Parliament

Government System

The Constitution

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), was approved by the Constitutional Court (CC) on 4 December 1996 and took effect on 4 February 1997.

The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution.

South Africa's Constitution is one of the most progressive in the world, and enjoys high acclaim internationally.

The Preamble

The Preamble to the Constitution states that the aims of the Constitution are to:
• heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights
• improve the quality of life of all citizens and free the potential of each person
• lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law
• build a united and democratic South Africa able to take its rightful place as a sovereign State in the family of nations.

Fundamental rights

Fundamental rights are contained in Chapter Two and seek to protect the rights and freedoms of individuals. The CC guards these rights and determines whether or not actions by the State are in accordance with constitutional provisions.

Government

Government is constituted as national, provincial and local spheres, which are distinctive, interdependent and interrelated. The powers of the law-makers (legislative authorities), governments (executive authorities) and courts (judicial authorities) are separate from one another.

Parliament

Parliament is the legislative authority of South Africa and has the power to make laws for the country in accordance with the Constitution. It

◄ Since the establishment of Parliament in 1994, a number of steps have been taken to make it more accessible, more accountable and to motivate and facilitate public participation in the legislative process. Parliament, which is situated in Cape Town, consists of the National Assembly and the National Council of Provinces.

consists of the National Assembly and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public.

Since the establishment of Parliament in 1994, a number of steps have been taken to make it more accessible. This has been done to make the institution more accountable, as well as to motivate and facilitate public participation in the legislative process. One of these steps is the website (*http://www.parliament.gov.za/*), which encourages comment and feedback from the public.

National Assembly

The National Assembly consists of no fewer than 350 and no more than 400 members elected through a system of proportional representation. The National Assembly, which is elected for a term of five years, is presided over by a Speaker, assisted by a Deputy Speaker.

The National Assembly is elected to represent the people and to ensure democratic governance as required by the Constitution. It does this by electing the President, by providing a national forum for public consideration of issues, by passing legislation, and by scrutinising and overseeing executive action.

In the 1999 national election, the African National Congress gained 266 seats in the National Assembly, the Democratic Party 38, the Inkatha Freedom Party 34, the New National Party 28, the United Democratic Movement 14, the African Christian Democratic Party six, the Pan Africanist Congress three, the United Christian Democratic Party three, the *Vryheidsfront/*Freedom Front three, the Freedom Alliance two, the *Afrikaner Eenheidsbeweging* one, the Azanian People's Organisation one, and the Minority Front one.

National Council of Provinces

The NCOP consists of 54 permanent members and 36 special delegates, and aims to represent provincial interests in the national sphere of government. Delegations from each province consist of 10 representatives.

The NCOP gets a mandate from the provinces before it can make certain decisions. It cannot, however, initiate a Bill concerning money, which is the prerogative of the Minister of Finance.

The NCOP also has a website, *NCOP Online!* (*http://www.parliament.gov.za/ncop*), which links Parliament to the provincial legislatures and local government associations.

NCOP Online! provides information on, among other things, draft legislation, and allows the public to make electronic submissions.

Law-making

Any Bill may be introduced in the National Assembly. A Bill passed by the National Assembly must be referred to the NCOP for consideration. A Bill affecting the provinces may be introduced in the NCOP. After it has been passed by the Council, it must be referred to the Assembly.

A Bill concerning money must be introduced in the Assembly and must be referred to the Council for consideration and approval after being passed. If the Council rejects a Bill or passes it subject to amendments, the Assembly must reconsider the Bill and pass it again with or without amendments. There are special conditions for the approval of laws dealing with provinces.

By August 2002, 730 Bills had been passed since 1994.

The President

The President is the Head of State and leads the Cabinet. He or she is elected by the National Assembly from among its members, and leads the country in the interest of national unity, in accordance with the Constitution and the law.

The President of South Africa is Mr Thabo Mbeki.

The Deputy President

The President appoints the Deputy President from among the members of the National Assembly. The Deputy President must assist the President in executing government functions. South Africa's Deputy President is Mr Jacob Zuma.

Cabinet

Cabinet consists of the President, as head of Cabinet, the Deputy President and Ministers. The President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them.

The President may select any number of Ministers from among the members of the National Assembly, and may select no more than two Ministers from outside the Assembly.

President Thabo Mbeki – A profile

Thabo Mbeki was born on 18 June 1942 in Idutywa, Queenstown. He joined the African National Congress (ANC) Youth League at the age of 14 and in 1961 was elected Secretary of the African Students' Association. He was involved in underground activities after the banning of the ANC in 1960 until he left South Africa in 1962. He continued his studies in the United Kingdom (UK) and obtained his MA (Economics) at the University of Sussex. While in the UK, he mobilised the international student community against apartheid and worked at the London office of the ANC for several years. He also underwent military training in the then Soviet Union. From 1973 he worked in Botswana, Swaziland, Nigeria and Lusaka and became a member of the ANC's National Executive Committee in 1975. Between 1984 and 1989, he was Director of the ANC's Department of Information. He led the organisation's delegations, which met groups from inside South Africa in Dakar, Senegal and elsewhere. In 1989, he headed the delegation that held talks with the apartheid Government, which led to agreements on the unbanning of political organisations and the release of political prisoners. He also participated in negotiations preceding the adoption of South Africa's Interim Constitution in 1993. Following the first democratic election in 1994, Mr Mbeki was appointed Executive Deputy President. In 1997, he was elected President of the ANC and in June 1999, after the country's second democratic election, he succeeded Mr Nelson Mandela as President of South Africa.

The President appoints a member of Cabinet to be the leader of government business in the National Assembly.

Deputy Ministers

The President may appoint Deputy Ministers from among the members of the National Assembly.

Traditional leadership

According to Chapter 12 of the Constitution, the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

The Directorate: Traditional Leadership and Institutions in the Department of Provincial and Local Government provides support to traditional leaders and institutions, and is responsible for the development of policy in this regard. It also renders an anthropological service, and gives advice and support to traditional leadership and institutions with regard to governance and development matters. It advises and supports the National House of Traditional Leaders, and maintains a database on traditional leadership and institutions.

The Directorate is involved in the issue of the constitutional position of Khoisan communities. Following initiatives by the Griqua people, the National Griqua Forum was established. Another milestone was the establishment of the National Khoisan Council in May 1999. The main aim of the Council is to assist government with the investigation of constitutional issues relating to Khoisan communities. Together with and with the approval of the National Khoisan Council, and in collaboration with communities concerned, a phased research process was adopted to investigate how best to constitutionally promote and protect the rights of Khoisan communities. The research ultimately culminated in a consolidated report from which policy on the Khoisan will be finalised.

The *Draft White Paper on Traditional Leadership and Governance*, released in October 2002, deals with the following issues:
• the identification of a role for traditional leadership as an institution at a local level, on matters affecting local communities
• the reform of the entire institution, so as to restore the legitimacy it once enjoyed prior to the distortions introduced by the colonial and apartheid regimes
• the transformation of the institution generally, particularly the restoration of its char-acter as an institution founded on custom, culture and tradition of the people
• reform of the institution so that it embraces some of the basic tenets underpinning the Constitution, such as equality and democracy.

Section 81 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), was amended during 2000, providing enhanced representation of traditional leaders in municipal councils. They enjoy 20% representation.

Houses of Traditional Leaders

The Constitution mandates the establishment of Houses of Traditional Leaders by means of either provincial or national legislation. Provincial houses of traditional leaders have been established in all six provinces where traditional leaders are found, namely the Eastern Cape, KwaZulu-Natal, the Free State, Mpumalanga, Limpopo (formerly the Northern Province) and the North West.

The National House of Traditional Leaders was established in April 1997. Each provincial House of Traditional Leaders nominated three members to be represented in the National House, which then elected its own office-bearers.

The National House advises national government on the role of traditional leaders and on customary law. It may also conduct its own investigations and advise the President on request.

The National House has recently been reconstituted for the second five-year term. Both the Chairperson and the Deputy Chairperson who are full-time members, have been elected for the five-year term and earn a full-time salary.

