and accountability. The IRM was not able to verify whether the data made available via these public portals helped achieve these goals.

Commitment 3: Beneficial Ownership Transparency

- | | |
|--|---|
| <ul style="list-style-type: none"> ● Verifiable: No ● Does it have an open government lens? Yes ● Potential for results: Unclear | <ul style="list-style-type: none"> ● Completion: Not started ● Did it open government? No early results to report yet |
|--|---|

This commitment aimed to review the implementation progress of the beneficial ownership transparency commitment in the previous action plan and to propose a course of action.⁶⁶ The commitment text did not include specific milestones. Regardless, the IRM researcher did not find evidence of meetings or task forces to review progress made under the previous commitment. Nor did they find evidence of a report or other document on the strategy to advance the reform. Therefore, the researcher determined this commitment had not been started.

During the previous action plan, South Africa committed to implement the G20 high-level principles on beneficial ownership transparency, set up an Inter-Departmental Committee to monitor the implementation, and develop an implementation plan.⁶⁷ There is evidence that the Inter-Departmental Committee was established.⁶⁸ South Africa has also sought to amend the Financial Intelligence Centre Act, 2001; the Companies Act; The Trust Act; and the Nonprofit Organisation Act in an effort to comply with the G20 high-level principles on Beneficial Ownership Transparency and Financial Action Task Force requirements.

However, the current iteration of South Africa's OGP commitment to beneficial ownership transparency did not outline specific activities or a policy objective it sought to advance. Therefore, it is not possible to attribute these efforts to the OGP commitment. As a result, this commitment was not found to have opened government.

⁶⁶ Editorial note:

i. For commitments that are clustered: The assessment of potential for results and 'Did it open government?' is conducted at the cluster level, rather than the individual commitment level.

ii. Commitments' short titles may have been edited for brevity. For the complete text of commitments and information on the assessment of their design, please see South Africa's action plan: 'South Africa Action Plan Review 2020–2022', IRM, OGP, 26 July 2021, <https://www.opengovpartnership.org/documents/south-africa-action-plan-review-2020-2022/>.

⁶⁷ 'Open Data Engagements & Toolkit', PAN, 17 October 2022, <https://policyaction.org.za/open-data-engagements-toolkit>.

⁶⁸ PAN, 'Open Data Toolkit'; Paul Plantinga of the HSRC, interview, 27 October 2022.

⁶⁹ Open Data South Africa, *Open Data South Africa Toolkit*, GitBook, <https://opendataza.gitbook.io/toolkit/>.

⁶⁰ PAN, 'Open Data Toolkit'; Plantinga, interview; The Innovation Hub (website), <https://www.theinnovationhub.com/>; Geekulcha (website), 2023, <https://www.geekulcha.com/>; Open Cities Lab (website), <https://www.opencitieslab.org/>.

⁶¹ Dr. Patrick Sokhela, OGP POC and Chief Director of International Relations, DPSA, Government of South Africa, interview, 18 October 2022.

⁶² Plantinga, interview.

⁶³ Vulekamali, SA Online Budget Data (website), <https://vulekamali.gov.za/>; Municipal Money (website), <https://municipalmoney.gov.za/>.

⁶⁴ 'Imali Yethu: Our Money', Imali Yethu, Civil Society Colation for Open Budgets, 9 November 2017, <https://imaliyethu.org.za/>.

⁶⁵ Kota, interview.

⁶⁶ 'South Africa Action Plan Review 2020–2022', IRM, OGP, 26 July 2021, <https://www.opengovpartnership.org/documents/south-africa-action-plan-review-2020-2022/>.

⁶⁷ 'The 3rd South African Open Government Partnership Country Action Plan, 2015–2017', OGP, <http://www.ogp.gov.za/documents/SOUTH%20AFRICAN%203RD%20OGP%20COUNTRY%20ACTION%20PLAN%202015.pdf>.

⁶⁸ 'Implementing Beneficial Ownership Transparency for anti-corruption and good governance in South Africa', United Nations Office on Drugs and Crime, 2, 23 March 2021, [https://www.unodc.org/documents/ft-uncac/BOT_Workshop - Event_Outline.docx](https://www.unodc.org/documents/ft-uncac/BOT_Workshop_-_Event_Outline.docx).