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Government system

The Constitution

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) was the result of remarkably detailed and inclusive negotiations that were carried out with an acute awareness of the injustices of the country's non-democratic past. It 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.

On 8 May 2006, President Thabo Mbeki addressed a joint sitting of Parliament to mark the 10th anniversary of South Africa's Constitution.

The Preamble

The Constitution's Preamble states that the Constitution aims 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 in which every citizen is equally protected by law

- build a united and democratic South Africa that is able to take its rightful place as a sovereign state in the family of nations.

Founding provisions

According to Chapter One, South Africa is one sovereign, democratic state founded on the following values:

- human dignity, the achievement of equality and the advancement of human rights and freedom
- non-racialism and non-sexism
- supremacy of the Constitution
- universal adult suffrage, a national common voters' roll, regular elections and a multiparty system of democratic government to ensure accountability, responsiveness and openness.

Fundamental rights

The fundamental rights contained in Chapter Two of the Constitution seek to protect the rights and freedom of individuals. The Constitutional Court (CC) guards these rights and determines whether actions by the State are in accordance with constitutional provisions.



Government

Government consists of 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 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 and to motivate and facilitate public participation in the legislative process. The website www.parliament.gov.za 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 the Speaker, assisted by the 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, providing a national forum for public consideration of issues, passing legislation, and scrutinising and overseeing executive action.

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 consist of 10 representatives from each province.

The NCOP must have 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.


NCOP Online! (www.parliament.gov.za/ncop) links Parliament to the provincial legislatures and local-government associations. It provides information on 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 referred to the NCOP 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.

 President Thabo Mbeki was born on 18 June 1942 in Idutywa, Queenstown, in the Eastern Cape. 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 a Master of Arts (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 what was then the Soviet Union.

From 1973, Mr Mbeki worked in Botswana, Swaziland, Nigeria and Zambia 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.

Mr Mbeki's inauguration as the country's third democratically elected President on 27 April 2004 coincided with the celebration of 10 Years of Freedom.

There are special conditions for the approval of laws dealing with provinces.

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 Deputy President

The President appoints the Deputy President from among the members of the National Assembly. The Deputy President assists the President in executing government functions.

Cabinet

The Cabinet consists of the President, as head of the 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.

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

Deputy ministers

The President appoints deputy ministers from among the members of the National Assembly.

Traditional leadership

Chapter 12 of the Constitution states that the institution, status and roles of traditional leadership, according to customary law, are recognised, subject to the Constitution.

The Chief 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 renders an anthropological service, and provides advice and support regarding governance and development matters. It advises and supports the National House of Traditional Leaders and maintains a database of traditional leaders and institutions. It is also responsible for developing and implementing a

Cabinet ministers and deputy ministers, 15 November 2006

Portfolio	Minister	Deputy Minister
Agriculture and Land Affairs	Lulama Xingwana	Dirk du Toit
Arts and Culture	Pallo Jordan	Ntombazana Botha
Communications	Ivy Matsepe-Casaburri	Radhakrishna Padayachie
Correctional Services	Ngconde Balfour	Loretta Jacobus
Defence	Mosiuo Lekota	Mluleki George
Education	Naledi Pandor	Enver Surty
Environmental Affairs and Tourism	Marthinus van Schalkwyk	Joyce Mabudafhasi
Finance	Trevor Manuel	Jabu Moleketi
Foreign Affairs	Nkosazana Dlamini Zuma	Aziz Pahad and Sue van der Merwe
Health	Manto Tshabalala-Msimang	Nozizwe Madlala-Routledge
Home Affairs	Nosiviwe Mapisa-Nqakula	Malusi Gigaba
Housing	Lindiwe Sisulu	
Intelligence Services	Ronnie Kasrils	
Justice and Constitutional Development	Brigitte Mabandla	Johnny de Lange
Labour	Membathisi Mdladlana	
Minerals and Energy	Buyelwa Sonjica	
Provincial and Local Government	Sydney Mufamadi	Nomatyala Hangana
The Presidency	Essop Pahad	
Public Enterprises	Alec Erwin	
Public Service and Administration	Geraldine Fraser-Moleketi	
Public Works	Thoko Didiza	Ntopile Kganyago
Safety and Security	Charles Nqakula	Susan Shabangu
Science and Technology	Mosibudi Mangena	Derek Hanekom
Social Development	Zola Skweyiya	Jean Benjamin
Sport and Recreation	Makhenkesi Stofile	Gert Oosthuizen
Trade and Industry	Mandisi Mphahla	Rob Davies and Elizabeth Thabethe
Transport	Jeff Radebe	
Water Affairs and Forestry	Lindiwe Hendricks	

regulatory framework for the protection of the rights of cultural, religious and linguistic communities.

Traditional councils

The stipulations of Chapter 12 of the Constitution and the advent of democracy required the transformation of the composition of traditional councils. Therefore, current legislation has transformed the composition of traditional councils to provide for elements of democracy (40% of members must be elected) and gender representivity (one third of members must be women).

Legislation has also opened a window of opportunity for municipalities and traditional councils to achieve co-operative governance. Traditional councils have been given a strong voice in development matters and may now enter into partnerships and service-delivery agreements with government in all spheres. Government believes that the envisaged partnerships will go a long way towards accelerating service delivery in rural areas.

Houses of traditional leaders

The Constitution mandates the establishment of houses of traditional leaders by means of either

provincial or national legislation. The National House of Traditional Leadership was established in April 1997. Provincial houses of traditional leaders were established in all six provinces that have traditional leaders, namely the Eastern Cape, KwaZulu-Natal, the Free State, Mpumalanga, Limpopo and North West.

The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), provides for the establishment of local houses of traditional leaders. Provincial legislation in this regard was expected to be finalised in 2006, and local houses were expected to be established by 2007.

The national and provincial houses of traditional leaders enhance the co-operative relationships within national and provincial government, while the establishment of local houses of traditional leaders will deepen and cement the relationship between municipalities and traditional leaders on customary law and development initiatives.

Commission on Traditional Leadership Disputes and Claims

President Thabo Mbeki appointed the Commission on Traditional Leadership Disputes and Claims in October 2004, in terms of Section 23 of the Traditional Leadership and Governance Framework Act, 2003. In terms of Section 25(2), the commission is mandated to hear cases on:

- whether a traditional leadership position was established in accordance with customary laws
- the title of an incumbent traditional leader being challenged
- claims by communities that wish to be recognised as traditional communities
- whether established 'tribes' are legitimate
- disputes around traditional authority.

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 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. Premiers are appointed by the President of the country.

Decisions are taken by consensus, as is the case 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, concurrent with the national sphere, over:

- agriculture
- casinos, racing, gambling and wagering
- cultural affairs
- education at all levels, excluding university and university of technology education
- environment
- health services
- housing
- 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 the premiers. The forum meets quarterly and addresses issues such as:

- enhancing the role of provincial executives regarding national policy decisions
- strengthening the capacity of provincial governments to implement government policies and programmes

Provincial governments, as on 15 November 2006

Eastern Cape

Ms Nosimo Balindlela	Premier
Mr Gugile Nkwinti	Agriculture
Mr Mkhangeleni Matomela	Education
Mr Mbulelo Sogoni	Economic Affairs, Environment and Tourism
Mr Billy Nel	Finance
Ms Nomsa Jajula	Health
Mr Sam Kwelita	Housing, Local Government and Traditional Affairs
Mr Thobile Mhlahlo	Safety, Liaison and Transport
Mr Christian Martin	Roads and Public Works
Ms Noxolo Abrahams- Ntantiso	Sport, Recreation, Arts and Culture
Ms Thoko Xasa	Social Development

Free State

Ms Beatrice Marshoff	Premier
Mr Casca Mokittane	Agriculture
Ms Mantsheng Tsopo	Education
Mr Neo Masithela	Tourism, Environmental and Economic Affairs
Mr France Morule	Public Safety and Liaison
Mr Sakhiwo Belot	Health
Mr Joel Mafereka	Local Government and Housing
Mr Pule Makgoe	Treasury
Mr Seiso Mohai	Transport, Roads and Public Works
Ms Zanele Dlungwana	Social Development
Ms Suzan Mnumzana	Sport, Arts and Culture

Gauteng

Mr Mbhazima Shilowa	Premier
Mr Khabisi Mosunkutu	Agriculture, Conservation and Environment
Ms Dorothy Mahlangu	Local Government
Ms Angelina Motshekga	Education
Mr Paul Mashatile	Finance and Economic Affairs
Mr Brian Hlongwa	Health
Ms Nomvula Mokonyane	Housing
Mr Firoz Cachalia	Community Safety
Ms Barbara Creecy	Sport, Arts, Culture and Recreation
Mr Kgaogelo Lekgoro	Social Development
Mr Ignatius Jacobs	Public Transport, Roads and Works

KwaZulu-Natal

Mr Sibusiso Ndebele	Premier
Mr Mtholephi Mthimkhulu	Agriculture and Environmental Affairs
Ms Ina Cronjé	Education
Ms Weziwe Thusi	Arts, Culture and Tourism
Dr Zweli Mkhize	Finance and Economic Development
Ms Neliswa Nkonyeni	Health
Mr Mike Mabusyakhulu	Local Government, Housing and Traditional Affairs
Mr Meschack Hadebe	Social Welfare and Population Development
Ms Lydia Johnson	Public Works
Mr Bheki Cele	Transport, Community Safety and Liaison
Mr Amichand Rajbansi	Sport and Recreation

Limpopo

Mr Sello Moloto	Premier
Dr Aaron Motsoaledi	Education
Mr Saad Cachalia	Provincial Treasury
Mr Charley Sekoati	Health and Social Development
Ms Maite Nkoana- Mashabane	Local Government and Housing
Mr Collins Chabane	Economic Development, Environment and Tourism
Ms Dikeledi Magadzi	Agriculture
Dr Joyce Mashamba	Sport, Arts and Culture
Mr Justice Pitso	Roads and Transport
Ms Samson Ndou	Security and Liaison
Ms Machuene Semenya	Public Works