Provincial government

In accordance with the Constitution, each of the nine provinces has its own legislature consisting of between 30 and 80 members. The number of members is determined in

Cabinet, as on 15 November 2002	
Mr Thabo Mbeki	President
Mr Jacob Zuma	Deputy President
Dr Mangosuthu Buthelezi	Home Affairs
Prof Kader Asmal	Education
Dr Nkosazana Dlamini-Zuma	Foreign Affairs
Mr Mosiuoa Lekota	Defence
Mr Trevor Manuel	Finance
Mr Sydney Mufamadi	Provincial and Local Government
Dr Ben Ngubane	Arts, Culture, Science and Technology
Mr Dullah Omar	Transport
Mr Jeff Radebe	Public Enterprises
Ms Stella Sigcau	Public Works
Dr Zola Skweyiya	Social Development
Mr Charles Nqakula	Safety and Security
Ms Sankie Mthembi-Mahanyele	Housing
Mr Alec Erwin	Trade and Industry
Dr Penuell Maduna	Justice and Constitutional Development
Mr Valli Moosa	Environmental Affairs and Tourism
Ms Geraldine Fraser-Moleketi	Public Service and Administration
Dr Ivy Matsepe-Casaburri	Communications
Mr Membathisi Mdladlana	Labour
Mr Ben Skosana	Correctional Services
Ms Thoko Didiza	Agriculture and Land Affairs
Mr Ronnie Kasrils	Water Affairs and Forestry
Dr Lindiwe Sisulu	Intelligence
Ms Phumzile Mlambo-Ngcuka	Minerals and Energy
Dr Manto Tshabalala-Msimang	Health
Dr Essop Pahad	Minister in The Presidency
Mr Ngconde Balfour	Sport and Recreation

terms of a formula set out in national legislation. The members are elected in terms of proportional representation.

The Executive Council of a province consists of a Premier and a number of members. The Premier is elected by the Provincial Legislature.

Decisions are taken by consensus, as in the national Cabinet. Besides being able to make provincial laws, a provincial legislature may adopt a constitution for its province if two thirds of its members agree. However, a provincial constitution must correspond with the national Constitution as confirmed by the CC.

According to the Constitution, provinces may have legislative and executive powers concurrently with the national sphere over, among other things:
• agriculture
• casinos, racing, gambling and wagering
• cultural affairs
• education at all levels, excluding university and technikon education
• environment
• health services
• housing

Deputy Ministers, as on 15 November 2002	
Mr Joe Matthews	Safety and Security
Mr Aziz Pahad	Foreign Affairs
Ms Bridgitte Mabandla	Arts, Culture, Science and Technology
Ms Susan Shabangu	Minerals and Energy
Mr Mosibudi Mangena	Education
Ms Nosiviwe Mapisa-Nqakula	Home Affairs
Rev Musa Zondi	Public Works
Mr Mandisi Mpahlwa	Finance
Prof Dirk du Toit	Agriculture
Ms Joyce Mabudafhasi	Environmental Affairs and Tourism
Ms Lindiwe Hendricks	Trade and Industry
Ms Nozizwe Madlala Routledge	Defence
Ms Cheryl Gillwald	Justice and Constitutional Development
Ms Ntombazana Botha	Provincial and Local Government
Mr David Malatsi	Social Development
Mr Renier Schoeman	Health

• language policy
• nature conservation
• police services
• provincial public media
• public transport
• regional planning and development
• road-traffic regulation
• tourism
• trade and industrial promotion
• traditional authorities
• urban and rural development
• vehicle licensing
• welfare services.

These powers can be exercised to the extent that provinces have the administrative capacity to assume effective responsibilities.

Provinces also have exclusive competency over a number of areas, which include:
• abattoirs
• ambulance services
• liquor licences
• museums other than national museums
• provincial planning
• provincial cultural matters
• provincial recreation and activities
• provincial roads and traffic.

The President's Co-ordinating Council (PCC) is a consultative forum where the President discusses issues of national, provincial and local importance with Premiers. The forum meets quarterly and addresses issues such as:
• enhancing the role of provincial executives with regard to national policy decisions
• strengthening the capacity of provincial governments to implement government policies and programmes
• integrating provincial growth and development strategies within national development plans
• improving co-operation between national and provincial spheres of government to strengthen local government
• improving co-operation on fiscal issues
• ensuring that there are co-ordinated programmes of implementation and the necessary structures to address issues such as rural development, urban renewal and safety and security.

Provincial governments, as on 25 September 2002

Eastern Cape

Rev Makhenkesi Stofile	Premier
Max Mamase	Agriculture
Stone Sizani	Education
Enoch Godongwana	Provincial Treasury, Economic Affairs, Environment and Tourism
Max Mamase (Acting)	Health
Guguzile Nkwinti	Housing, Local Government and Traditional Affairs
Dennis Neer	Provincial Safety, Liaison and Transport
Phumulo Masualle	Roads and Public Works
Nosimo Balindlela	Sport, Recreation, Arts and Culture
Ncumisa Kondlo	Social Development

KwaZulu-Natal

Lionel Mtshali	Premier
Naredi Singh	Agriculture and Environmental Affairs
Faith Xolile Gasa	Education and Culture
Michael Mabuyakhulu	Economic Development and Tourism
Peter Miller	Finance
Dr Zwelini Mkhize	Health
Dumisane Makhaye	Housing
Inkosi Nyanga Ngubane	Traditional Affairs, Local Government and Safety and Security
Prince Gideon Zulu	Social Services and Population Development
Rev Celani Mtetwa	Public Works
Sibusiso Ndebele	Transport

Free State

Isabella Winkie Direko	Premier
Mann Oelrich	Agriculture
Papi Kganare	Education
Sakhiwe Belott	Tourism and Environmental and Economic Affairs
Zingile Dingani	Finance and Expenditure
Anna Tsopo	Health Services
Lechesa Tsenoli	Local Government and Housing
Sekhopi Malebo	Public Works, Roads and Transport
Itumeleng Kotsoane	Safety and Security
Beatrice Marshoff	Social Development
Webster Mfebe	Sport, Arts, Culture, Science and Technology

Limpopo

Ngoako Ramatlhodi	Premier
Dr Aaron Motsoaledi	Agriculture and Environmental Affairs
Joyce Mashamba	Education
Thaba Mufamadi	Finance and Economic Affairs
Sello Moloto	Health and Welfare
Joe Maswanganyi	Local Government and Housing
Catherine Mabuza	Office of the Premier
Collins Chabane	Public Works
Dikeledi Magadzi	Safety, Security and Liaison
Rosina Semenya	Sports, Recreation, Arts and Culture
Dean Tshenuwani	Transport

Gauteng

Mbhazima Shilowa	Premier
Mary Metcalfe	Agriculture, Conservation, Environment and Land Affairs
Trevor Fowler	Development Planning and Local Goverment
Ignatius Jacobs	Education
Jabu Moleketi	Finance and Economic Affairs
Gwen Ramokgopa	Health
Paul Mashatile	Housing
Nomvula Mokonyane	Provincial Safety and Liaison
Mondli Gungubele	Sport, Recreation, Arts and Culture
Angelina Motshekga	Social Services and Population Development
Khabisi Mosunkutu	Transport and Public Works

Mpumalanga

Ndaweni Mahlangu	Premier
Candith Mashego-Dlamini	Agriculture, Conservation and Environment
Jacob Mabena	Finance and Economic Affairs
Craig Padayachee	Education
Sibongile Manana	Health
Simeon Ginindza	Housing and Land Administration
Mohammed Bhabha	Local Government and Traffic
Steve Mabona	Public Works, Roads and Transport
Thabang Makwetla	Safety and Security
Busi Coleman	Social Services and Population Development
Siphosezwe Amos Masango	Sport, Recreation, Arts and Culture

Northern Cape

Manne Dipico	Premier
Dawid Rooi	Agriculture, Land Reform, Environment and Conservation
Thabo Makweya	Economic Affairs and Tourism
Tina Joemat-Pettersson	Education
Goolam Hoosain Akharwaray	Finance
Dipuo Peters	Health
Pakes Dikgetsi	Housing and Local Government
Connie Seoposengwe	Safety and Liaison
Fred Wyngaardt	Social Services and Population Development
Sebastian Bonokwane	Sports, Arts and Culture
John Block	Transport, Roads and Public Works

North West

Dr Popo Molefe	Premier
Edina Molewa	Agriculture, Conservation and Environment
Darky Africa	Developmental Local Government and Housing
Maureen Modiselle	Economic Development and Tourism
Zacharia Tolo	Education
Martin Kuscus	Finance
Dr Molefi Sefularo	Health
Dimotana Thibedi	Traditional and Corporate Affairs
Nomonde Rasmeni	Safety and Security
Mandlenkosi Mayisela	Social Services, Arts, Culture and Sport
Phenye Vilakazi	Transport and Roads
Jerry Thibedi	Public Works

