



## chapter 12

# Government system

## The Constitution

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

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

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

## The Preamble

The Preamble to the Constitution states that the aims of the Constitution are to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights
- improve the quality of life of all citizens and free the potential of each person
- lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law

◀ President Thabo Mbeki and the Speaker of Parliament, Dr Frene Ginwala, during the Opening of Parliament in February 2003. The annual opening of Parliament sees the President delivering the State of the Nation Address in which government's programmes of action are outlined.

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

## Fundamental rights

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

## Government

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

## Parliament

Parliament is the legislative authority of South Africa and has the power to make laws for the country in accordance with the Constitution. It consists of the National Assembly and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public.

Since the establishment of Parliament in 1994, a number of steps have been taken to make it more accessible. This has been done to make the institution more accountable, as well as to motivate and facilitate pub-

lic participation in the legislative process. One of these steps has been the creation of a website ([www.parliament.gov.za](http://www.parliament.gov.za)), which encourages comment and feedback from the public.

In 2002/03, 85 Bills were introduced and 69 Acts were produced. A total of 4 202 questions and 2 321 motions were processed. Some 21 806 people visited Parliament in 2002/03.

## National Assembly

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

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



From 29 to 31 August 2003, President Thabo Mbeki visited the Western Cape as part of *Imbizo*, the Government's programme of interactive governance.

*Imbizo* is aimed at promoting participatory democracy and partnership with communities for reconstruction and development.

The Premier of the Western Cape, Mr Marthinus van Schalkwyk, and other senior provincial government officials accompanied the President, who also assessed the progress made by the Coalition Government of the Western Cape in delivering services to the people of the province.

President Mbeki visited, among other projects, the crime-prevention command centre in Goodwood, a land-reform project in Koekedouw, the People's Housing Process in Khayelitsha, the Mitchell's Plain Community Health Centre and the Mitchell's Plain Retail Park.

He also held meetings with representatives from Western Cape business, trade-union movements, churches, and non-governmental and community-based organisations.

The *Imbizo* followed a series of similar provincial visits to Limpopo, Eastern Cape, Free State, Gauteng and North West.

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

From 21 March 2003, for a period of two weeks, members of the National Assembly and provincial legislatures were allowed to defect to other political parties without losing their seats in both houses, in accordance with the Constitution of the Republic of South Africa Amendment Act, 2003 (Act 2 of 2003).

The Act provides for three 'window' periods. The first one was a transitional arrangement consisting of a 15-day period starting on 21 March 2003. The second and third periods will be for 15 days each, from 1 to 15 September in the second and fourth years following the date of a national and provincial election.

The Act also allowed members of the two houses to retain their seats despite a change in membership from the party that nominated them to the Assembly or Legislature.

It also allows for such retention in the event of a merger, subdivision, or a merger of a subdivided party with another party.

The retention of membership will apply if the change of party membership, merger, subdivision and a merger of a subdivided party with another party takes place within specified periods – the so-called 'window' periods. After the last window period ended at midnight on 4 April 2003, the ANC had gained a two-thirds majority. It now has 275 of the 400 seats in the National Assembly.

## National Council of Provinces

The NCOP consists of 54 permanent mem-



bers and 36 special delegates and aims to represent provincial interests in the national sphere of government. Delegations from each province consist of 10 representatives.

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

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

*NCOP Online!* provides information on draft legislation and allows the public to make electronic submissions.



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 his MA (Economics) at the University of Sussex. While in the UK, he mobilised the international student community against apartheid and worked at the London office of the ANC for several years. He also underwent military training in what was then the Soviet Union. From 1973, he worked in Botswana, Swaziland, Nigeria and Lusaka and became a member of the ANC's National Executive Committee in 1975. Between 1984 and 1989, he was Director of the ANC's Department of Information. He led the organisation's delegations, which met groups from inside South Africa in Dakar, Senegal and elsewhere. In 1989, he headed the delegation that held talks with the apartheid Government, which led to agreements on the unbanning of political organisations and the release of political prisoners. He also participated in negotiations preceding the adoption of South Africa's Interim Constitution in 1993. Following the first democratic election in 1994, Mr Mbeki was appointed Executive Deputy President. In 1997, he was elected President of the ANC and in June 1999, after the country's second democratic election, he succeeded Mr Nelson Mandela as President of South Africa.