Mpumalanga

Mr Thabang Makwetla	Premier
Mr Madala Masuku	Agriculture, Conservation, Environment and Land Administration
Mr William Lubisi	Economic Development and Planning
Mr Siphosezwe Masango	Education
Mr Pogisho Pasha	Health and Social Development
Mr Jabulani Mahlangu	Local Government and Housing
Ms Candith Mashego- Dlamini	Public Works
Ms Mmathulare Coleman	Finance
Mr Nomsa Mtsweni	Culture, Sport and Recreation
Mr Fish Mahlalela	Roads and Transport
Ms Dinah Pule	Safety and Security

Northern Cape

Ms Dipuo Peters	Premier
Ms Tina Joemat-Peterson	Agriculture and Land Reform
Mr Gomolelo Lucas	Education
Mr Pakes Dikgetsi	Finance and Economic Affairs
Ms Shiwe Selao	Health
Mr Boeboe van Wyk	Housing and Local Government
Ms Thembi Madikane	Safety and Liaison
Mr Goolam Akharwary	Social Development
Mr Kagisho David Molusi	Sport, Arts and Culture
Mr Pieter Saaiman	Environmental Affairs and Tourism
Mr Fred Wyngaardt	Public Works, Roads and Transport

North West

Ms Ednah Molewa	Premier
Mr Ndleleni Duma	Arts, Culture and Sport
Mr Mandlenkosi Mayisela	Agriculture, Conservation and Environment
Mr Darkey Africa	Economic Development and Tourism
Mr Frans Vilakazi	Local Government and Housing
Rev Johannes Tselapedi	Education
Ms Nomonde Rasmeni	Health
Ms Maureen Modiselle	Finance
Mr Jerry Thibedi	Transport, Roads and Safety
Mr Howard Yawa	Public Works
Ms Nikiwe Mangqo	Social Development

Western Cape

Mr Ebrahim Rasool	Premier
Mr Kobus Dowry	Agriculture
Mr Leonard Ramatlakane	Community Safety
Mr Cameron Dugmore	Education
Ms Tasneem Essop	Environment Planning and Economic Development
Ms Lynne Brown	Finance and Tourism
Mr Pierre Uys	Health
Mr Richard Dyantyi	Local Government and Housing
Mr Marius Fransman	Transport and Public Works
Ms Kholeka Mqulwana	Social Services and Poverty Alleviation
Mr Whitey Jacobs	Cultural Affairs, Sport and Recreation

- integrating provincial growth and development strategies (PGDS) within national development plans
- improving co-operation between national and provincial spheres of government
- improving co-operation on fiscal issues
- ensuring that there are co-ordinated programmes of implementation and the necessary structures in place to address issues such as rural development, urban renewal, and safety and security.

Local government

There are 283 municipalities in South Africa. They are focused on growing local economies and providing infrastructure and services.

In accordance with the Constitution and the Organised Local Government Act, 1997 (Act 52 of 1997) (which formally recognises organised local-government associations), organised local government may designate up to 10 part-time representatives to represent municipalities and to participate in proceedings of the NCOP.

South African Local Government Association (Salga)

Salga represents the interests of local government in the country's intergovernmental relations system with a united voice.

Salga aims, among other things, to:

- transform local government to enable it to fulfil its developmental role
- enhance the role of provincial local-government associations as provincial representatives and consultative bodies on local government
- raise the profile of local government
- ensure full participation of women in local government
- act as the national employers' organisation for municipal and provincial member employers
- provide legal assistance to its members, using its discretion in connection with matters that affect employee relations.

Salga is funded through a combination of sources including a national government grant, membership fees from provincial and local government associations that are voluntary members, and donations from the donor community for specific projects.

Municipalities

The Constitution provides for three categories of municipalities.

As directed by the Constitution, the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998), contains criteria for determining when an area must have a category-A municipality (metropolitan municipalities) and when municipalities fall into categories B (local municipalities) or C (district municipalities). The Act also determines that category-A municipalities can only be established in metropolitan areas.

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

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

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

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

The Local Government: Municipal Structures Act, 1998 provides for ward committees whose tasks, among others, are to:

- prepare, implement and review integrated development plans (IDPs)
- establish, implement and review a municipality's performance-management system
- monitor and review a municipality's performance
- prepare a municipality's budget
- participate in decisions about the provision of municipal services
- communicate and disseminate information on governance matters.

Integrated development plans

In terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), all municipalities are required to prepare IDPs. Integrated development planning is a process by which municipalities prepare five-year strategic plans that are reviewed annually in consultation with communities and stakeholders.

The aim is to achieve service delivery and development goals in municipal areas in an effective and sustainable way. National and provincial-sector departments, development agencies, private-sector bodies, non-governmental organisations and communities all have a key role to play in preparing and implementing IDPs.

The department advises role-players on how to co-ordinate and improve development planning, and provides platforms for knowledge-sharing. It has developed a supporting intergovernmental planning framework, which provides greater clarity as to the type and role of appropriate planning at each government level. The IDP Nerve Centre was established to provide an information co-ordination service to strengthen intergovernmental planning.

A key area of strategic support to local government in 2006 was that of the integrated development planning process. In April 2006, a national analysis was undertaken of all draft IDPs, with all provinces and key national sector departments participating. By July 2006, 90% of municipalities had completed their IDPs.

Training

The Local Government Leadership Academy is an initiative of the Department of Provincial and Local Government. It is aimed at enhancing the

The 2006 Progressive Governance Summit took place in Hammanskraal, Gauteng, in February 2006. This was the first time that the summit took place in a developing country.

The summit brought together heads of state and government dominated by centre-left parties across the world, which collectively form the Progressive Governance Network. Formed in 1999, in the context of the trend towards a unipolar world, the network brings together leaders from both developed and developing worlds.

leadership competencies of both the appointed and elected officials in local government.

The academy is responsible for developing and implementing the Municipal Leadership Development Programme (MLDP), which is based on the curriculum framework developed between the department, Salga, the Local Government Sector Education and Training Authority, the South African Management and Development Institute (Samdi) and the Government Communication and Information System (Government Communications).

The programme will help municipal officials to apply knowledge acquired in their leadership and management work. Successful completion of the course will earn officials the National Certificate in Leadership Development in Local Government.

The need to implement the programme was prompted by such factors as the need to familiarise the new municipal leadership with the operations of local government so that they would be equipped to achieve the aim of a society in transition and the realisation of a well-grounded and advanced system of local government.

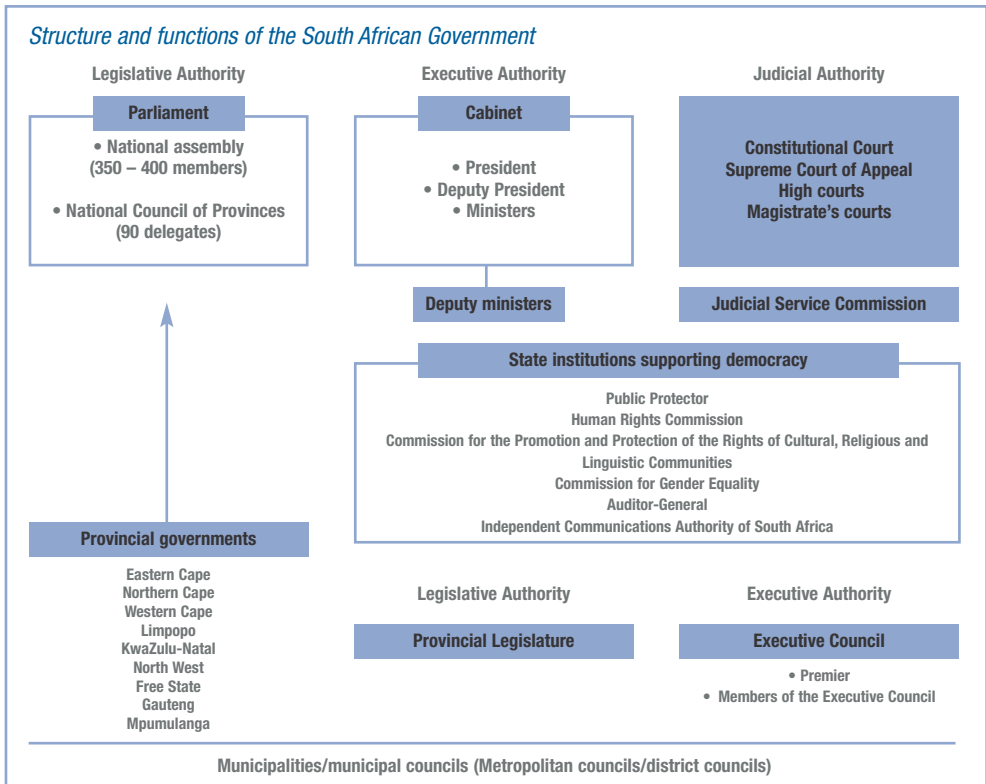
A pilot MLDP was expected to be implemented in Project Consolidate (PC) district municipalities from the end of 2006 onwards.

Legislation

The Local Government: Municipal Systems Act, 2000 established 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 municipalities to report on their performance, and provided residents with an opportunity to compare this performance with that of others.

It also regulates public-private partnerships. The Act allows municipalities significant powers to corporatise their services, to establish utilities for service delivery, or to enter into partnerships with other service-providers. The Act provides for the adoption of a credit-control policy for 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.



The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), is aimed at modernising municipal budgeting and financial management. It facilitates the development of a long-term municipal lending/bond market. It also introduces a governance framework for separate entities created by municipalities.

The Act is a critical element in the overall transformation of local government in South Africa. It fosters transparency at local government level through budget and reporting requirements.

The Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), regulates the power of a municipality to impose rates on property; excludes certain properties from rating in the national interest; provides fair and equitable valuation methods of properties; and provides for municipalities to implement a transparent and fair system of exemptions, reductions and rebates through their rating policies.

The Local Government: Municipal Property Rates Act, 2004 will be implemented in phases.

Municipal Infrastructure Grant (MIG) Programme

The MIG entered its third year of implementation in 2006/07. It is aimed at providing grant funding to municipalities to implement infrastructure that will allow them to provide at least a basic level of service to poor households. The MIG Programme is multisectoral, and sector departments play a pivotal role during the project lifecycle in supporting municipalities in delivering infrastructure services.