Western Cape (as on 12 November 2002)

Marthinus van Schalkwyk	Premier
Johan Gelderblom	Agriculture, Tourism and Gambling
Lennet Ramatlakane	Community Safety
Patrick McKenzie	Cultural Affairs, Sport and Recreation
Adv Andre Gaum	Education
Johan Gelderblom (Acting)	Environmental Affairs and Development Planning
Ebrahim Rasool	Finance and Economic Development
Thasneem Essop	Transport and Public Works
Piet Meyer	Health
Nomatyala Hangana	Housing
Cobus Dowry	Local Government
Marius Fransman	Social Services and Poverty Relief

Local government

The recognition of local government in the Constitution as a sphere of government has enhanced the status of local government as a whole and of municipalities in particular, and has given them a new dynamic role as instruments of delivery. The relationship between the three spheres of government is outlined in Chapter Three of the Constitution, which, among other things, requires Parliament to establish structures and institutions to promote and facilitate intergovernmental relations. According to the Constitution and the Organised Local Government Act, 1997 (Act 52 of 1997), (which formally recognises the South African Local Government Association (SALGA) and the nine provincial local government associations), organised local government may designate up to 10 part-time representatives to represent the different categories of municipalities and participate in proceedings of the NCOP.

The largest increases in national government's 2002 Budget were in transfers to the local sphere, rising by 18,3% a year from 2001/02 to 2004/05. Total allocations rose from R6,6 billion in 2001/02 to R8,6 billion in 2002/03, and will increase to R10,2 billion in 2003/04, and R10,9 billion in 2004/05.

Allocations for local government infrastructure transfers rose from R2,2 billion in 2001 to R3,3 billion in 2002 and to R3,9 billion in 2003/04 and R4 billion in 2004/05. This represents an annual increase of 21,3% in infrastructure funding between 2001/02 and 2004/05.

Government's commitment to assisting municipalities with poverty relief, primarily through the provision of free basic services to poor households, is made clear by substantial increases in the equitable share grant, from R2,6 billion in 2001 to R3,9 billion in 2002, with a further increase to R5 billion in 2003 and R5,5 billion in 2004/05.

SALGA

SALGA has a mandate to represent the interests of organised local government in the

country's intergovernmental relations system with a united voice.

SALGA's business plan sets out a series of objectives, namely:

- promoting sound labour relations practices that can achieve high levels of performance and responsiveness to the needs of citizens
- representing, promoting, protecting and giving voice to the interests of local government at national and provincial levels, in intergovernmental processes and in other policy-making fora
- building the capacity of local government to contribute towards a developmental democratic governance system that can meet basic human needs.

SALGA is funded through a combination of sources. These include a percentage share of the national revenue allocated to local government, membership fees from provincial and local government associations that are voluntary members, and donations from the donor community that funds specific projects.

Municipalities

The Constitution provides for three categories of municipalities.

As directed by the Constitution, the Local Government: Municipal Structures Act, 1998, contains criteria for determining when an area must have a Category A municipality (metropolitan municipalities) and when its municipalities fall into categories B (local municipalities) or C (district areas or municipalities). It also determines that Category A municipalities can only be established in metropolitan areas.

The Municipal Demarcation Board determined that Johannesburg, Durban, Cape Town, Pretoria, East Rand and Port Elizabeth be declared metropolitan areas.

Metropolitan councils have a single metropolitan budget, common property rating and service tariffs systems, and a single employer body. South Africa has six metropolitan municipalities, namely Tshwane, Johannesburg, Ekurhuleni, Ethekwini, Cape Town and Nelson

Mandela, 231 local municipalities and 47 district municipalities.

Metropolitan councils may decentralise powers and functions. However, all original municipal, legislative and executive powers are vested in the metro council.

In metropolitan areas there is a choice of two types of executive systems: the mayoral executive system where legislative and executive authority is vested in the mayor, and the collective executive committee where these powers are vested in the executive committee.

Non-metropolitan areas consist of district councils and local councils. District councils are primarily responsible for capacity-building and district-wide planning.

Legislation

In November 2000, the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), was published to establish a framework for planning, performance-management systems, effective use of resources, and organisational change in a business context.

The Act also established a system for local councils to report on their performance, and gives an opportunity for residents to compare this performance with others.

Public-private partnerships are also regulated by the Act. It allows municipalities significant powers to corporatise their services, establish utilities for service delivery, or enter into partnerships with other service-providers. The Act provides for the adoption of a credit-control policy by municipalities that will provide for the termination of services in the event of non-payment. Municipalities will have the power to pass bylaws to implement the policy.

Currently, the rationalisation of old-order legislation is being investigated.

Programmes

National and provincial government departments are continuing to formulate programmes, which constitute a support instrument for local government.

Consolidated Municipal Infrastructure Programme (CMIP)

The CMIP constitutes the major infrastructure grant for municipalities, which represents recognition on the part of government that local governments find it difficult to achieve major redistribution at local level, due to the relatively limited revenue at their disposal.

The CMIP aims to provide basic levels of service to uplift the quality of life of ordinary people. The Programme aims to enhance the developmental impact of the delivery process by focusing on the transfer of skills and promotion of small, medium and micro-enterprises, using labour-intensive construction processes and maximising job-creation opportunities. The CMIP also aims to enhance long-term sustainability and rapid improvement of delivery through a capacity-building programme that will strengthen the institutional ability of municipalities, including their local management and operation and maintenance capacities. Since the inception of the CMIP, a total of 1 482 projects to the value of R4,3 billion have been completed. Tangible results and visible impact on the poor communities, leading to improvement in the quality of their lives, have been achieved.

By June 2002, approximately three million households that previously had no access to a basic level of service were benefiting from the different project categories provided by the CMIP, such as water, sanitation, roads, stormwater, solid waste, and community lighting and facilities. Greater support has been given to rural development with 56% of CMIP funds allocated to projects in these areas.

The use of labour-intensive construction methods had created 14 million person days of temporary and permanent employment for local labourers, particularly for single-headed households, women, youth and the disabled. The CMIP supports the Housing Programme, Integrated Sustainable Rural Development Programme and Urban Renewal Strategy. An additional amount of R300 million has been allocated to the CMIP during the 2002/03 financial year for funding in the nodal areas.

Municipal Infrastructure Investment Unit (MIIU)

The Unit was set up in 1998 to encourage private-sector investment in municipal services and to establish a market for such investments. Government provides an annual grant to the Unit. Through this grant, the Unit has undertaken 15 pilot projects and has assisted many municipalities in preparing and finalising appropriate municipal service partnership agreements.

The total number of municipal service partnership transactions completed by the MIIU continues to increase. During 2001/02, the MIIU completed five such projects, with a total contract value of over R1 billion. That brought the total contract value of all MIIU projects during its four-year existence to over R6,7 billion. As a result of just 2001's projects, over 280 000 disadvantaged South African households received new, enhanced, or more efficient municipal services. These services include water and sanitation, waste management, municipal transport and municipal power.

The MIIU has embarked on a programme to undertake diagnostic studies in a number of municipalities to determine the opportunity for private-sector investment in these localities.

Local Government Transition Fund

The Fund assists local governments with the significant once-off costs for amalgamation and restructuring, following the demarcation process so that services are not interrupted. The grant has a limited lifespan and will be incorporated into the equitable share from 2003/04.

Municipal Systems Improvement Programme

The Municipal Systems Improvement Programme provides direct assistance to municipalities for capacity-building and for implementing new systems required by local government legislation. Planning, Implementation and Management Support Centres in district municipalities, in particular,

will be funded to assist with the preparation of integrated development plans (IDPs) in line with municipal budgets. This grant will also assist municipalities to pilot performance management and monitoring systems, and will complement other initiatives by the National Treasury aimed at building municipal financial management capacity and implementing budget reforms.

Local economic development (LED) and poverty alleviation

The Minister for Provincial and Local Government, Mr Sydney Mufamadi, said in his Budget

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Information

In February 2001, President Thabo Mbeki, in his address to Parliament, announced details of the Integrated Sustainable Rural Development Programme (ISRDP) and the Urban Renewal Strategy (URS). The URS, in particular, includes a multidisciplinary approach to dealing with crime. By February 2002, significant strides had been made by the ISRDP.