## Law-making

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

A Bill concerning money must be introduced in the Assembly and must be referred to the 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. 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 President of South Africa is Mr Thabo Mbeki.

## The Deputy President

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

## Cabinet

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.

Cabinet, as on 1 December 2003

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

## Deputy Ministers

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

## Traditional leadership

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

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

The *White Paper on Traditional Leadership and Governance*, released in October 2002, deals with the following issues:

- the identification of a role for traditional leadership, as an institution at local level, on matters affecting local communities
- the reform of the entire institution to restore the legitimacy it once enjoyed prior to the distortions introduced by the colonial and apartheid regimes
- the transformation of the institution generally, particularly the restoration of its character as an institution founded on custom, culture and tradition of the people
- reform of the institution so that it embraces some of the basic tenets underpinning the Constitution, such as equality and democracy.

The *White Paper on Traditional Leadership and Governance* was widely consulted on, through workshops and public hearings, with a range of stakeholders, organisations and interest groups.



### Deputy Ministers, as on 1 December 2003

Mr P W Saaiman	Correctional Services
Mr Joe Matthews	Safety and Security
Mr Aziz Pahad	Foreign Affairs
Ms Buyelwa Sonjica	Arts, Culture, Science and Technology
Ms Susan Shabangu	Minerals and Energy
Mr Mosibudi Mangena	Education
Ms Nosiviwe Mapisa-Nqakula	Home Affairs
Rev. Musa Zondi	Public Works
Mr Mandisi Mphahla	Finance
Prof. Dirk du Toit	Agriculture
Ms Joyce Mabudafhasi	Environmental Affairs and Tourism
Ms Lindiwe Hendricks	Trade and Industry
Ms Nozizwe Madlala Routledge	Defence
Ms Cheryl Gillwald	Justice and Constitutional Development
Ms Ntombazana Botha	Provincial and Local Government
Mr Renier Schoeman	Health

The Minister for Provincial and Local Government, Mr Sydney Mufamadi, established the White Paper Task Team and the Political Reference Team to assist with the finalisation of the White Paper in June 2003. Together with the Draft Traditional Leadership and Governance Framework Bill, which was prepared by the Department, the White Paper was presented to the Cabinet on 25 June 2003. Both the White Paper and Bill were approved.

The Bill provides for the establishment of the Commission on Traditional Leadership, Disputes and Claims, which will help resolve



In April 2003, the Minister for Provincial and Local Government, Mr Sydney Mufamadi, called for nominations for the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

The Commission aims to promote respect for and protect the rights of all communities in South Africa.

The names of the 18 members of the Commission were announced at the end of September 2003.

disputes regarding the legitimacy of otherwise incumbent traditional leaders.

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

## Houses of Traditional Leaders

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

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

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

## 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. The Premier is elected by the Provincial Legislature.

Decisions are taken by consensus, as in the national Cabinet. Besides being able to make provincial laws, a provincial legislature

Provincial governments, as on 25 September 2003

**Eastern Cape**

Rev. Makhenkesi Stofile	Premier
Max Mamase	Agriculture
Nomsa Jajula	Education
Enoch Godongwana	Provincial Treasury, Economic Affairs, Environment and Tourism
Dr Bevan Gqwana	Health
Guguzile Nkwinti	Housing, Local Government and Traditional Affairs
Dennis Neer	Provincial Safety, Liaison and Transport
Gloria Barry	Roads and Public Works
Nosimo Balindlela	Sport, Recreation, Arts and Culture
Neo Moerana	Social Development

**KwaZulu-Natal**

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

**Free State**

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

**Limpopo**

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

**Gauteng**

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

**Mpumalanga**

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



### Northern Cape

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

### North West

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

### Western Cape

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

may adopt a constitution for its province if two-thirds of its members agree. However, a provincial constitution must correspond with the national Constitution as confirmed by the CC.

According to the Constitution, provinces may have legislative and executive powers concurrently with the national sphere, over:

- agriculture
- casinos, racing, gambling and wagering
- cultural affairs
- education at all levels, excluding university and university of technology (technikon) 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 with regard to national policy decisions
- strengthening the capacity of provincial governments to implement government policies and programmes
- integrating provincial growth and development strategies within national development plans
- improving co-operation between national and provincial spheres of government to strengthen local government
- improving co-operation on fiscal issues
- ensuring that there are co-ordinated programmes of implementation and the necessary structures in place to address issues such as rural development, urban renewal and safety and security.