Since the inception of the MIG in 2004/05, government had contributed R9 876 billion by the end of March 2006 towards assisting municipalities in addressing infrastructure backlogs.

For the 2006/07 Medium Term Expenditure Framework (MTEF), R21 457 billion was allocated, comprising the capital allocations of R20 247 billion for all municipalities. The remaining R1 220 billion was made available to selected municipalities according to needs (for bucket-toilet eradication, Special Municipal Infrastructure Fund commitments and bulk infrastructure).

In 2005/06, government set aside R54 billion for the MIG. By the end of March 2006, the entire sum had been transferred to municipalities, but actual expenditure stood at R39 billion, which meant that the rate of spending on municipal infrastructure was at 72%.

Some 12 million person days of employment were created between 1 April 2004 and the end of December 2005. At the end of December 2005, 1 060 small, medium, and micro enterprises and 297 Black Economic Empowerment companies were involved.

To assist with the roll-out of the MIG at local level, project management units (PMUs) have been established to expand the project-management capacity performed by municipalities. This implies that municipalities should have dedicated human resources (HR) to perform project management to enhance the implementation of projects funded through the MIG and other municipality-managed infrastructure projects. An amount of a minimum of 0,5% and a maximum of 5% of the allocation (limited to R3,5 million) is allowed for the funding of PMUs in municipalities.

Relevant capacity is required in municipalities for implementing infrastructure services. Capacity is being developed in municipalities by establishing a pool of retired engineers to mentor graduates and students without experiential training, as well as semi-skilled HR in municipalities. The initiative will form part of the programme initiated by government through the Development Bank of Southern Africa called 'Siyeza Manje', which aims at providing hands-on support to municipalities for the acceleration of infrastructure service delivery.

Project Consolidate

To ensure that municipalities are not held back by poor performance and the attendant problem of service-delivery backlogs, the Department of Provincial and Local Government rolled out PC.

Over 70% of the 9 319 councillors who were elected in the 2006 local government elections participated in councillor induction sessions undertaken by the Department of Provincial and Local Government and the South African Local Government Association. This was part of government's capacity-building efforts at local government level.

A successful mayors' conference that was held in Cape Town in May 2006 provided an opportunity for mayors and representatives from all three spheres of government to interact and engage on the five-year strategic priorities for local government.

PC is a hands-on programme that allows national and provincial government, with private-sector partners, to find new ways of working with local government. It provides targeted focus and capacity-building to 136 municipalities identified for assistance.

The specific objectives of the programme are, among other things, to:

- rally the local government sphere in discharging its service-delivery and development mandate
- realise the people's contract and mobilise social partners around this programme
- entrench a people-centred orientation in the entire public sector and a new approach to local government's mode of operation
- establish a new and practical benchmark for local government performance excellence.

By September 2006, 218 experts had been deployed to 80 PC municipalities.

The PC municipalities continue receiving focused attention and support from national and provincial government. Some of the actions undertaken in the last quarter include the convening of a successful national workshop with about 1 000 engineers in March 2006. A significant purpose of this workshop was to make delegates aware of government's municipal infrastructure programme and of ways they can provide support.

Government and communication

The vision of Government Communications is to help meet the communication and information

needs of government and the people to ensure a better life for all.

It consists of the following chief directorates:

- The Communication Service Agency is responsible for producing and distributing government information products (including the *South Africa Yearbook* and *Pocket Guide to South Africa*) and for buying advertising space in bulk.
- Government and Media Liaison is responsible for strengthening working relations between the media and government, as well as the international promotion of South Africa. It is also responsible for *BuaNews*, a government news service.
- Policy and Research contributes to developing policy in the fields of media, communication and the monitoring of government policy in general, from a communication perspective.
- Provincial and Local Liaison provides development communication and information to South Africans to ensure that they have access to public information that can assist them in becoming active citizens.
- Corporate Services provides financial management, administrative services, and HR administration and development.


The chief executive officer of Government Communications is the official spokesperson for government.

Government Communications is central to developing communication strategies and programmes for government's transversal campaigns. It also assists departments with specific campaigns and events, as well as in developing departmental communication structures.


Government Communications is responsible for maintaining the website, Government Online (www.gov.za), which includes an information portal for general information about government, and a services portal, which is a source of information about all the services rendered by national government.

Government Communications leads or is involved in various communication partnerships and joint processes, including:

- An intersectoral programme to set up Thusong Service Centres (formerly multi-purpose community centres), providing information about how to access government services, as well as some government services at the centres themselves. By the end of September 2006,

 The Integrated Sustainable Rural Development Programme (ISRDP) and the Urban Renewal Programme (URP), which run projects to improve service delivery and alleviate poverty, continue to focus on their key target groups – the poor, marginalised, underdeveloped and disadvantaged. The programmes aim to maximise the impact of all government resources and know-how in the 21 identified rural and urban nodes. Following a review of progress on the nodes, Cabinet approved the proposed financial interventions to support the nodes, within the framework of government's priority programmes.

A guide for national departments' participation in implementing the ISRDP and URP has been finalised.

 In August 2006, the Department of Provincial and Local Government hosted a conference for important players and stakeholders in the field of Local Economic Development (LED), with the purpose of developing a shared understanding of good LED practice and of motivating more effective implementation. The conference themed *Partnering to Build a Sustainable Economy for All* aimed to mobilise South Africans to work together in stimulating regional and local economies to realise objectives of the Accelerated and Shared Growth Initiative.

87 Thusong Service Centres were in operation. A strategy for setting up one Thusong Service Centre in each of the country's municipalities by 2014 has been approved.

- Institutional support to the Media Development and Diversity Agency (MDDA), set up under the MDDA Act, 2000 (Act 14 of 2002), for which the Minister in The Presidency is the responsible minister.
- The development of the new coat of arms launched on Freedom Day, 27 April 2000, and the redesign of the national orders.
- The process towards the transformation of the advertising and marketing industry.
- The Academy of Government Communication and Marketing, in collaboration with the University of the Witwatersrand School of Public and Development Management, Unilever and the Mandela-Rhodes Foundation.
- The international marketing campaign led by the International Marketing Council (IMC).
- The Imbizo Campaign of direct interaction between government and the public.

(See chapters 5 and 6: *Arts and culture* and *Communications*.)

International Marketing Council

The IMC was established in 2000 to create a positive and united image for South Africa, and to give the country a strategic advantage in an increasingly competitive marketplace. Its mission is to:

- articulate a brand for South Africa, which positions the country to attract tourism, trade and investment
- realise international relations objectives
- establish an integrated approach within government and the private sector towards the international marketing of South Africa
- build national support for Brand South Africa.

The IMC's main objective is the marketing of South Africa through the Brand South Africa Campaign.

The IMC has succeeded in changing perceptions by hosting branding and investment missions in important markets overseas.

Another foray into international markets involved emblazoning 20 London taxis with the colours of South Africa's flag to raise awareness of South Africa's offerings among international traders, investors and travellers, with back-up information on the web portal, www.southafrica.info.

In November 2005, the council implemented its first in-bound mission which saw the country hosting a group of six science and technology writers from the United States of America (USA). The exercise showcased South Africa's cutting-edge science and technological achievements.

Other IMC activities internationally have involved advertising in publications such as *The Economist* and *Time* magazine.

European readers of *The Economist*, the world's leading business publication, voted advertisements promoting Brand South Africa among the 10 most memorable.

Through country managers in the USA, United Kingdom and India, the IMC lobbies the media, maintains supportive relationships with South African and local corporates, and co-ordinates all activities that provide marketing opportunities for South Africa.

Domestically, the IMC has continuously applied the following tools to facilitate the enhancement of national pride:

- The Communication Resource Centre is a state-of-the-art facility monitoring media coverage on South Africa anywhere in the world. Government

 In August 2006, the International Marketing Council of South Africa (IMC) hosted the 2010 National Communication Partnership one-day conference on behalf of the 2010 National Communication Partnership Task Team that aimed to mobilise all those who would be promoting South Africa before, during and after the 2010 Fifa World Cup.

The conference will be held annually in the run-up to the 2010 Fifa World Cup to help build the 2010 National Communication Partnership.

communicators use the centre in formulating messaging concerning various issues relating to South Africa that are covered internationally.

- The Information Resource Centre collects, collates and makes accessible a vast spectrum of positive information about South Africa.
- The web portal *www.southafrica.info* is the official national gateway to the country for national and international Internet users, realising over 2,2 million page views a month, and containing over 25 000 pages of information which is updated daily.
- *The South African Story II* is the second version of the IMC booklet filled with facts, quotes and anecdotes that illustrate the extraordinary South African story and current challenges facing the country.

- The Brand Champion Programme through which highly skilled professionals are tasked with positioning the brand among South Africans and weaving the values of the brand into the fabric of society. The Brand Champion Team engages organisations, corporates and individuals, through workshops, to ensure that everybody who is well-positioned to interface with tourists, investors and traders is armed with an understanding of the Brand South Africa values and is also an ambassador of the brand.
- The *Alive with Possibility* newsletter is a weekly online communication tool showcasing positive stories coming out of South Africa.
- The *Boundless Opportunities* newsletter, which is produced in partnership with the JSE Securities Exchange Limited, targets stakeholders of the JSE, including all international exchanges.

Parties in the National Assembly at midnight, 15 September 2005, after floor crossing

Party	Seats before	Seats after	Seats won	Seats lost
ANC	279	293	14	–
DA	50	47	2	5
IVP	28	23	–	5
UDM	9	6	–	3
ID	7	5	–	2
NNP	7	–	–	7
ACDP	7	4	–	3
VF Plus	4	4	–	–
Nadeco	–	4	4	–
UCDP	3	3	–	–
PAC	3	3	–	–
MF	2	2	–	–
UIF	–	2	2	–
Azapo	1	1	–	–
UPSA	–	1	1	–
FD	–	1	1	–
PIM	–	1	1	–

Source: *Beeld*

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.