The Minister for Provincial and Local Government, Mr Sydney Mufamadi, made the following announcements in his Budget Vote in June 2002:

• over 120 projects worth R3,7 billion were identified using Interim Integrated Development Plans through consultative workshops in November 2001.
• in December 2001, projects were further refined and 22 priority projects worth R584 million were identified for 2002/03, of which 48% were being implemented and 52% were in the planning stages.
• the Department of Provincial and Local Government was investing an extra R700 million of infrastructure funding in 2002/03 rising to R2 billion in 2004/05 in the rural and urban nodes. This funding will improve infrastructure in these areas and build the base of public assets.
• the Department of Labour had prioritised R18 million for skills development in support of the nodes.
• the Eskom Rural Development Foundation is gearing up to support more nodes in rural development, including electrification.
• the United Nations Development Programme was assisting with a monitoring and evaluation system to support the Programme to the tune of US$350 000.

Regarding the URS:

• a Nodal Assessment was completed in 2001 for all eight nodes and a report detailing the situation in each node is available.
• business plans have been completed for seven nodes. In doing this, the development path of the nodes has been charted and clearly defined.
• an initial list of 110 anchor projects was compiled, of which 63,6% are under way, 29% are completed and 7,4% are still to commence.

Vote in June 2002 that the LED Fund had supported 188 municipalities, with 88% of the municipalities having received training on LED.

Of these, 19,5% were in progress, 13,5% were completed (mainly from the 1999/00 allocation), 20,6% were in advanced stages of implementation, and 46% had not started (primarily the 2001/02 allocation). Projects for the 2001/02 financial year had all received financial transfers but were in the planning and tendering stages.

According to the *Estimates of National Expenditure 2002*, published by the National Treasury, funds from the LED Fund and Social Plan Grant have assisted 102 municipalities to undertake regeneration studies in the past two years. About half have been completed. A further 120 municipalities have received funding for LED initiatives, leading to the creation of just over 1 000 part-time and 1 000 full-time jobs. These initiatives are showcased at the annual LED Trade Fair that was first launched in Johannesburg in 2000.

Integrated Development Plans

In terms of the Municipal Systems Act, 2000, all municipalities are required to prepare IDPs. The majority of municipalities have completed their IDPs. Unlike the Interim IDPs, this process had the full commitment of most municipalities and was less consultant-driven and more driven by communities, officials and politicians. This has brought a lot more realism in the formulation of IDPs, and therefore the sequencing and prioritisation of projects.

Government and communication

The vision of the Government Communication and Information System (GCIS) is to make an indispensable and widely valued contribution to society, working with government for a better life for all, by meeting government's communication needs as well as those of the public.

It consists of the following Chief Directorates:

- Communication Service Agency, which is responsible for, among other things, the production and distribution of government information products (including the *South Africa Yearbook*), event management and the bulk-buying of advertising space.
- Government and Media Liaison, which is responsible for strengthening working relations between the media and government, as well as the international promotion of South Africa.
- Policy and Research, which is responsible for research into the communication environment in which government is working; dealing with policy relating to media, communication and information; and for providing access to government information

through the website *Government online* (*www.gov.za*).

- Provincial and Local Liaison, which is responsible for providing information at community level in close co-operation with communicators of the nine provincial governments.
- Corporate Services, which provides information technology (IT) services, provisioning administration, financial management, administrative services and human resource administration and development.

For each of the transversal campaigns of government, GCIS is central in developing communication strategies and programmes. It also assists departments with specific campaigns and events, as well as setting up departmental communication structures.

GCIS is leading an intersectoral process to set up Multi-purpose Community Centres (MPCCs) in every district of the country, each one providing information on accessing government services, as well as directly offering some government services at the Centre itself. (See map and addendum.)

By May 2002, there were 18 MPCCs in operation. In 2002/03, more than 20 will be launched and by the end of 2003 there will be 60, one in each district.

GCIS is also involved in the Media Development and Diversity Agency. It played a major role in the development of the new Coat of Arms, which was launched on 27 April 2000 and the redesign of the National Orders. (See chapters: *Arts and Culture* and *Communications*.)

International Marketing Council (IMC)

The IMC of South Africa is a public-private sector partnership to develop and sustain meaningful co-operation between the organisations involved in the marketing of South Africa. Members of the Council's Board act as advocates for South Africa, advise the Cabinet

Information

The Ministry and the Department of Provincial and Local Government are committed to provide increased stability and predictability to the local environment. A number of measures are being introduced to enhance the revenue-raising powers of local government. These include legislative measures to improve property tax administration, clarify municipal tax powers and reform Regional Service Council levies.

The Property Rates Bill was expected to be presented to Parliament in 2002 after a lengthy period of consultation with stakeholders.

In May 2002, the Minister for Provincial and Local Government, Mr Sydney Mufamadi, initiated a working group representing municipal managers, chief finance officers and the Department to review credit control measures in municipalities with large service-related debt, the majority of which are in Gauteng. The recommendations of this working group will be used to further enhance municipal credit control policy.

The finalisation of the boundaries of new municipalities as well as clarity on the powers and functions of different categories of municipalities will lead to increased predictability regarding municipal revenue streams. Added to this, the further consolidation of grant funding from national government over the three-year Medium-term Expenditure Framework period, will improve the predictability and transparency of transfers.

Increased accountability is already being achieved through the Municipal Systems Act, 2000 (Act 32 of 2000), and will be further enhanced through the Municipal Finance Management Bill. This Bill will bring about changes to budget processes, formats and reporting requirements. The aim is to create improved and more accountable local environments, with better services distributed across a wider spectrum of the population.

Committee on International Relations and provide the Council's operational team with strategic guidance.

The Council seeks to contribute to the transformation of the image of South Africa internally and externally by creating, co-ordinating, integrating and communicating a compelling brand proposition for South Africa. Anticipated for popular exposure in early 2003, the brand for South Africa has been created through a widely consultative process to envision a single-minded and unique South African idea to underpin the work of the Council and its partners.

In October 2002, the Council launched its slogan, *Alive with Possibility*, which will be used to sell South Africa around the world.

The following projects have been created to facilitate the work of the Council:
• the Communication Resource Centre will proactively enhance South Africa's response to national and international media coverage about the country
• the Information Resource Centre will, on an ongoing basis, collect, collate and make accessible a vast spectrum of positive information about South Africa
• launched in August 2002, *www.safrica.info* is a unique, comprehensive and official national gateway to the country for national and international Internet users in need of information about South Africa
• building national pride is a key focus as the IMC encourages South Africans at home and abroad to fly the flag in thought, word and deed.

The IMC emphasises ongoing relationship-building and campaign integration among the international relations, investment, trade and 'national pride' organisations in South Africa.

Co-operative governance

The importance of co-operative governance and intergovernmental relations in South Africa is reflected in Chapter Three of the Constitution, which determines a number of principles.

Section 41(2) of the Constitution specifically determines that an Act of Parliament must establish or provide for structures and institutions to promote and facilitate intergovernmental relations. It should also provide for appropriate mechanisms and procedures to facilitate the settlement of intergovernmental disputes. The Department of Provincial and Local Government is developing this framework.

A number of intergovernmental structures have been instituted to promote and facilitate co-operative governance and intergovernmental relations between the respective spheres of government.

These include, among other things, the following:
• the PCC, comprising the President, the Minister for Provincial and Local Government, and the nine Premiers.
• Ministerial clusters, Directors-General clusters and the Forum of South African Directors-General, which promote programme integration at national and provincial level.
• Ministerial forums (or MinMecs) between responsible line-function Ministers at national level and their respective counterparts at provincial government level, which normally meet on a quarterly basis. These fora are supported by technical committees.
• a number of intergovernmental fora that facilitate co-operative government and intergovernmental relations.

Elections

The Constitution of South Africa places all elections and referendums in the country at all three spheres of government (national, provincial and local) under the control of the Independent Electoral Commission (IEC), established in terms of the IEC Act, 1996 (Act 51 of 1996). National and provincial elections were held on 2 June 1999. Registered voters totalled 18,1 million, representing a

turnout of 89%. Of the 16 political parties that took part in the national elections, 13 are represented in Parliament, based on the election results.