## Local government

Local governments have been given a dynamic role. They are no longer purely instruments of service delivery, but are also assigned a key role as agents of economic development.

The relationship between the three spheres of government is outlined in Chapter Three of the Constitution, which requires Parliament to establish structures and institutions to promote and facilitate intergovernmental relations.

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

The largest increases in national government's 2002 Budget were in transfers to the local sphere, rising by 26% a year from 2001/02 to 2004/05. Total allocations rose from R6,6 billion in 2001/02 to R8,8 billion in 2002/03, and will increase to R12,0 billion in 2003/04 and R13,2 billion in 2004/05.

Allocations for local government infrastructure transfers rose from R3,4 billion in 2002/03 to R4,1 billion in 2003/04 and R4,6 billion in 2004/05. This represents an average annual increase of 27% between 2001/02 and 2004/05.

Government's commitment to assisting municipalities with poverty relief, primarily through the provision of free basic services to impoverished households, is made clear by substantial increases in the equitable share grant – from R4,0 billion in 2002/03 to R6,3 billion in 2003/04 and R7,1 billion in 2004/05.

As part of the local government equitable share, R1 122 million (R822 million for free basic services and R300 million for free basic electricity/energy) will be made available to municipalities. The roll-out started on 1 July 2003. Free basic water was rolled out from 1 July 2001.

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

- promote sound labour-relations practices that can achieve high levels of performance and responsiveness to the needs of citizens
- represent, promote, protect and articulate the interests of local government at national and provincial levels, in intergovernmental processes, and in other policy-making forums
- build the capacity of local government to contribute towards a developmental democratic governance system that addresses and meets basic human needs.

SALGA is funded through a combination of sources. These include a percentage share of the national revenue allocated to local government, membership fees from municipalities, and donations and grants from a variety of sources that fund specific projects.



## Municipalities

The Constitution provides for three categories of municipalities.

As directed by the Constitution, the Local Government: Municipal Structures Act, 1998 contains criteria for determining when an area must have a Category A municipality (metropolitan municipalities) and when municipalities fall into categories B (local municipalities) or C (district areas or 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, Pretoria, East Rand and Port Elizabeth be declared metropolitan areas.

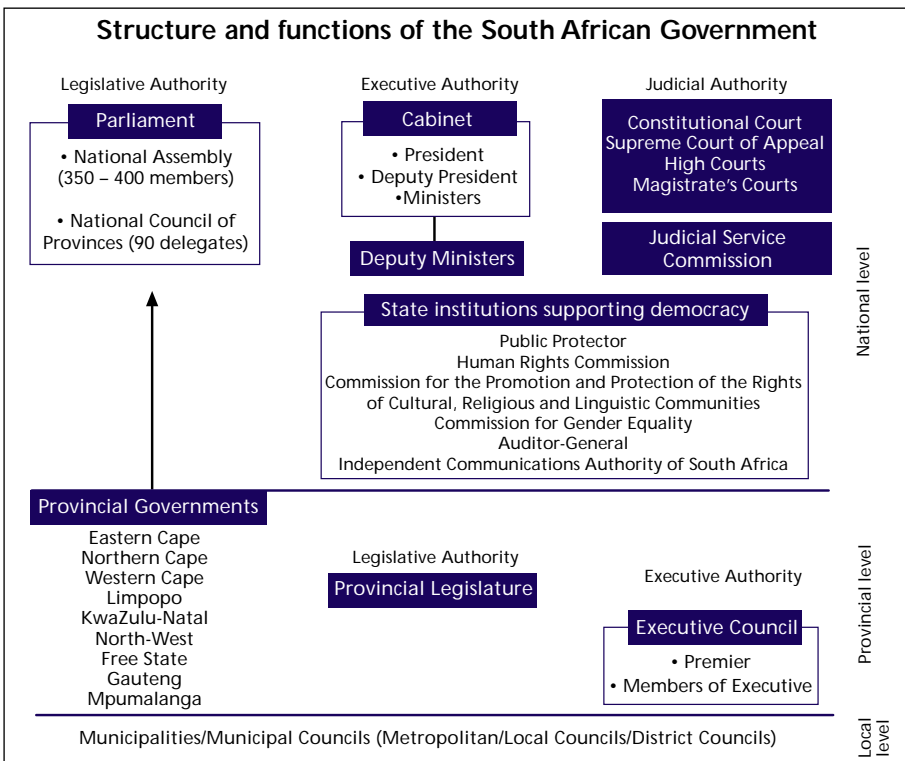
Metropolitan councils have a single metropolitan budget, common property rating and service-tariff systems, and a single employer