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

These include:

- The PCC, comprising the President, the Minister of Provincial and Local Government, and the nine premiers.
- Ministerial clusters, directors-general clusters, and the Forum of South African Directors-General (Fosad), which promote programme integration at national and provincial level.
- Ministerial fora (or MinMECs) between responsible line-function ministers at national level and their respective counterparts at provincial government level, which normally meet quarterly. These fora are supported by technical committees.
- A number of intergovernmental fora that facilitate co-operative governance and intergovernmental relations.

To improve integration among all spheres of government in both policy development and implementation, the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), was promulgated in August 2005.

Elections

The Constitution of South Africa places all elections and referendums in the country in all three spheres of government under the control of the Independent Electoral Commission (IEC), established in terms of the IEC Act, 1996 (Act 51 of 1996).

In the 2004 elections, the African National Congress (ANC) clinched victory in all nine provinces, gaining 279 of the 400 seats in the National Assembly.

The Democratic Alliance (DA) followed with 50 parliamentary seats, the Inkatha Freedom Party (IFP) was third with 28 seats, the United Democratic Movement won nine seats, while the New National Party and the Independent Democrats secured seven seats each. The African Christian Democratic Party won six seats, the Freedom Front Plus four, and the Pan Africanist Congress and the United Christian Democratic Party three each. The Minority Front and Azanian People's Organisation won two seats each.

The ANC also gained the highest number of votes in the provincial results and won 69,68% of the national votes.

During the floor-crossing window, which closed at midnight on 15 September 2005, the ANC gained 14 members from other parties, including four from the DA, bringing its total in the 400-member house to 293. The DA lost five seats in total. Several new parties emerged.

Local government elections took place on 1 March 2006. The ANC strengthened its position, polling 66,34% from just under 60% in the previous municipal elections held in 2000.

This gave the ANC 5 718 of the 8 380 local government seats in South Africa's 283 municipalities.

The DA received 14,77% of the votes, taking 1 107 local government seats, followed by the IFP with 8,05% (738 seats).

The IEC recorded a 48,42% voter turnout, which was almost similar to the 48,07% recorded in the 2000 municipal elections.

Ninety-seven political parties contested the elections.

Disaster management

The Disaster Management Act, 2002 (Act 57 of 2002), provides for the establishment of the Intergovernmental Committee on Disaster Management and the Disaster Management Advisory Forum.

Since April 2003, the Disaster Management Centre under the departments of provincial and local government and of agriculture have issued a number of early warnings to notify all those affected about expected weather patterns.

The Government's Early Warning System allows the National Disaster Management Centre to forecast weather patterns.

The centre is developing an electronic database containing extensive information about disasters that occur or that may occur in southern Africa, including information on early warning systems.

The Disaster Management Act, 2002 also provides for the establishment of national, provincial and municipal disaster management centres.

The Public Service

The Department of Public Service and Administration leads the modernisation of the Public Service by assisting government departments to implement their management policies, systems and structural solutions within a generally applicable framework of norms and standards, to improve service delivery.

Size of the Public Service

By the end of March 2006, the Public Service had 1 045 412 employees (excluding members of the South African National Defence Force). The aggregate size of the Public Service has remained remarkably constant within a 1% range of this figure over the past five years. Of these employees, 67% are attached to the social services sector (health, social development and education), followed by 20% in the criminal justice sector.

Restructuring of the Public Service

The department has made good progress in transforming HR management in the Public Service through new policies and agreements, including an agreement on transforming and restructuring the Public Service. The ability of the Public Service to rise to the challenges of the Accelerated and Shared Growth Initiative for South Africa (AsgiSA), as outlined by President Mbeki in his State of the Nation Address in February 2006, depends on HR capacity and its sound management.

Areas such as recruitment and selection, performance management, HR planning, the challenge of HIV and AIDS, and employment equity

need more attention if the Public Service is to maximise its human potential as envisioned in Chapter 10 of the Constitution.

Cabinet has approved a series of recommendations for strengthening the HR function in the Public Service. These recommendations include the roles and responsibilities of departmental HR components, legislative interventions and reforms required to strengthen compliance, and a competency framework for HR components in departments to execute their powers and functions, together with support interventions that will improve the delivery of HR services in the Public Service.

A review of the Senior Management Service (SMS) policy was completed in early 2006. The overall objective of the review was to determine, examine and investigate the effectiveness of policies and interventions in this area.

The review focused specifically on the recruitment, selection and retention of senior managers; mobility to enable government to deploy individuals across departments at national and provincial level; training and promoting a high standard of ethical conduct; quality of management; service delivery; the capacity to implement development programmes.

Work on the *Personnel Expenditure Review* started in 2005/06 and was expected to be completed in 2006/07. The review will be used as the basis for a new public-sector remuneration policy. Key focus areas of the revised policy are the remuneration of professionals and other scarce occupations, the creation of dual or parallel career paths for

professionals and managers, greater differentiation in remuneration based on performance, and a total rewards approach for public servants.

Management Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) for the Public Service

In August 2005, Cabinet approved the roll-out of PILIR for the Public Service. The policy was implemented in 2006/07. A pilot exercise achieved excellent results, reducing the number of recommendations for ill-health retirement by half.

The objectives of PILIR are to:

- intervene and manage incapacity leave in the workplace to accommodate temporarily or permanently incapacitated employees
- facilitate the rehabilitation, reskilling, realignment and retirement of temporarily or permanently incapacitated employees, where appropriate.

PILIR adopts a holistic approach to health-risk management; prevents abuse of sick leave by managing incapacity or ill-health as far as possible; adopts a scientific approach to health-risk management based on sound medical, actuarial and legal principles; and implements health-risk management that is consistent, fair, objective, cost-effective and financially sound.

Medical assistance restructuring

Medical aid is one of the standard service conditions that employees expect from an employer of choice. Following extensive research that began in 1999, three major problems were identified with prevailing arrangements:

- unequal access to medical benefits for all employees
- the absence of cost-effectiveness in the delivery of healthcare benefits to members of existing schemes
- the limited range of options available to employees who can afford additional cover.

The Government Employees Medical Scheme (Gems) was established to address these issues. It was registered in accordance with the Medical Schemes Act, 1998 (Act 131 of 1998), in January 2005, and public-service employees began enrolling in January 2006. Gems is a restricted scheme for public-service employees. The scheme attracts both employees who have enjoyed medical

Since the first democratic elections in 1994, there has been a significant increase in the number of political parties in South Africa.

A total of 97 parties participated in the 2006 municipal elections compared with 79 in the 2000 municipal elections, representing growth of 19%.

There were 17 000 voting stations in the 2004 general elections, compared with 19 000 stations in 2006. In the municipal elections alone, 45 189 candidates countrywide participated.

This represented a 50% increase in candidates participating, compared with 2000.

cover on open medical schemes and those employees who were previously unable to afford medical cover. By June 2006, the percentage of employees previously uncovered who had joined the scheme voluntarily comprised 40% of all Gems members. By June 2006, Gems had over 8 500 principal members covering 28 000 dependants.

Macro-organisational issues

Creating the ability for government departments to co-ordinate their efforts is one of the perennial problems faced in public administration. As a means of achieving co-ordination and unified government, the Department of Public Service and Administration has been working towards creating a single public service.

A sound governance framework has been put in place for the management of the Single Public Service Project. Five work streams – service delivery, information and communications technology (ICT), HR management and development, anti-corruption and legislation – report regularly to the Government and Administration Task Team on the Single Public Service. The first draft of legislation for the Single Public Service was expected to be submitted to Cabinet in November 2006. Simultaneously, National Treasury and the Department of Public Service and Administration are developing legislation on public entities.

Community Development Worker (CDW) programme

The CDW programme is one of the primary public-sector reform interventions to enhance development and the implementation of the Batho Pele principles, especially access. The CDWs are pivotal in bringing government closer to the people, and in ensuring that community members become directly involved in the delivery of state services.

By the end of May 2006, 3 158 candidates had been trained, with 1 039 candidates deployed full-time in provincial departments. It was envisaged that by August 2006, a total of 3 000 CDWs would be deployed as full-time public servants. Another 1 000 candidates were expected to be recruited to undergo the year-long learnership programme. Each candidate receives a monthly stipend of R888.

Some 543 CDWs were deployed in the 21 nodal points. All municipalities have a substantial number of CDW employees, and at least 10 per municipality.

Strengthening institutional performance

Integrated Provincial Support Programme (IPSP)

Since its inception, the IPSP has supported five provinces (Eastern Cape, Limpopo, Free State, KwaZulu-Natal and Mpumalanga) in implementing successful innovative service-delivery initiatives.

Some of these initiatives, such as the review of PGDS, have started informing national and provincial policies and approaches aimed at achieving poverty alleviation, effective rendering of basic services and good governance. The financial support of the IPSP ended in July 2006. Different mechanisms of sustaining the strategic thrust and positive contribution of the programme within provinces were being investigated.

Service-delivery improvement

Batho Pele (People First)

A strategy has been formulated to revitalise Batho Pele (People First) in government, identifying new goals and targets in transforming the culture and ethos of the Public Service, thereby improving service delivery. The Batho Pele Campaign encourages a positive attitude in the Public Service.

The campaign focuses on taking services to the people. This involves developing a comprehensive, integrated 2014 access strategy for the Public Service.

The following measures have been implemented as part of the campaign:

- public servants dealing directly with the public can now be identified by name tags
- ministers and public-service commissioners pay unannounced visits to service-delivery centres
- 289 senior managers, as part of Project Khaedu, spend time in service centres, assisting with service delivery and gaining first-hand experience.

The African Public Service Day (APSD) and Public Service Week (PSW) are organised and hosted annually. The PSW focuses on public servants, recognises their efforts and considers the way in which they serve communities. It specifically aims

Government's Programme of Action is available on Government Online (www.gov.za). The information is updated regularly to keep the public informed of the implementation process.

to benefit women, young people and people with disabilities. The PSW offers opportunities for public servants to rededicate themselves to the roots of their profession by rendering service to the people.

The APSD celebrates the spirit of inter-governmental relations, with the express objective of rebuilding the continent through efficient and effective service delivery.

Research, learning and knowledge management

The Learning and Knowledge Management Programme has grown into a government-wide initiative to share knowledge and best practices, to learn from peers, and to provide platforms for innovation.