Municipal elections

On 5 December 2000, South Africans went to the polls to elect local representatives. Registered voters totalled 18,5 million with a turnout of 48,08%. Seventy-nine parties nominated 30 477 candidates of whom 16 573 were party list and 13 214 ward candidates. Six hundred and ninety were independent candidates.

During the 15-day floor-crossing period in October 2002, a total of 555 municipal councillors joined other parties.

By-elections

The IEC conducted 79 municipal ward by-elections in 2001, which involved 324 voting districts and 398 404 registered voters. A total of 241 candidates, including 25 independents, contested the municipal ward by-elections.

Several by-elections took place between March and July 2002.

Disaster management

Like many countries in the world, South Africa is at risk from a wide range of natural, technological and environmental hazards that can lead to disasters such as droughts, floods, major fires, tornadoes and major oil spills.

Cabinet approved the formation of the Interministerial Committee for Disaster Management in mid-1997. The Committee is chaired by the Minister for Provincial and Local Government.

In January 1999, the *White Paper on Disaster Management* was released, which underlines the need to link development planning to vulnerability assessments, enabling measures to reduce the exposure of the poor.

A chapter of the document addresses proposals for the development of comprehensive disaster-management training and community awareness strategies and programmes.

The White Paper focuses on the need to establish co-ordination mechanisms and early warning and information systems, and to carry out advance planning. Key proposals include the
- development of a strategy to reduce the vulnerability of South Africans – especially poor communities – to disasters
- introduction of a new disaster-management funding system to ensure that risk-education measures are taken, and that sufficient capacity is built to respond to disasters and to provide for post-disaster recovery.

The National Disaster Management Centre came into operation on 1 April 2000.

In June 2001, the Disaster Management Bill was approved for submission to Parliament. It deals with comprehensive matters on disaster management, including processes of disaster declaration and preventative measures.

The Public Service

Midway into the second term of democratic governance in South Africa, the Public Service has been consolidating the policy and regulatory achievements of the first term, strengthening the management echelon and intensifying the modernisation of the Public Service. Spearheading the quest for a modern public service is the *Batho Pele* (People First) initiative, which aims to enhance the quality and accessibility of government services by improving efficiency and accountability to the recipients of public goods and services.

To extend *Batho Pele* into electronic government, work has commenced on the 'Gateway' initiative. 'Gateway' will provide information on all government services through a single Internet portal.

Other prominent initiatives included negotiations on the transformation and restructuring of the Public Service; a review of macrobenefits (housing, medical aid and pension); the further strengthening of management through the development of a competency framework and competency-based recruitment and performance management system

for the Senior Management Service (SMS); the development of the Public Service Human Resource Development Strategy; the development and implementation of an Action Plan to alleviate the impact of HIV/AIDS on the Public Service; and the implementation of the Public Service Anti-corruption Strategy.

Size of the Public Service

By 31 December 2001, the Public Service had 1 031 594 people in its employ, registering a 1,1% difference – a decrease of 10 798 compared to the previous year. With regard to the share of personnel in the Public Service sectors, 61,4% is attached to the social services sector (health, social development and education), followed by 16,5% in the criminal Justice Cluster, 14,7% in the Governance and Administration Cluster and 7,4% in the Defence and Intelligence Cluster.

Policy and legislation

The Public Service Act, 1994 (Act 103 of 1994), has not been amended since 1 July 1999. On that date, three amending Acts and the new Public Service Regulations came into force. The other binding instrument within the Public Service is a resolution of the Public Service Co-ordinating Bargaining Council (PSCBC), which binds employer and employees alike when agreed to by a majority of the trade unions represented by the PSCBC. The Act, the Regulations and the Collective Agreements together make up the Public Service Management Framework.

On 31 March 2000, a new chapter of the Regulations was inserted to provide for annual financial disclosure by all heads of departments, deputy directors-general and all accounting officers at lower levels. During 2000, further minor amendments were implemented.

The Public Service Regulations were re-issued as the Public Service Regulations, 2001. A new chapter on the SMS was included. The 2001 Regulations also stipulated National Minimum Information Requirements

(NMIR) and annual reporting requirements aligned with the National Treasury's requirements on annual reporting. One of the more important amendments during 2001 was the extension of the financial disclosure requirement to all members of the SMS.

The SMS Conference was held in Durban in March 2002. The theme of the Conference was *The Public Service – Making South Africa a Better Place*, which captures the spirit of the SMS and reflects the professionalism and commitment required of all senior managers.

The overall goal of the Conference was to build individual and collective commitment into government's vision for the next three years. More specifically, the objectives of the Conference were to:

• interrogate the role and challenges facing managers in implementing government policy
• entrench the ideals of an integrated developmental State
• raise awareness on initiatives to improve service delivery and to promote e-government.

The Conference launched the proposed SMS Learning Network, which will enable members to meet annually to interact and strengthen informal and formal networks. Other ideas around the professionalisation of the SMS were also discussed. This included the possibility of creating a professional association that will specifically cater for SMS members.

Macro-organisational issues

Government has a range of institutions that render services to citizens. These institutions are generally referred to as the public sector and range from national and provincial government departments, constitutional institutions, and national and provincial public entities.

Cabinet has approved a process for the creation of public entities as part of an overarching framework for service delivery. The process also provides guidelines on how departments should prepare a business case for the establishment of a public entity and also for a joint evaluation panel between the

Ministries of Public Service and Administration and Finance.

There is a need to allow for differentiation in the organisational configurations within the Public Service.

The key challenge is how to put in place an overarching legislative framework for service delivery, which will allow for different organisational forms which, at the same time, conform to uniform values and norms and subscribe to minimum standards of specific transversal systems. These challenges will be addressed in a more inclusive public management law, which the Minister of Public Service and Administration will introduce to replace the current Public Service Act, 1994.

Strengthening institutional performance

To give effect to the rendering of services, departments have developed management plans. These include organisational structures, service-delivery plans and human resource plans.

To support institutions with the massive service-delivery challenges, the Integrated Provincial Support Programme (IPSP) provides support to five provincial governments. The aim is to improve the effective rendering of services and good governance. IPSP is about innovative service delivery, releasing more funds for service delivery to the poor through restructuring and improving good governance through regular citizen's interaction, transparency and accountability. To improve the understanding of government on the capacity constraints that institutions are facing, the Department of Public Service and Administration undertook various studies. For example, a study was completed on the use of consultants in the Public Service, and the underlying reasons for underspending and unauthorised expenditure in government.

The Department is busy with an audit of public service transformation to provide a comprehensive picture of reforms implemented in the Public Service during 1994 to 2001

and the progress made with the implementation of these reforms.

Service delivery

The vision of government is to promote integrated seamless service delivery. This is done within the *Batho Pele* policy of government, as promulgated in 1997. The *Batho Pele* principles are applied as the basis for service delivery. Various projects are being implemented to fully realise the improvement of service delivery. The 'Gateway' project aims to establish a single electronic gateway that will facilitate access to all information and services being provided by government. The overall vision of the project is to provide access to government services, anytime, any place, and within a clearly defined and executed e-government strategy.

A key initiative in terms of *Batho Pele* is to modernise government. The Department has established the Centre for Public Service Innovation to encourage service-delivery innovation in the Public Service. The work of the Centre focuses on using innovative means to achieve outcomes in sustainable service-delivery partnerships, influencing the work culture within government and developing an environment supportive of innovation. The role of the Centre is primarily to function as an enabler, facilitator and champion of innovative ideas.

New service-delivery mechanisms are also being implemented such as the MPCCs and one-stop shops. The Department will also make available a *Directory of the Public Service*, which will provide information to citizens on the points of service delivery.

The following annual events are held by departments to promote *Batho Pele*:
• Africa Public Service Day
• Internal and external *Imbizos*
• Public Service Week.

Labour relations and conditions of service

The results of the Personnel Expenditure Review in 1999 highlighted a need to review a number

of public-service practices and systems. The purpose of this Review was to highlight problem areas and help identify opportunities where innovation could result in the release of available resources to fund other development programmes in line with the national reconstruction and development framework.

Proposals in this regard included a need to develop and implement the Public Service Wage Policy that informed a review and restructuring of macro benefits in the Public Service.