body. South Africa has six metropolitan municipalities, namely Tshwane, Johannesburg, Ekurhuleni, Ethekwini, Cape Town and Nelson Mandela, 231 local municipalities, and 47 district municipalities.

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

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

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



Source: www.gov.za

## Legislation

The Local Government: Municipal Systems Act, 2000 (Act 32 of 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 gives an opportunity for residents to compare this performance with others.

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

control policy by municipalities that will provide for the termination of services in the event of non-payment. Municipalities will have the power to pass bylaws to implement the policy.

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

To complete the legal framework necessary for the new system of local government, two key pieces of legislation were introduced to Parliament during 2003, namely the Property Rates Bill and the Municipal Finance Management Bill.

The Property Rates Bill proposes the reform of the property-rating regime, bringing in innovation in administration, and thus improving revenue collection at local level. Once enacted, the legislation will be implemented over a four-year period. A process to rationalise 'old order' local-government legislation in consultation with the provinces is also under way, and is expected to be completed in 2004.

The Municipal Finance Management Bill 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 Municipal Finance Management Bill is a critical element in the overall transformation of local government in South Africa. The basic philosophy underlying the approach to municipal finance in the Bill is to allow 'managers to manage and to be held accountable', while councillors are provided with information necessary to set overall policy and priorities for the municipality.

The Bill fosters transparency at the local government sphere through budget and reporting requirements.

## Programmes

National and provincial government departments are continuing to formulate programmes that constitute support for local government.



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

A number of key stakeholders, such as the National Coalition for Municipal Service Delivery, the Umsobomvu Youth Fund and the World Bank are also partnering with government to support the programmes.

By February 2003, government had made R65 million available for institutional capacity-building in the ISRDP nodes. A number of Planning Implementation Management Support (PIMS) centres were also established with the aim of using them as a support base for the development of local project-management capacities. Government is investigating the possibility of using PIMS centres as a base for the provision of institutional support and training to community development workers.

By February 2003, a total of 350 anchor projects had been identified in a variety of sectors. In the ISRDP, 68% of the projects are infrastructure-related, while projects focusing on social development and capacity-building make up 10% and 14% respectively.

This trend is similar to the URS – 66% of the projects are related to infrastructure, 21% to economic development and 6% to social development.

During the 2002/03 financial year, a total of R960 million was allocated to the implementation of anchor projects in rural nodes. Some R2,1 billion was allocated to municipalities that are home to urban renewal nodes, and part of this was to be used for the implementation of anchor projects.



### Consolidated Municipal Infrastructure Programme (CMIP)

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

By March 2003, approximately six million households that previously had no access or only limited access to a basic level of service were benefiting from the CMIP, receiving water, sanitation, roads, storm water, solid waste, and community lighting facilities. Greater support has been given to rural development, with 53% of CMIP funds allocated to projects in these areas.

The use of labour-intensive construction methods has created about 11 million workdays of temporary and permanent employment for local labourers, particularly for single-headed households, women, youth and the disabled. The CMIP supports the Housing Programme, Integrated Sustainable Rural Development Programme and Urban Renewal Strategy. An amount of R400,7 million has been allocated to the CMIP during the 2003/04 financial year for funding in the nodal areas.

### Municipal Infrastructure Investment Unit (MIIU)

The MIIU is a non-profit company created in 1998 to help municipalities find innovative solutions to critical problems in the financing

and management of essential municipal services. The MIIU receives grant funding to provide technical assistance to local governments pursuing municipal-service partnerships, including long-term concession contracts, build-operate-transfer agreements, management contracts and other partnerships with public and private entities. Since its establishment, the MIIU has assisted in finalising projects with a contract value of more than R6 billion.