A number of learning networks have grown into self-sustaining platforms for communities. These include the Batho Pele Network, the Extended Public Works Learning Network, the HR Forum, and a monitoring and education (M&E) network. A forum for government researchers and policy analysts working within the governance and administration environment has also been established.

Some 12 000 copies of the learning journal, *Service Delivery Review*, are distributed to senior managers and practitioners across the Public

Service yearly. The Annual Service Delivery Academy has grown into an event where more than 500 practitioners come together to learn and share success stories.

Other deliverables in the area of research, learning and knowledge management include a sector-analysis programme to strengthen an understanding of service-delivery constraints across the sectors, especially in housing and health.

Employment practices and career management

HR management in the Public Service propagates a culture of performance, hence the emphasis on developing competency and HR planning linked to strategic plans and to service-delivery improvement.

In 2002, the Competency Framework for the SMS was introduced to improve the quality of managers and professionals employed in the Public Service. This framework links directly with performance management, training and development, as well as recruitment and selection.

Following the development of the framework, a competency-assessment tool was tested for validity, reliability and lack of cultural bias in a number of departments. Following the presentation of the outcome of this study, Cabinet decided in February 2005 that this tool could be safely used voluntarily by government departments. By mid-2006, a phased roll-out was under way.

The Department of Public Service and Administration has finalised the development of a competency framework for middle managers. Accompanying the framework is a guide to assist in implementing the competency framework that was circulated to departments early in 2006.

In December 2005, the Minister of Public Service and Administration, Ms Geraldine Fraser Moleketi, presented proposals to Cabinet to implement an accelerated development programme for middle managers. The objective of the Sustainable Pools Scheme is to prepare participants from designated groups, especially black women, to compete successfully for vacant senior-management positions.

The concept is one of talent development that takes the form of accelerated development training to create a sustainable pool of upwardly mobile managers. Samdi and the department are running the initiative. Three provincial administrations (KwaZulu-Natal, Western Cape and Mpumalanga)



In 2006, the Department of Provincial and Local Government published the Local Government Municipal Performance Regulations for municipal managers and managers directly accountable to them, for implementation as from 1 August 2006, to further strengthen the performance and accountability of municipalities.

The regulations provide a uniform framework that local, district and metropolitan municipalities can apply while taking into account their unique conditions. The regulations also provide for practical mechanisms and enablers in implementing, monitoring and evaluating service delivery and development.

Among other things, the regulations require that remuneration be based on competence; be market-related and appropriate to local conditions; and that municipal managers' performance agreements be directly linked to their municipal integrated development plans, and be based on the five key performance areas of local government.

and two national departments (Trade and Industry and Home Affairs) are targeted for participation.

Cabinet approved the first group of middle managers' enrolment in the programme in 2006.

The minister submitted to Cabinet new numeric employment-equity targets in respect of women at senior management levels, and of people with disabilities at all levels. Cabinet approved a target of 50% gender representivity at senior management levels to be achieved by 31 March 2009, and a 2% target for persons with disabilities to be achieved by 2010. Cabinet also approved the implementation of programmes that will speed up and support the achievement of these targets in the Public Service.

The minister's performance-management mandate is largely limited to the performance-management system of the SMS. The minister approved proposals to improve the SMS performance-management and development system for implementation on 1 April 2006. A system for managing the performance of other levels was also finalised and issued to departments for voluntary use.

Benefits

Pension provisioning restructuring

The Public Service Co-ordinating Bargaining Council (PSCBC) has finalised two collective agreements, namely the PSCBC Resolution 12 of 2002 and PSCBC Resolution 7 of 2003. The agreements provide for the introduction of new benefits (orphans' pension and funeral benefits), the restructuring of identified existing benefits (spouses' pension percentage), as well as a new procedure for changing employers' contribution rates to the Government Employees Pension Fund. The agreements also deal with the recognition of non-contributory service as pensionable service for employees disadvantaged by past discriminatory pension practices.

Housing

Resolution 2 of 2004, in terms of which the previous home-owner allowance scheme assisted only employees repaying a bond on their property, has been repealed and replaced with a housing allowance.

The housing allowance is a monetary sum that the employer pays every month in addition to an

employee's salary to assist in the payment of rent or instalments on homes.

The maximum value of a housing allowance is not automatically provided. As part of the agreed phasing-in process, the housing allowance will be increased from R100 per month over five years to a maximum of R403 per month. The maximum allowance will also be revised quarterly to provide for changes in the interest rate, whereafter it will be fixed on 1 January 2009.

Leave

With the adoption of Resolution 7 of 2000, the leave benefits of public servants were restructured in line with current practices, as well as the requirements of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997). The restructured benefits include annual leave, sick leave, incapacity leave, family responsibility leave, maternity leave, adoption leave, leave for occupational injuries and diseases, leave for union activities and special leave.

According to the agreement, annual leave became an entitlement for the first time. This means that should employees terminate their services in the course of a leave cycle, or should they be unable to take such leave due to operational reasons, unused credits are payable to them. Another added value is the introduction of the benefit of incapacity leave. Should employees, after their normal sick leave, require additional leave to recover from a serious illness or injury, incapacity leave may be granted, subject to an investigation by the employer.

In 2006, the Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, and the Indian Minister for Personnel, Public Grievances, Pensions and Parliamentary Affairs, Mr Suresh Pachouri, signed the Memorandum of Understanding on Co-operation in the Field of Governance, Administration and Other Related Areas.

Some of the areas in which the South African and Indian governments have agreed to co-operate include mentorship and exchange programmes to facilitate skills transfer, human resource development, the training of public officials and joint training programmes for senior management.

Fighting corruption

The battle against corruption remains extremely high on government's agenda. Government departments have been provided with a new guide to establishing minimum anti-corruption capacity. The revised guide provides practical examples of successful implementation.

A training programme dealing with the requirements has also been developed for roll-out during 2006. At national level, the National Anti-Corruption Forum (NACF) has developed and adopted the National Anti-Corruption Programme (NAP) at its second National Anti-Corruption Summit in March 2005. Resolutions informing the programme pertain to ethics, awareness, prevention, combating, oversight, transparency and accountability. Government has made R7,7 million available for its implementation. The NACF is assuming the responsibility of driving the NAP. This programme is a tangible example of co-operation between government and non-government sectors, and reflects the commitment of the leaders of these sectors to fight corruption.

The first project of the programme focusing on the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), has been completed. The project has developed guidelines on the Act. It will contain a section explaining the Act in plain language, which will be translated into all 11 languages.

In April 2007, South Africa will host the Global Forum V on Fighting Corruption and Safeguarding Integrity. This premier intergovernmental event will bring together 1 500 government leaders and experts, as well as representatives from international organisations and civil society. The forum will provide for the exchange of information and good practice on fighting corruption, and will offer Africa and South Africa an opportunity to showcase its anti-corruption gains.

Human-resource development (HRD)

The HRD Strategy for the Public Service was launched in April 2002 to maximise people development, management and empowerment through quality skills development to accelerate transformation and service delivery. The strategy is supported by various laws such as the Skills Development Act, 1998 (Act 97 of 1998), the Skills Development Levies Act, 1999 (Act 9 of 1999), and

the *1997 White Paper on Public Service Training and Education*. The vision of an integrated human-resource management (HRM) system underpins the implementation of the strategy.

A review of the implementation of the HRD Strategy 2002 – 2006 is planned to inform the development of the second edition of the HRDS 2007 – 2010 for the public sector. The second HRD Strategy will be aligned with new initiatives such as AsgiSA, the Joint Initiative on Priority Skills Acquisition, PGDS and departmental HR plans.

Through the first HRD Strategy, the number of unemployed graduates was reduced, and learnerships and internships in government departments were increased. Through this programme, departments have been able to build capacity, especially in areas of scarce skills. Internship and mentorship guides have been reviewed to deal with the challenges that have inhibited effective implementation of the programmes. Improvements include a uniform framework that will regulate the appointment of interns and learners in the Public Service.

Relationships with Higher Education institutions and professional bodies in the domain of public administration have been strengthened.

Proposals have been made regarding a framework to improve the physical working environment. Draft modernised office norms and a policy on government-wide immovable asset management have been developed. A plan for improving the physical work environment of national departments' headquarters in Pretoria and in the Tshwane Municipality is being implemented.

Employee health and wellness

The Public Service Regulations were amended in 2002 to include mandatory minimum standards for managing HIV and AIDS in the Public Service. In terms of the amended regulations, the heads of all government departments are obliged to implement minimum standards that outline what programmes must be put in place to support infected and/or affected employees, as well as to prevent stigma and discrimination against such employees.

Despite some challenges, implementation of the minimum standards is proceeding well and the programme has been recognised and documented as a best-practice model by the International Labour Organisation.

While the initial focus of the Public Service workplace programme was on managing HIV and AIDS, the PSCBC Resolution 8 of 2000 acknowledged the need for a comprehensive programme to deal with employee health and wellness.

The focus of the programme is being expanded to include all health- and wellness-related issues that might influence employees' ability to perform. The Public Service Employee Health and Wellness Programme encompasses:

- the current HIV and AIDS Programme
- the Employee Assistance Programme
- occupational health and safety
- disaster management
- health promotion and disease prevention.

Public-service information

A draft document on principles and practices for the government-wide M&E System has been drafted. By September 2006, M&E skills levels in departments were being assessed to guide the development of training courses. Reporting formats were being designed and a database integrating information, including departments' strategic plans, quarterly reports and annual reports was to be deployed in March 2007.

The Public Management Watch, a system established by the cluster to monitor the management performance of government departments, will be developed soon to provide a report for Cabinet on the state of governance and administration in the Public Service.

Government Information Technology Officers' (Gito) Council

The Gito Council was created to serve as an information technology (IT) co-ordination and consolidation vehicle to assist in informing government when and how to intervene in the interest of enhanced service-delivery through the use of ICT.

The council has a critical role to play in enhancing delivery of state services.

It has been involved in investigating, formulating and developing an IT security-policy framework, e-government policy and strategy, and IT procurement guidelines. It also monitors government IT projects to eliminate duplication.