It was agreed to focus, in the medium term, on the:
• review of determination of conditions of service for SMS members. Agreement was reached to do this outside the normal bargaining structures
• review of macro benefits in the Public Service with special focus on medical aid, housing, leave and pension arrangements to ensure efficiency, adequacy, equity and administrative justice. Task teams comprising parties to the PSCBC have been established to facilitate the process
• review of rank and leg promotion as a pay-progression system to institute a performance-based system. Agreement has been reached to discontinue with rank and leg promotion (with effect from 1 July 2001) in favour of a performance-based pay-progression system that was implemented on 1 July 2002
• review of the structure of public service institutions to inform the redistribution of available human capital. A Job Summit was held at the beginning of 2001 to ensure common understanding on issues for consideration during the restructuring and transformation process. The Summit resulted in a framework that has been adopted at PSCBC level. Parties to the PSCBC have been engaged in negotiations regarding matters of mutual interest
• review of collective bargaining structures in the Public Service to clearly define roles, responsibilities and issues to be negotiated at national and sectoral or departmental level

• development of a national strategy to facilitate the mitigation of the impact of HIV/AIDS on service delivery
• implementation of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), in the Public Service.

Fighting corruption

The Public Service Anti-corruption Strategy has been developed and approved by Cabinet for implementation over a three-year period. To inform and support the implementation phase, new anti-corruption legislation has been introduced in Parliament and there are processes to assess departments' capabilities to deal with corruption, to gauge the extent of corruption and to build further institutional capacity. Particulars of the Strategy are available on the website of the Department of Public Service and Administration (*http://www.dpsa.gov.za*).

Senior management service

The aim of the new management framework introduced in July 1999 is to ensure improved service delivery in public service departments/institutions. This framework necessitated a number of initiatives to:
• strengthen management capacity to ensure that management is competent enough to drive the transformation process. Subsequently, a SMS was established for the Public Service
• continuously audit progress achieved by departments in complying with the dictates of the new management framework.
The overall goal of the SMS initiative is to improve government's ability to recruit, retain and develop quality managers and professionals. To this end, the following measures have been put in place:
• a modernised employment framework consisting of improved terms and conditions of service
• mechanisms to improve interdepartmental mobility of senior managers and professionals

- a performance management system (through performance agreements) that is supported by a competency framework
- improved and competency-based recruitment and selection processes
- the institution of higher ethical conduct through the disclosure of financial interests
- focused training and development interventions.

Human resource management

The Public Service's human resource management systems have been improved and are in line with the new management framework, which focuses on development. The systems propagate the inculcation of a culture of performance, hence the emphasis on the importance of strategic planning, human resource planning and the development of human capital capacity.

Due to the above-mentioned reasons, the competency framework for senior managers has been introduced with a view to improve the quality of managers and professionals employed in the Public Service.

The State as employer has, among other things, a responsibility to comply with the laws of the country on representativity. To this end, the Public Service Regulations of 2001 require that heads of departments conduct strategic planning sessions to inform their employees of their annual plans in accordance with their delivery programme.

Information

In July 2002, the Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, was appointed by the United Nations (UN) Secretary-General as one of the 24 world experts in the field of public administration. The main role of the Committee of Experts is to advise the UN Economic and Social Council, the second most important of the subcouncils of the UN after the Security Council, on its programme of action pertaining to the very important field of public administration and its role in achieving the 53 goals of the UN Millennium Declaration.

Human resource development (HRD)

Public service practice with regard to HRD has been reviewed and consolidated into the HRD Strategy for the Public Service. The Strategy builds on the foundation put in place through the National Skills Development Strategy and the National HRD Strategy for South Africa. The Strategy has been approved by Cabinet for implementation and it aims to address the major human resource capacity constraints hampering the effective and equitable delivery of public services. It has the following strategic objectives:

- full commitment to promote HRD in all public service institutions
- the establishment of effective strategic and operational planning in the Public Service
- the establishment of competencies that are critical for service delivery in the Public Service
- effective management and co-ordination of developmental interventions in the Public Service.

Interventions exist, which relate to skills programmes (functional literacy, basic administrative skills, IT training to bridge the digital divide and training programmes for front-line staff for improved service delivery). The Senior Executive Programme, in partnership with the universities of Wits and Harvard, is also presented.

HIV/AIDS

Following an assessment of the likely impact of HIV/AIDS on the Public Service, a programme of action was developed focusing on the following key areas:

- the development of workplace policy frameworks and the definition of minimum standards. A framework to ensure the establishment of work environments conducive to preventing and mitigating the impact of HIV/AIDS in the workplace has been agreed upon at the PSCBC. To provide relevant terms of reference for the users of the framework, minimum standards have been defined and will be promulgated as

part of the working environment provisions in the Public Service Regulations.

- the review of conditions of service to ensure that there is consideration of the potential impact on medical aid provisions, pension arrangements, management of incapacity leave and ill-health retirements and to ensure that public servants enjoy an acceptable level of care and support.
- the identification and provision of support, capacity development and training as part of the broader processes to manage the impact of HIV/AIDS on the Public Service.
- the review of current legislation and policy documents to eliminate any forms of discrimination and ensure relevance.

A comprehensive implementation strategy has been developed, which focuses on the implementation of the workplace policy framework and minimum standards, facilitating the development and implementation of departmental workplace policies and the continuous monitoring and evaluation of progress achieved by departments.

Public service information

Due to the importance of accurate management information for planning and informed decision-making, the Department has pub-

lished the NMIR. It identifies the information required at strategic level. To improve on the current management information systems, the Department, in partnership with the National Treasury, is engaged in a process of ascertaining the desirability of improving the existing systems or to obtain a totally new system for the Public Service. The National Treasury, in conjunction with the Department, developed a diagnostic toolkit to access a department's compliance with the NMIR and identify some factors that contribute to the lack of compliance in those cases where a department does not comply. This toolkit has been applied with success in various departments.

As from 2002, departments, as part of their annual reports, publish a statistical report with regard to human resource management. These reports will strengthen human resource information in the Public Service.

Government Information Technology Officers' (GITO) Council

The GITO Council was created to serve as an IT co-ordination and consolidation vehicle in government.

The Council has been involved in the investigation, formulation and development of an IT security policy framework, e-government policy and strategy and IT procurement guidelines. It is also involved in the effort to monitor IT projects in government to eliminate duplication.

The *Inventory of Government-wide Information Systems (IGIS) Report* was successfully completed in 2001. The project highlighted the problem of departments that continued to implement projects in isolation, leading to duplication.

The Office of the Government Chief Information Officer in the Department of Public Service and Administration has been interacting with departments on their projects and reporting to the GITO Council on a regular basis to facilitate project co-ordination. It is also involved in the 'Gateway' project.

Information

A manual outlining the likely impact of HIV/AIDS on the Public Service and guidelines on the response to the pandemic was launched by the Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, during the Public Service AIDS *Indaba* held in Muldersdrift, Gauteng in October 2002.

The 154-page manual, entitled *Managing HIV/AIDS in the Workplace* aims to put an end to discrimination against public servants living with HIV/AIDS. It contains the minimum standards all departments are expected to comply with when dealing with the pandemic.

The Minister also announced during the launch that voluntary counselling and testing pilot sites had been set up for public servants in Mpumalanga, KwaZulu-Natal and the Eastern Cape.

The aim of the sites is to maximise the creation of a conducive working environment for public servants to deliver services effectively.

State Information Technology Agency (SITA)

SITA received Cabinet approval to restructure into a holding company and divisions, namely:

- SITA D, which will be ring-fencing the affairs of the Department of Defence.
- SITA C, which will be taking care of the affairs of all other national departments and provincial governments.
- SITA e-services, which will have the responsibility of transforming the way in which government conducts its business. It will also be the single channel for procurement of government IT and related services through its IT Acquisition Centre.

Various national departments and provincial governments received Cabinet approval for full participation and integration into SITA during 2001/02.

Governance and Administration (G&A) Cluster

The integration of government systems and services is a major priority for government. In 1999, Cabinet established six committees, which clustered the work of Cabinet and became the locus of policy debates prior to the submission of memoranda to Cabinet. At the level of Directors-general, similar clusters were established. The focus of the G&A cluster is mainly, though not exclusively, on supporting the efficient and effective functioning of government and is therefore primarily concerned with matters internal to government operations.