### Municipal Systems Improvement Programme

The Municipal Systems Improvement Programme provides direct assistance to municipalities for capacity-building and for implementing new systems required by local-government legislation. Planning, Implementation and Management Support Centres, in district municipalities in particular, are funded to assist with the preparation of Integrated Development Plans (IDPs) in line with municipal budgets. This grant assists municipalities to pilot performance management and monitoring systems, and will complement other initiatives by the National Treasury aimed at building municipal financial-management capacity and implementing budget reforms.

### Municipal Infrastructure Grant (MIG)

For the medium term, plans are in the pipeline to rationalise infrastructure transfers to local government and to make the system of transfers more simple, predictable, policy-sensitive and fair. The phased transition to a formula-driven infrastructure grant disbursement mechanism is referred to as the MIG. The MIG will be created through the merger of the CMIP, the Local Economic Development (LED) Fund, the Water Services Project, the Community-Based Public Works Programme (CBPWP) and the Municipal Sports and Recreation Programme (MSRP). The consolidation will be phased in over a three-year period, beginning with an allocation of R50 million in 2003/04 for the piloting of the consolidated MIG in

selected municipalities. Although full consolidation is targeted for the 2006/07 financial year, some grants, such as the CMIP which forms the core of the MIG, may be phased in sooner. The inclusion of the LED, CBPWP and MSRP is subject to the Cabinet review of all poverty-relief programmes.

The Grant is intended to assist municipalities with providing basic municipal infrastructure and community services to low-income households and promoting economic development. The MIG is also intended to assist with overcoming the current problems of inequity in grant distributions, as well as flaws in financial-accountability arrangements, as

identified by the National Treasury and the Auditor-General.

The MIG is a conditional grant and municipalities will have to achieve a number of output conditions, including the attainment of service-coverage targets and employment creation. The role of national government will be to support, monitor policy outcomes and regulate infrastructure investments.

### Local economic development and poverty alleviation

LED programmes are designed to create employment and economic growth with the aim of alleviating poverty through municipality-led initiatives and projects. It is a way of improving links with government's other household, social, and economic-infrastructure programmes.

LED programmes and the Social Plan Grant assisted 109 municipalities with funding for 95 local-development initiatives in 2002/03, creating 1 400 job opportunities.

### Integrated Development Plans

In terms of the Municipal Systems Act, 2000, all municipalities are required to prepare IDPs, with the aim of promoting integration by balancing social, economic and ecological pillars of sustainability without compromising the institutional capacity required in the implementation thereof, and by co-ordinating actions across sectors and spheres of government.

It is a process by which municipalities prepare a five-year strategic plan that is reviewed annually in consultation with communities and stakeholders. The Department of Provincial and Local Government is developing a supporting intergovernmental planning framework which will provide greater clarity as to the type and role of appropriate planning at each government level. The framework will entail policy work as well as practical initiatives such as the IDP Nerve Centre, which will provide an information-co-ordination service to strengthen intergovernmental planning.



The Moral Regeneration Movement (MRM) launched the country's Moral Charter Campaign on Friday, 31 January 2003.

The Campaign is aimed at inviting all sectors of society to participate in the process of drawing up a moral charter to encourage good ethical behaviour.

The MRM, which was launched in April 2002, is a multisectoral organisation that co-ordinates the country's moral renewal programmes at every level.

In line with the holistic and intersectoral approach of the MRM, moral regeneration has become an integral part of the work of government.

Some of the moral-regeneration programmes implemented include:

- the promotion of a caring society and building stronger family structures
- a rehabilitation programme for prisoners
- promoting a healthy nation and care and support for people living with HIV/AIDS
- the Values in Education Project which promotes good values from an early age
- promoting *Batho Pele* principles within the Public Service.

The MRM is also participating with other national initiatives such as the Freedom Park Trust in cleansing and healing ceremonies that seek to symbolically repair the soul of the nation.

Collaboration is taking place between the MRM, the South African Chapter of the African Renaissance and the Indigenous Knowledge Systems of South Africa, in linking moral regeneration with the Indigenous Knowledge Project.