The Gito Council has formed a working group to investigate and to make recommendations on the

use of open-source software in government. Another working group investigated knowledge management in government. All ICT projects will be brought in line with the objectives of the Gateway project.

Batho Pele Gateway Services Portal

The Batho Pele Gateway Services Portal was launched at nine Thusong Service Centres countrywide on 3 August 2004.

The Department of Public Service and Administration has transferred responsibility for providing the content for the Gateway Services Portal (accessed via South Africa Government Online [www.gov.za]) to Government Communications. It is supported by content managers in every department to ensure that services offered to the public are fully and accurately reflected.

On 1 May 2006, a revamped Batho Pele Gateway Portal went live. The current portal is staged in a new technology platform that is more secure and that can accommodate provincial and local government services information. The portal is accessible in seven languages in the new portal, namely English, isiZulu, isiXhosa, Afrikaans, Sesotho, Setswana and Sesotho sa Leboa. The other four official languages were expected to be represented by March 2007.

The Gateway Call Centre (1020) is also operational. The next phase of the Gateway Project involves making service transactions available online.

Centre for Public Service Innovation (CPSI)

The CPSI has driven innovative service delivery in the Public Service for a number of years.

The CPSI strives to create opportunities for enhancing access to government services through innovative means. In partnership with the State Information Technology Agency (Sita), Government Communications, Universal Services Agency and the Department of Public Service and Administration, the CPSI piloted the General Services Counter (GSC) in nine Thusong Service Centres. The GSC allows citizens to access information and services using the Batho Pele Gateway Portal. By mid-2006, the CPSI was rolling out the GSC to 54 existing Thusong Service Centres.

As part of the mandate to improve service delivery, the CPSI and Sita piloted the CDW-Gateway Project that provides satellite-enabled

laptops to CDWs for citizens to access the Batho Pele Gateway Portal for information and services.

The annual CPSI Public-Sector Innovation Awards recognise individuals, projects and programmes directed at enhancing public-service delivery.

A series of publications of innovation at work are published by the CPSI.

State Information Technology Agency

Sita is the only public entity reporting to the Minister of Public Service and Administration. It is a private company, established in terms of the Sita Act, 1998 (Act 88 of 1998), to enable government to improve service delivery to the public by providing IT, information systems and related services.

Sita works on a number of strategic initiatives that form the core of its work programme for the 2006 MTEF. These include the Batho Pele Gateway Project, E-Health, E-Education and the integrated financial management system. In 2005/06, Sita focused internally on the Tswelopele turnaround strategy that has contributed to increased revenues and a sounder financial position for the organisation as a whole.

Sita's future direction will be driven, firstly, by the implementation of a government telecommunications and convergence strategy that will put it at the leading edge of technology, and by the introduction of voice-over-IP technology, which could significantly reduce costs to government; and secondly, by PC, the government programme that aims to help municipalities create capacity for service delivery. Sita will contribute IT solutions.

International and African affairs

Minister Fraser-Moleketi chairs the Pan-African Conference of Ministers of Public Service. The ministry is also active in global organisations involved in public-administration issues and challenges. The minister actively participates in the Commonwealth Association of Public Administration and Management, in the International Institute for Administrative Sciences, and in the activities of the United Nations (UN) pertaining to public administration. In addition, the ministry continues to conclude various information-sharing and capacity-development bilateral co-operative agreements with similar ministries and departments across the globe.

South Africa plays an influential role in the international and African governance and public-administration community. At the request of the New Partnership for Africa's Development Secretariat, the Ministry of Public Service and Administration spearheaded the development and adoption of a continental programme on governance and public administration.

The programme focuses on institutional capacity, research and data availability, as well as innovation and training in the Public Service across all African countries. It has been adopted as a programme of the African Union.

In addition to this comprehensive programme, South Africa has also been called upon to provide direct assistance to other countries. As part of a bilateral agreement, the Democratic Republic of Congo (DRC) requested that the South African Government provide technical assistance in the arena of governance and public administration.

African Peer Review Mechanism (APRM)

South Africa was one of the signatory countries to the APRM. The Minister of Public Service and Administration was designated the focal point for the South African process in September 2004, and she is in charge of the overall responsibility for leading the process, also chairing the APRM Governing Council. An interdepartmental committee and interim secretariat, which is located within the Department of Public Service and Administration, was established to assist Minister Fraser-Moleketi in setting up the necessary structures to implement the mechanism in South Africa.

Key departments critical for providing data on the four thematic areas of the APRM were identified, namely the departments of public service and administration, trade and industry, justice and constitutional development, foreign affairs, The Presidency, National Treasury and Statistics South Africa.

The first national consultative conference took place in September 2005 with the dual purpose of formally launching the mechanism in the country and kick-starting implementation through the inauguration of a national governing council (NGC).

South Africa hosted the country support mission in November 2005. The mission was led by Prof. Adebayo Adedeji, member of the APRM Panel of Eminent Persons.

The mission was satisfied with the preparatory work undertaken by South Africa. This led to the signing of a memorandum of understanding between President Mbeki and Prof. Adedeji (on behalf of the APRM Forum and Panel of Eminent Persons), to commit South Africa to the process and to the conditions outlined in the APRM guideline documents.

The NGC and provincial governing councils facilitated mobilisation and consultation through national and provincial conferences, district and sectoral workshops, and various communication mechanisms such as outdoor broadcasting events. Small group discussions with communities in rural areas were facilitated by CDWs and ward committees.

The country self-assessment report was submitted to the APRM Panel of Eminent Persons in June 2006. South Africa hosted the APRM Review Mission from 9 to 25 July 2006. The mission consulted with stakeholders at national level and in the provinces of Gauteng, North West, Northern Cape, Western Cape, Free State, Mpumalanga and KwaZulu-Natal. The corporate governance expert members of the mission consulted with additional stakeholders in July 2006.

The review mission was expected to submit their draft Review Report to the South African Focal Point at the beginning of October 2006. South Africa was to have the opportunity to comment on the Review Report after which it was to be submitted to the African Peer Review Forum of Heads of State. The APRM process enabled maximum participation in the development and implementation of a programme of action to improve the quality of life of all South Africans.

APRM documents are available on the APRM website (www.aprm.org.za).

Governance and Administration Cluster

A national cluster system comprising six Cabinet committees and five corresponding administrative structures of Fosad was introduced in 1999.

These structures are the Governance and Administration Cluster; Social Cluster; Economic Cluster; Justice, Crime Prevention and Security Cluster; and International Relations, Peace and Security Cluster.

The Governance and Administration Cluster is co-chaired by the directors-general of the Department of Public Service and Administration, the Department of Provincial and Local Government and Samdi.

The cluster has three broad priorities:

- to address the capability needs of the developmental State
- macro-organisation of the State
- planning, implementation and M&E.

Public Service Commission (PSC)

The PSC derives its mandate from sections 195 and 196 of the Constitution. Section 195 sets out the values and principles governing public administration, that should be promoted by the commission. These values and principles are:

- a high standard of professional ethics
- efficient, economic and effective use of resources
- a development-orientated public administration
- provision of services in an impartial, fair and equitable way, without bias
- responding to people's needs and encouraging the public to participate in policy-making
- accountable public administration
- fostering transparency
- the cultivation of good HRM and career-development practices
- a representative public administration with employment and personnel-management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past.

In terms of section 196(4) of the Constitution, the functions and powers of the commission are to:

- promote the values and principles, as set out in section 195, throughout the Public Service
- investigate, monitor and evaluate the organisation, administration and personnel practices of the Public Service, in particular, adherence to the values and principles set out in section 195, and public-service procedures
- propose measures to ensure effective and efficient performance within the Public Service
- give directives aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195

In December 2005, directors-general signed the Public Service Pledge, marking their commitment to leading the campaign for integrity in the Public Service, and in the provision of service delivery to all people.

- report on its activities and the performance of its functions
- investigate and evaluate the application of personnel and public-administration practices, and report to the relevant executive authority and legislature
- investigate grievances of employees in the Public Service concerning official acts or omissions, and recommend appropriate remedies
- monitor and investigate adherence to applicable procedures in the Public Service
- advise national and provincial organs of state regarding personnel practices in the Public Service.

The PSC is supported by the Office of the Public Service Commission (OPSC), which implements the policy and programmes of the PSC. The commission comprises 14 commissioners and has regional offices in all nine provinces. The work of the PSC is structured around the following key performance areas:

Labour-relations improvement

Sound labour-relations policies and good HRM have to be advanced to maximise human potential to ensure the effective use of all the resources necessary to promote an acceptable and transparent public administration.

To meet this challenge, the OPSC's Labour-Relations Improvement Unit:

- investigates grievances lodged with the PSC and makes recommendations to executing authorities
- investigates, monitors and evaluates labour-relations policies and trends in the Public Service and makes recommendations in that regard
- monitors and evaluates the capacity and ability of departments to implement recommendations made, and monitors compliance with grievance rules generally.

The number of grievances handled by the PSC increased from 392 in 2005 to 486 in the year until March 2006. This may be attributed to the new grievance rules that set stringent time frames for departments to adhere to. In terms of the grievance rules, departments have only 30 days in which to deal with grievances (although this time period may be extended if agreed to by the aggrieved party). If a grievance is not resolved to the satisfaction of the

aggrieved party, he or she may request that it be referred to the PSC.

The grievance rules have been translated into all official languages and are available on the PSC website (www.psc.gov.za).

Public-administration investigations

This unit is responsible mainly for audits and forensic investigations into public-administration practices. This entails investigating complaints lodged and requests emanating from, among others, executing authorities, public servants and whistle-blowers.

The unit also conducts research on general public-administration trends, and gives advice, makes recommendations and publishes reports, such as the *Report on Financial Misconduct*, on these trends.

Most of the investigations relate to anonymous complaints regarding maladministration and irregularities pertaining to HR and procurement practices. Furthermore, the unit undertakes cross-functional investigations in collaboration with other organs of state, such as the Public Protector.

Professional ethics and human resource reviews

The approach of the PSC is to address corruption proactively and in an integrated manner, focusing on the creation of an ethics-management infrastructure.

The implementation of the Anti-Corruption Strategy is co-ordinated by the Anti-Corruption Co-ordinating Committee, which is chaired by the Department of Public Service and Administration. Departments are individually tasked with implementing the projects identified in the strategy.