G&A Cluster priorities for 2001/02 included strengthening the co-ordinating role of government; integrating service delivery through modernisation initiatives and support to service-delivery institutions; e-government initiatives; improving the quality of information for government decision-making by analysing information flows in government; developing a public service anti-corruption strategy; and strengthening the intergovernmental system. The G&A Cluster meets once a month and its work is taken forward between meetings by a technical task team.

Public Service Commission (PSC)

The PSC is the independent monitor and arbiter of the activities, ethos and conduct of the Public Service. The powers and functions of the PSC are set out in Section 196 of the Constitution, 1996. The Commission is required to:

- promote the values and principles of public administration as set out in the Constitution
- monitor, evaluate and investigate human resource practices, service delivery and related organisational matters to assess the extent to which they comply with Constitutional values and principles
- support the efforts of the Public Service to promote a high standard of professional ethics
- investigate grievances of officers and recommend appropriate remedies or actions
- report to Parliament and provincial legislatures on its activities.

The PSC is one of a number of institutions whose role it is to support the legislature in enhancing accountability.

The PSC is supported by the Office of the Public Service Commission (OPSC), which implements policy and programmes of the PSC. The Commission comprises 14 Commissioners, of whom five are based in Pretoria and nine in the different provinces. The Commission has regional offices in all the nine provinces.

The work of the OPSC is structured around six key performance areas.

Ethics and risk management

This unit aims to establish a culture of professional and ethical behaviour in the Public Service. It researches and evaluates ethics and corruption, and promotes best practice in risk management.

The Code of Conduct for Public Servants was promulgated in 1997 with the aim of providing public servants with guidelines on the behaviour expected of them in the course of their

duties. Public servants are required to serve the public impartially and may not discriminate unfairly against any member of the public.

The National Anti-corruption Forum was launched in Langa, Cape Town in June 2001. The Forum's objectives are to:
- establish national consensus through the co-ordination of sectoral anti-corruption strategies
- advise government on the implementation of strategies to combat corruption
- share information and best practice on sectoral anti-corruption work so that members can advise each other on the improvement of anti-corruption strategies.

Many of the issues raised in the Forum are being addressed in the sectors on an individual basis.

Special investigations

This unit manages the execution of special investigations with relation to the core functions of the Commission. It researches problematic public administration areas, investigates and audits departmental anti-corruption units and contributes to the national fight against corruption by participating in cross-sectoral investigations and strategic workshops.

The special investigations component contributes to the combating of corruption in the Public Service through:
- investigating cases of corruption in national and provincial government departments. These are either referred to the Commission for investigation or are investigated at the Commission's own initiative.
- investigating systemic issues of defective administration in government departments.
- investigating adherence to applicable procedures in the Public Service. Although there are several procedures to be followed in the Public Service, the unit's strategic focus in 2002/03 is on tendering and the procurement of goods and services.
- making recommendations to remedy, rectify and/or correct issues investigated. Depending on the type of investigation, the recommendation may consist of advice to a department to either discipline official(s) proven to have been involved in corrupt activities, or to refer the matter for criminal prosecution. Recommendations may also advise departments on the recovery of pecuniary losses suffered or State assets lost. The component may also refer matters for further investigation by another appropriate agency or engage in cross-sectoral investigations with other agencies.

Management and service-delivery improvement

The unit investigates, monitors and evaluates management practices and service delivery in the Public Service. It also monitors service delivery and management practices at departmental and sectoral level, and researches and develops innovative methods to enhance management practices and improve service delivery.

To ensure effective and efficient performance within the Public Service, a study, which aims to develop good management practices at police stations, has been successfully undertaken.

Another function of the PSC is to monitor and investigate adherence to applicable procedures in the Public Service. Service-delivery innovations (one of which is the establishment of MPCCs) have been recommended to deal with existing inefficiencies in the Public Service.

The PSC also aims to facilitate public participation in decision-making on service- delivery processes. To achieve this aim, two projects are being undertaken, namely Citizens' Satisfaction Surveys and Citizens' Forums.

Labour relations

This unit investigates, monitors and evaluates the application of merit and equity principles and sound human resource practices and policies. This entails providing advice on grievances in the Public Service and advice on and the monitoring of labour relations. It also investigates grievances lodged with the

Commission, and monitors and evaluates the application of sound labour relations principles in national and provincial departments. To this end, the Commission has developed grievance rules for the Public Service that will be set out in the PSCBC Resolution, as well as guidelines on the management of suspensions and guidelines to follow when considering the merits of an appeal in a case of misconduct.

The Commission has also approved a policy for lodging complaints by members of the public.

Human resource management and development

This unit investigates, monitors and evaluates human resource policies and practices in the Public Service.

In terms of its Constitutional mandate, the Commission conducts investigations into the application and management of various human resource practices. These investigations include the management of leave, overtime, sick leave and dismissal as a result of misconduct. Reports emanating from these investigations were discussed with the relevant Parliamentary committees.

Senior management and conditions of service

This unit manages the monitoring and evaluation of conditions of service and the performance management of heads of departments.

The Commission conducts investigations into the management of performance agreements of senior managers and evaluates the

application of developed authority regarding conditions of service by executing authorities. Sick leave trends in the Public Service are also analysed.

The Commission further facilitates the evaluation of heads of department at national and provincial levels.

Affirmative action

The Government's affirmative action policy for the Public Service emphasises management of diversity, based on public service culture, composition, human resource management and service provision practices.

The overall profile of the Public Service is very close to achieving perfect representivity status, edging its way to matching the population profile in terms of both race and gender. Fifty-two percent of the 1 031 594 employees at the end of December 2001 were women and 48 percent men. Eighty-five percent of public servants were black, compared with the national profile of 90% black. A 5% adjustment still has to occur in decreasing white employees and increasing African employees to achieve absolute representivity on the racial dimension.

The targets that were previously set for racial transformation on managerial level were 50% black employees and 30% of appointments for women. By December 2001, the management echelon included 66% black people. This is a significant improvement on the situation in 1999 when only 41% of managers were black.

By December 2001, 21% of all appointments in the SMS ranks were women, compared with 20% for 2000. To give more impetus to gender transformation at the managerial level, a plan to fast-track and develop female candidates, especially Africans, is under way.

Training

As mandated to provide training and development in the public sector, the South African Management and Development Institute

(SAMDI) had trained 12 250 employees at the end of 2001/02. Training was provided in human resource management, change management, the Presidential Strategic Leadership Development Programme (PSLDP), service delivery, provisioning management and administration training as well as training development and quality assurance.

The PSLDP, one major flagship programme of SAMDI, rolled out approximately 41 modules per month and has been positively received. The pilot project of the Ministerial Support Staff Programme was launched in January 2002 with the intention of improving the functioning of the offices of the political office-bearers. As a result of increased needs due to the impact of the Programme, some additional courses will be provided in 2002/03.

The Minister of Public Service and Administration announced in Parliament in May 2002 that SAMDI had entered into a strategic partnership with the South African Police Service (SAPS) and that it would be mandatory at Director and Assistant Commissioner levels. This will result in the training of 700 managers in the eight modules of the PSLDP.

Basic Administration Skills training for the Department of Home Affairs was also rolled out by SAMDI, through funding by the Public Service Sector Education and Training Authority.

SAMDI continues to form international partnerships for bench-marking on best practices. Through a collaborative effort with the Malaysian Public Service Training Institute, SAMDI rolled out five skills development projects. These projects were in the areas of training of trainers, middle management training, IT strategy and leadership development for change management.

The Institute continuously engages its international counterparts in its capacity-building programmes to offer world-class interventions that encompass the latest and best practices. SAMDI is also making a breakthrough in exploring partnerships with the local government sector to provide service-delivery training to municipal officials.

Home Affairs

The Department of Home Affairs provides individual status determination services.

The Department has a network of offices in all the provinces. Where the establishment of fixed offices is not warranted, mobile offices or units service such areas on a regular pre-arranged basis.

The Department is divided into five functional support divisions and two line-function divisions.

Statutory bodies falling under the Department are the:
• Immigrants Selection Board
• Standing Committee for Refugee Affairs
• Refugee Appeal Board
• Film and Publication Board
• Film and Publication Review Board
  (See chapter: *Arts and Culture*.)
The Government Printing Works provides printing, stationery and related services to all government departments, provincial governments and municipalities.

It also publishes, markets and distributes government publications. Based in Pretoria, the Printing Works provides a variety of related services to departments, the printing industry and other African countries, including the manufacture and supply of fingerprint ink to the SAPS and the printing of postage stamps for the Democratic Republic of the Congo and the Kingdom of Lesotho.

Negotiations on the rationalisation of the services of the Government Printing Works with provincial printing facilities are in progress.

Civic services
The responsibilities of the Chief Directorate: Civic Services comprise mainly population registration and civic services. Population registration entails the recording of personal particulars in the Population Register with a view to the issuing of identity documents; identification by means of fingerprints and photographs; and matters pertaining to the status of persons, such as births, marriages and deaths.

Civic services entail the issuing of passports, registration of foreign births, determining citizenship, and issuing of certificates of naturalisation or resumption as South African citizens.

Citizenship matters

South African citizenship is regulated by the South African Citizenship Act, 1995 (Act 88 of 1995), and the regulations issued in terms thereof. South African citizenship may be granted by way of:

- an application for naturalisation as a South African citizen
- an application for resumption of South African citizenship
- the registration of the birth of children born outside South Africa from South African fathers or mothers
- an application for exemption in terms of Section 26(4) of the Act.

The Population Register is being rewritten, and an associated Document Management System will be developed and rolled out gradually. This will consist of a large database, an online document storage system, and a query interface for the retrieval and viewing of electronically-stored documentation. The System will reduce processing time for each business transaction, while enhancing information integrity.

The rewriting of the Population Register is closely aligned with the implementation of the Home Affairs National Identification System (HANIS), approved by Cabinet in January 1996. HANIS will significantly improve the accuracy and accessibility of personal identification, but, because of its scale, its successful implementation is the greatest challenge facing the Department. It will automate the manual fingerprint identification system, replace the identity document with an identity card, and integrate these systems with the Population Register. It is being established by the MarPless consortium at a cost of just over R1 billion over five years.

The creation of online services and the implementation of HANIS will assist a variety of departments to accurately identify the beneficiaries of the services they offer.

Migration

The Chief Directorate: Migration is responsible for control over the admission of aliens for residence in and departure from South Africa. This entails:

- processing applications for visas, temporary residence permits and immigration permits
- maintaining a travellers' and aliens' control system
- tracing and removing aliens who are considered undesirable or who are in the Republic illegally.

In 2001, South Africa repatriated 156 123 illegal immigrants to at least 92 countries.

Mozambique and Zimbabwe are by far the largest sources of illegal immigrants. South Africa is believed to harbour between 2,5 and 4,1 million illegal immigrants.

The Refugees Act, 1998 (Act 130 of 1998), gives effect within South Africa to the relevant international legal instruments, principles and standards relating to refugees; provides for the reception into South Africa of asylum seekers; regulates applications for and recognition of refugee status; and provides for the rights and obligations flowing from such status, and related matters. The Act came into effect on 1 April 2000.

In recent years, the Department has sought to control illegal immigration through a variety of measures:

- The Aliens Control Amendment Act, 1995 (Act 76 of 1995), which provides for a stricter immigration policy, the implementation of visa fees, and other measures, came into effect in 2001.
- The Department is working closely with the South African Revenue Service and the SAPS to ensure effective border control over the medium term.
- A computerised visa system has been instituted to curb the forgery of South African visas and is being expanded to all South

African missions abroad.
• The Immigration Act, 2002 (Act 13 of 2002), was enacted during the first half of 2002. It will regulate the admission of people into South Africa, as well as their residence in and departure from the country.

Visas

Aliens must be in possession of valid and acceptable travel documents to enter South Africa. They must also be in possession of valid visas, except in the case of certain countries whose citizens are exempt from visa control. Such exemptions are normally limited to *bona fide* holiday and business visits and transits.

The phasing-in of computerised visas has continued, and by the end of March 2002 a total of 75 missions were computerised. A further 12 missions were scheduled for the implementation of the computerised visa system during 2002/03.

Information

In April 2002, South Africa and Nigeria entered into an Agreement on Migration Matters. The Agreement aims to facilitate immigration matters between the two countries within the scope of domestic laws.

In terms of the Agreement, the two countries aim to harmonise visa requirements and streamline visa processing to the fullest extent possible. Visa exemption between the two countries will be based on reciprocity.

The two countries agreed to facilitate repatriations and deportations of their respective nationals and to ensure that the repatriations/deportations take place in the shortest possible time. The parties agreed to inform the other within five days of the arrest of their respective nationals who are subject to repatriation or deportation.

The respective diplomatic missions of the two countries will co-operate in identifying their respective nationals and issuing the documentation required for deportation or repatriation within four working days.

It was agreed that each party would deploy an immigration representative in its diplomatic mission in the territory of the State of the other. The immigration officials of the two countries will exchange relevant information, documentation, legislation and other instruments that may be mutually beneficial. The co-operation could also be expanded to include training and technical assistance concerning all relevant aspects of immigration.

The visa system is aimed at facilitating the admission of acceptable aliens at the ports of entry. A visa does not afford the holder any right of residence in South Africa. Temporary residence permits reflecting the purpose and duration of the visit are issued at ports of entry for this purpose.

Control of travellers

The travel documents of persons entering or departing from South Africa are examined by immigration officers at recognised ports of entry to determine whether such persons comply with the necessary requirements.

Control of sojourn

Aliens who are in the country illegally and who are therefore guilty of an offence can be classified into three categories, namely those who:
• entered the country clandestinely
• failed to renew the temporary residence permits issued to them at ports of entry
• breached the conditions of their temporary residence permits without permission, e.g. holiday visitors who took up employment or started their own businesses.

Depending on the circumstances, persons who are in the Republic illegally are prosecuted or removed or their sojourn is legalised. Officers at the various regional and district offices of the Department are in charge of tracing, prosecuting and removing illegal aliens from the country. Employers of illegal aliens are also prosecuted.

Permanent residence

It is government's policy to allow immigration on a selective basis. The Department is responsible for
• processing applications for immigration permits for consideration by the central and regional committees of the Immigrants Selection Board.
• admitting suitable persons for immigration,

such as skilled workers in occupations in which there is a shortage in South Africa. The Department particularly encourages applications by industrialists and other entrepreneurs who wish to relocate their existing concerns or establish new concerns in South Africa.

The Department is not directly involved in an active immigration drive.

In categories where shortages exist, the normal procedure is for employers to recruit abroad independently and in most cases apply for temporary work permits initially.

Regional committees of the Immigrants Selection Board consider applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. These committees are totally autonomous and have the authority to review applications that have been rejected and to refer appeals to the central committee.

Enquiries in this regard can be made to the nearest office of the Department in South Africa, missions abroad or the Director-General of Home Affairs (for attention Subdirectorate: Permanent Residence) in Pretoria.

Temporary residence

In terms of the Aliens Control Act, 1991 (Act 96 of 1991), temporary residence permits are divided into the following categories:
• visitor's permits
• study permits
• work permits
• business permits
• work seeker's permits
• medical permits.

In terms of Section 11 of the Act, aliens wishing to enter South Africa as visitors or for business or medical purposes, must be in possession of visas, if not exempt from visa control. An immigration officer will issue a temporary residence permit to holders of such visas or to persons exempt from such visa requirements at the port of entry, if such persons meet entry requirements. However, persons wishing to enter the country as work seekers or for work or study purposes must be in possession of the relevant permit that is issued outside the country.

The overriding consideration in dealing with applications for work permits is whether the employment or task to be undertaken cannot be performed by a South African citizen or an approved permanent immigrant already residing in South Africa.

Applications for the extension of temporary residence permits can be submitted to the nearest regional/district office of the Department of Home Affairs prior to the expiry date of the permit. Any enquiries related to temporary residence permits can be made at the nearest district/regional office of the Department in South Africa, South African diplomatic representatives abroad, or the Director-General of Home Affairs for the attention of the Subdirectorate: Temporary Residence.

Removal of undesirable persons

In terms of legislation, the Minister of Home Affairs may order the deportation of any person (other than a South African citizen) convicted of any of the offences specified, or if such person is deemed by the Minister to be

an undesirable inhabitant of or visitor to South Africa.

The Minister may also order the deportation of any person (other than a South African citizen) convicted of any of the offences specified, or if such person is deemed by the

Minister to be an undesirable inhabitant of or visitor to the Republic.

The Minister may also order the deportation of any person (other than a South African citizen) if it is deemed to be in the public's interest.

Acknowledgements

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Government System