In 2005/06, the commission undertook several activities to implement the strategy and to build the capacity of the Public Service to prevent and fight corruption. These included:

- Providing anti-corruption training.
- Providing secretariat services to the NACF.
- Launching a generic professional-ethics statement to inculcate and maintain a culture of integrity and ethos within the Public Service.
- Implementing the NAP of the NACF.
- Establishing the toll-free, 24-hour National Public Service Anti-Corruption Hotline facility (0800 701 701) to which fraud and corruption can be reported. By May 2006, the hotline had generated 1 681 corruption-related and

1 056 service-delivery complaint cases for further handling and investigation by departments. Consistent with the resolutions of both the 1999 and 2005 national anti-corruption summits, the hotline is expected to play a continuous role in the fight against corruption.

The PSC's activities in respect of HRM and development mainly focus on:

- researching latest trends relating to strategic HR issues
- providing professional advice on strategic HR practices and reviewing HR processes within the Public Service
- developing programmes to ensure the promotion of good HR strategies, practices and principles.

The PSC continuously conducts reviews to ensure that it promotes good HR strategies, practices and principles. One of the pillars the PSC uses is the *White Paper on Transformation of the Public Service*, which states that each department at national and provincial level is required to draw up HR strategies designed to meet the specific needs of public servants. Departments are expected to be in line with HR policy objectives/legislative frameworks as may be required by the PSC, the Department of Public Service and Administration and other stakeholders. In line with its role in HR research and reviews, the PSC undertook various projects during 2005/06.

Disability

According to recent statistics on the State of Representativeness in the Public Service as at February 2006, people with disabilities comprised 0,02% of the Public Service, which was a decline from the 0,25% achieved in 2002.

In March 2006, the PSC outlined the following objectives:

- strengthening links with organisations for people with disabilities
- ensuring that affirmative action plans are included in the HR plans of national and provincial departments with specific reference to redressing numeric targets for people with disabilities
- partnering relevant stakeholders (Samdi and the departments of labour and of public service and administration) to raise awareness and increase sensitisation on disability issues.

In this regard, the PSC intends to review the progress made, and to come up with strategies to assist departments in meeting the disability targets.

Toolkit on recruitment and selection

The Public Service is a labour-intensive employer and the quality of its services is directly dependent on the quality and performance of its employees. The manner in which recruitment and selection is conducted should reflect fairness and transparency.

The purpose of the toolkit is to assist in various areas of recruitment and selection. It addresses, among other things:

- principles and underlying recruitment and selection practices
- the dynamics of recruitment and selection with the focus on the importance of various role-players
- a framework for policy development.

HIV and AIDS in the Public Service

During 2005/06, the PSC undertook a study to assess the impact of HIV and AIDS in the Public Service. The primary focus of the study was to determine the extent to which the Public Service was implementing the policy framework.

It also sought to identify opportunities and threats regarding HIV and AIDS in the workplace, and best practices to minimise such threats and to optimise opportunities. The report on the evaluation of the policy framework on managing HIV and AIDS in the Public Service was released in June 2006.

In December 2005, Cabinet examined progress in meeting employment-equity targets in the Public Service. It was noted that while in the past few years an increasing number of persons with disability had been employed, the target for 2005 had not been met. The meeting approved a 2% target for persons with disability by 2010.

By December 2005, women made up 29% of management in the Public Service, only 1% short of the target for 2005. However, at the level of director-general, women accounted for only 19%. It was agreed that issues such as training, addressing the work environment, and dealing with high turnover rates among females needed to be addressed. Given the experience gained in the past few years in this area, Cabinet decided on a 50% equity target for women at all levels of the Senior Management Service by 2009.

Gender-mainstreaming initiatives

As a result of the slow progress in achieving affirmative action, and the resulting detrimental impact in achieving gender equality, the PSC undertook a study to assess the progress of gender mainstreaming and to provide implementable strategies. According to statistics gathered by the PSC on the state of representivity in the Public Service as at February 2006, females comprised 28,7% of the Public Service, which was a shortfall of 1,3% from the set target of 30%. The challenge for the PSC is to ensure that women are not only mainstreamed into senior management positions, but also that a conducive environment is created for them.

Affirmative action

In accordance with section 196 of the Constitution, the PSC has a major role to play in monitoring progress towards greater representivity in the Public Service. It is against this mandate that the PSC undertook a comprehensive audit of affirmative action in the Public Service. Some of the objectives were to:

- develop a conceptual framework which provides for a shared understanding of empowerment issues in HRM within the framework of affirmative action
- determine the extent to which government departments have complied with the policy and legislative requirements and measures, taking into account national and provincial demographics
- present a comprehensive analysis, based on the above, of the success and failures of affirmative action, and recommend requirements for further implementation.

Most departments did not identify barriers to fulfilling affirmative-action requirements. In instances where barriers were identified, a combination of factors was mentioned, of which unavailability/scarcity of skills from designated groups was the most cited factor.

Leadership and performance improvement

This unit facilitates the performance management of heads of national and provincial departments, monitors practices affecting public-sector leadership, and assesses the performance of government departments.

The PSC has developed a framework for evaluating heads of departments (HoDs). All

qualifying HoDs should be evaluated according to this framework at the end of each financial year. Their performance agreements are filed with the commission, for quality- and compliance-control purposes.

A system to measure organisational performance has also been developed.

Service delivery and quality assurance

This unit promotes improved service delivery through public participation and quality audits of a performance, management or regulatory nature. Through diagnostic assessments and recommendations, the unit advises departments about improving their service processes, including their ability to comply with government prescripts such as the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

Governance monitoring

This unit promotes the constitutional values and principles underpinning good governance, and, through the implementation of various strategic projects, contributes to improved governance practices in the Public Service.

A key priority of the commission is to ensure the implementation of the Public Service Monitoring and Evaluation System (PSM&ES), which focuses on the performance of individual public-service departments. The PSM&ES is based on the nine values and principles set out in section 195 of the Constitution. In applying the system, problem areas are identified, priority areas communicated, good practice noted and departments given an opportunity to reflect on their own performance.

The unit is responsible for managing this system and for undertaking departmental assessments continuously.

The fourth annual edition of the *State of the Public Service Report* afforded the commission the opportunity to comment on the state of the Public Service by referring to internal research conducted, as well as limited external research.

In promoting the use of M&E practices, the PSC has presented its work at international fora such as the Joint American and Canadian Evaluation Association Conference in Toronto, and the Malaysian Evaluation Association Conference in Kuala Lumpur. The PSC papers were well received, confirming that South Africa has made great strides in the field of M&E. The PSC has also played an

active role in the formation of the South African M&E Association.

South African Management Development Institute

Samdi is responsible for:

- creating a public sector that understands and encourages the concept of lifelong learning as an investment in human capital
- shaping a public-sector learning framework to address the needs of the two economies through sustained development in a wide range of skills, particularly in scarce skills areas such as financial and project management
- supporting the activities of the Governance and Administration Cluster by providing transversal HRD programmes aimed at enhancing the capacity of the State to deliver services to its citizens
- developing the potential of public-service officials through relevant, practical and targeted skills development and training interventions that are primarily aimed at reducing service-delivery blockages
- participating in a structure within which management-development institutes across the continent can contribute to the upliftment and growth of African nations, particularly those undertaking post-conflict reconstruction processes.

Samdi has been working closely with the DRC and Sudan in strengthening their post-conflict development processes.

Samdi has developed a programme for strengthening the capacity of members of the executive to execute their responsibilities. Due to the varying nature of responsibilities at provincial level, Samdi has initiated a partnership with provinces to develop individual learning strategies, informed by a training-development needs analysis, to ensure that the appropriate skills are shared at the right time with the right people. This programme has been piloted in the Northern Cape, and the lessons learnt will be used to further strengthen and shape the programme for implementation in other provinces.

The Integrated Management Development Programme was established to ensure a comprehensive approach to developing public-service managers. It consists of the:

- Presidential Strategic Leadership Development Programme for senior managers on levels 13 to 16
- Advanced Management Development Programme for middle managers on levels 9 to 12
- Emerging Management Development Programme for junior managers on levels 6 to 8
- Foundation Management Development Programme for first-line supervisors on levels 3 to 5.

The first three programmes are accredited through tertiary institutions, while the fourth is a skills programme at National Qualifications Framework Level 4. Samdi introduced the Foundation Management Programme to ensure that there is a sustainable pool of potential management candidates upon which government can draw to implement its programmes and activities.

The institute provides capacity-building through Corporate Resource Management Training, which includes programmes such as Supply Chain Management Training and HRM Training to strengthen government delivery systems.

Government priorities around gender mainstreaming, anti-corruption, and induction and reorientation programmes are also presented to public servants.

During 2005/06, Samdi delivered 80 000 person training days, which resulted in 18 625 persons being trained. The pillars of establishing a quality management system and the process of developing a strategy for the institutionalisation of a Samdi learning methodology have been identified, and an instructional design framework achieved.

In 2006/07, Samdi continued providing programmes to build competence to improve accountability, to deliver results, and to manage people and strategic management. In addition, the following three new programmes received attention:

- government-wide M&E training
- the Accelerated Management Development Programme
- induction and reorientation programmes.

The institute will be developing norms and standards for capacity-building for all departments at national, provincial and local government level, to ensure that an appropriate skills and competency base is developed that can respond effectively to the service-delivery requirements of the country.

Home affairs

The Department of Home Affairs provides individual status-determination services.

The department has a network of offices in all provinces. Mobile offices or units service areas on a regular pre-arranged basis where the establishment of fixed offices is not warranted.

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

Statutory bodies falling under the department are the:

- Immigration Advisory Board
- Standing Committee for Refugee Affairs
- Refugee Appeal Board.

The Government Printing Works, a division of the Department of Home Affairs, 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 manufacturing and supplying fingerprint ink to the South African Police Service (SAPS), and printing postage stamps for the DRC and Lesotho.

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

Civic services

The Branch: Civic Services is responsible mainly for population registration and civic services. Population registration entails recording personal particulars in the Population Register with a view to

issuing identity documents (IDs); identification by means of fingerprints and photographs; and dealing with matters pertaining to the status of persons, such as births, marriages and deaths.

Civic services entail issuing passports, registering foreign births, determining citizenship, and issuing certificates of naturalisation or resumption of South African citizenship.

Citizenship matters

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


- birth or descent
- 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 to South African fathers or mothers
- an application for exemption in terms of section 26(4) of the Act.

Population Register

The current Population Register hosted by the Department of Home Affairs, stores and provides citizenry-identification information, including unique identification numbers, addresses, birth dates and marriage status. Information on this system is used for various purposes, including identity validation. In essence, this system forms the core of citizenry-information systems within the department.

Evolving technology, modern government structures and the need for more secure systems led to the department embarking on a programme to re-engineer the Population Register. This will align its function with the current government dispensation and future needs of both the Government and third-party institutions. This project is closely aligned with the implementation of the Home Affairs National Identification System (Hanis), which was approved by government in January 1996.

The focus of the project is on providing a more scalable, adaptable, efficient, secure and interoperable database. Features will allow integration with the automated biometric

 Most of the programmes that form part of the Home Affairs National Identity System (Hanis) were at an advanced stage or near completion by August 2006. By April 2006, 23 645 384 million records (79% of the target of 30 million) had been digitised. This will assist all law-enforcement agencies in their verification and identification processes, and will also be of great value to other institutions such as banks where client verification will be faster. Over 14 million digital records had been absorbed into Hanis by August 2006 and the target for completing this was February 2007.

fingerprint system, information sourcing from the electronic document-management system, an electronic web-based query system, and interrogation from the different deconsole units. By mid-August 2006, most of the programmes that formed part of Hanis were at an advanced stage or nearing completion. These included populating the Fingerprint Identification System by converting over 40 million fingerprint records.

Immigration

The Branch: Immigration is responsible for control over the admission of foreigners for residence in and departure from South Africa. This entails:

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

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 Immigration Act, 2002 (Act 13 of 2002), provides for a stricter immigration policy. The implementation of administrative fines and other measures came into effect in 2003.
- The department works closely with the South African Revenue Service and with the SAPS to ensure effective border control.
- A computerised visa system was instituted to curb the forgery of South African visas and is being extended to all South African missions abroad.

The final immigration regulations came into effect on 1 July 2004. The release of these regulations followed the signing of the Immigration Amendment Act, 2004 (Act 19 of 2004), into law on 12 October 2004.

The immigration policy aims to:

- discourage illegal migration into South Africa by

encouraging foreign nationals to apply for different permits to legalise their stay in the country

- create an enabling environment for foreign direct investment in South Africa
- attract scarce skills required by the economy in accordance with the 2014 vision of eradicating poverty and underdevelopment.

The final immigration regulations furthermore aim to establish a new system of immigration control to ensure that:

- temporary and permanent residence permits are issued as expeditiously as possible and according to simplified procedures
- security considerations are fully satisfied and the State regains control over the immigration of foreigners to South Africa
- economic growth is promoted through the employment of needed foreign labour, foreign investment is facilitated, the entry of exceptionally skilled or qualified people is enabled, skilled HR are increased, and academic exchange programmes in the Southern African Development Community region (SADC) are facilitated
- tourism is promoted
- the contribution of foreigners to the South African labour market does not adversely affect existing labour standards and the rights and expectations of South African workers
- a policy connection is maintained between foreigners working in South Africa and the training of South African citizens
- a human rights-based culture of enforcement is promoted.

The Directorate: Refugee Affairs manages refugee services in South Africa. It has established the Asylum Seekers Unit and Country of Origin Information Unit.

These units advise refugee-reception offices on policy-related matters and on the background information of an applicant's country of origin. After being recognised, refugees are issued with refugee IDs, which give them access to the basic services in South Africa, including basic healthcare, education and employment.

The South African Government, through the Department of Home Affairs, issues UN travel documents to refugees. Since May 2005, refugees have been issued with a refugee smart ID, which contains security features that are not forgeable.

By mid-2006, Refugee Affairs was engaged in eradicating a backlog of asylum applications amounting to 111 153, to ensure that the deserving applicants were duly recognised.

This will also assist the department to identify the skills of refugees that can be actively used in the South African economy.

This directorate seeks to professionalise the functioning of the refugee regime in preparation for mass influxes in the future, the main focus as a measurement point being the 2010 Fifa Soccer World Cup.

The department also seeks to assist those who wish to return to their countries of origin after changes in the circumstances that led to their forced migration, by engaging in campaigns of voluntary repatriation jointly with the UN High Commissioner for Refugees, and later declaration and application of cessation clauses, e.g. the Angolan Repatriation Programme.

The department received 6 177 applications from refugees in 2005, while 3 331 IDs and 308 smart cards were issued.

The number of travel documents issued for refugees in 2005 totalled 4 951.

The Directorate: Information Co-ordination manages information on the National Immigration Branch (NIB) to facilitate regional and national operations.

The directorate's main objectives are to:

- establish an information repository, which acts on risks and urgent immigration matters
- ensure dynamic real-time support on tactical and legal matters to immigration officers globally.

Between May and December 2005, mobile units from the Department of Home Affairs:

- collected 52 479 identity document (ID) applications
- registered 11 339 births
- collected 4 232 Lokisa Ditokomane campaign applications
- issued 825 temporary identity certificates
- collected 213 passport applications
- issued 5 931 certificates (including births, marriages and deaths)
- registered 347 marriages
- distributed 1 561 IDs to the respective applicants.

Future systems will include the roll-out of a library system to accommodate paper correspondence and an incident-reporting system to capture and analyse events across the country.

A 24-hour operational centre will be established where immigration-related enquiries and incidents from the department's regional offices, border posts and South African missions abroad will be attended to.

Visas

Foreigners who wish to enter South Africa must be in possession of valid and acceptable travel documents. They must have valid visas, except in the case of certain countries whose citizens are exempt from visa control. Such exemptions are normally limited to permits, which are issued for 90 days or less at the ports of entry.

The visa system is aimed at facilitating the admission of acceptable foreigners at ports of entry. The visa becomes a permit upon entry, therefore no additional permit will be issued.

Control of travellers

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

Control of sojourn

Foreigners who are in the country illegally and who are therefore guilty of an offence may 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 South Africa illegally are either prosecuted, 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 foreigners from the country. Employers of illegal foreigners may also be prosecuted.

Permanent residence

Government allows immigration on a selective basis. The Department of Home Affairs is responsible for:

- Processing applications for immigration permits for consideration.
- Admitting persons suitable 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 to 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, initially apply for temporary work permits.

The department considers the applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. In terms of new regulations, regions will be responsible for issuing permits previously issued by the regional committees in respect of permanent residence. They will also do so in respect of temporary residence.

Enquiries in this regard may be made to the nearest office of the Department of Home Affairs in South Africa, to missions abroad, or to the Director-General of Home Affairs for the attention of the Directorate: Permitting in Pretoria.

Temporary residence

In terms of the Immigration Act, 2002, temporary residence permits are divided into the following categories:

- visitor's permits
- diplomatic permits
- study permits
- treaty permits
- business permits
- crew permits
- medical permits
- relative's permits
- work permits with the following categories:
 - quota work permits
 - general work permits
 - intra-company transfer work permits
 - exceptional skills work permits

- corporate work permits
- retired person permits
- exchange permits

- asylum permits.

In terms of section 11, a visitor's permit may be issued to a person who intends to enter South Africa for less than 90 days for the purpose of tourism, business, education or medical treatment. Foreigners who are exempt from visa requirements, or who are citizens of countries that are exempt from visa requirements for 90 days, may therefore proceed to a port of entry where visitors' permits for the mentioned period will be issued, provided such persons can produce evidence to prove their bona fides.

Foreigners who are citizens of countries that are exempted from visa requirements for less than 90 days may likewise obtain visitors' permits at a port of entry. Such foreigners enjoy an exemption for the period only. Foreigners who require a visa prior to proceeding to South Africa, or who intend to enter South Africa for any period longer than the period for which they are exempt from the visa requirement, must apply for and obtain a visa prior to proceeding to the country.

Foreigners who intend to accept an offer of employment, start a business, take up studies or enter South Africa for any purpose for which a temporary residence permit is provided for in the Act, must apply for an appropriate temporary residence permit via the South African diplomatic representative in their countries of origin/residence. In countries where there are no representatives, applications must be submitted in the nearest country where there is a foreign representative.

In May 2006, the Department of Home Affairs conducted a community outreach programme among the !Xun, Khwe and Khomani San communities in Platfontein, Northern Cape. The Minister of Home Affairs, Ms Nosiviwe Mapisa-Nqakula, handed over 200 identity documents (IDs) to residents of the indigenous tribes. It was the first time they had ever had IDs, having previously held South African Defence Force-issued identification cards, and had never had access to basic government services such as social grants. The minister also solemnised marriages and registered births on site.

The outcome must be awaited outside South Africa and applicants may only proceed to South Africa once the permit as applied for has been issued to them.

The overriding consideration when 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 must be submitted at least 30 days prior to the expiry date of the permit, to the nearest regional/district office of the Department of Home Affairs where the applicant is employed. Any enquiries related to temporary residence permits may be directed to the nearest district/regional office of the Department of Home Affairs in South Africa, to South African diplomatic representatives

abroad, or to the Director-General of Home Affairs, for the attention of the Directorate: Permitting.

Removal of undesirable persons

In terms of legislation, the Minister of Home Affairs may order the deportation of any person who is declared undesirable or prohibited, other than an asylum seeker.

These are foreign nationals who are in South Africa illegally and should be deported to the countries of which they are citizens or territories where they have rights of domicile or residence.

Any person who has become a deportation subject may, pending his or her deportation, be detained in a manner and at a place determined by the Director-General of the Department of Home Affairs.

The Directorate: Deportations ensures that the detention of illegal foreigners meets the requirements of the Immigration Act, 2002.

Acknowledgements

BuaNews

Bua Briefs

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Department of Public Service and Administration

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Government Communication and Information System

International Marketing Council

Office of the Public Service Commission

South African Management and Development Institute

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