## Government and communication

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

It consists of the following Chief Directorates:

- Communication Service Agency, which is responsible for the production and distribution of government information products (including the *South Africa Yearbook* and *Pocket Guide to South Africa*) and the bulk-buying of advertising space.
- Government and Media Liaison, which is responsible for strengthening working relations between the media and government, as well as the international promotion of South Africa. It is also responsible for BuaNews, a government news service.
- Policy and Research, which contributes to the development of policy in the fields of media, communication and information-monitoring of government policy in general from a communication perspective.
- Information Management and Technology, which is responsible for providing access to government information through the website Government Online ([www.gov.za](http://www.gov.za)).
- Provincial and Local Liaison, which provides development communication and information to South Africans to ensure that they have public information that can assist them in becoming active citizens.
- Corporate Services, which provides administration, financial management, and administrative services and human resource administration and development.

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

GCIS is leading an intersectoral process to set up Multi-Purpose Community Centres (MPCCs) in every municipality in the country, each one providing information on accessing government services, as well as offering some government services at the Centres themselves.

By November 2003, there were 48 operational MPCCs. It is expected that there will be 60 operational MPCCs by March 2004.

A process of establishing MPCCs in each municipality by 2010 is under way. An implementation strategy has been formulated to achieve this objective.

GCIS is also involved in the Media Development and Diversity Agency. It played a major role in the development of the new coat of arms that was launched on 27 April 2000 and the redesign of the National Orders. (See Chapters 5 and 6: *Arts and culture* and *Communications*.)

## International Marketing Council (IMC)

The IMC of South Africa is a public-private sector partnership to develop and sustain meaningful co-operation between organisations involved in the marketing of South Africa. Members of the Council's Board act as advocates for South Africa, advise the Cabinet Committee on International Relations, and provide the Council's operational team with strategic guidance.

The IMC's mission involves the following:

- the establishment of a brand for South Africa that positions the country in terms of its investment and creditworthiness, exports, tourism and international-relations objectives
- the establishment of an integrated approach in government and the private sector for the international marketing of South Africa
- the building of national support for the brand within South Africa itself.

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

The following projects facilitate the work of the Council:

- the Communication Resource Centre enhances South Africa's response to national and international media coverage about the country
- the Information Resource Centre collects, collates and makes accessible a vast spectrum of positive information about South Africa
- launched in August 2002, [www.safrika.info](http://www.safrika.info) is a unique, comprehensive and official national gateway to the country for national and international Internet users
- building national pride is a key focus as the IMC encourages South Africans at home and abroad to fly the flag in thought, word and deed.

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



In April 2003, the Independent Electoral Commission of South Africa hosted a continental conference on democracy, elections and governance. The theme of the conference was *Strengthening Africa's Partnerships*.

The conference deliberated on the following key issues:

- constitutions and electoral processes
- the role of African observer missions
- resourcing elections
- acceptance of election results
- multiparty democracy and its relevance in Africa
- governance issues.

Some 350 delegates from 48 African countries including representatives of electoral-management bodies, scholars, experts, governments, non-governmental organisations and other civil-society stakeholders attended.

## Co-operative governance

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

Section 41(2) of the Constitution specifically determines that an Act of Parliament must establish or provide for structures and institutions to promote and facilitate intergovernmental relations. It should also provide for appropriate mechanisms and procedures to facilitate the settlement of intergovernmental disputes. The Department of Provincial and Local Government is developing this framework, and the relevant Bill was expected to be introduced to Parliament during the second half of 2003.

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

These include the following:

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

## Elections

The Constitution of South Africa places all elections and referendums in the country in all three spheres of government (national, provincial and local) under the control of the Independent Electoral Commission (IEC),



established in terms of the IEC Act, 1996 (Act 51 of 1996).

National and provincial elections were held on 2 June 1999. Registered voters totalled 18,1 million, representing a turnout of 89%. Of the 16 political parties that took part in the national elections, 13 are represented in Parliament, based on the election results.

The next national election will be held in 2004. Voter registration took place in the various voting districts on 8 and 9 November 2003.

### Municipal elections

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

## Disaster management

Disaster management is a continuous and integrated multisectoral, multidisciplinary process of planning and implementing measures aimed at preventing or reducing the risk of disasters; mitigating the severity of the consequences of disasters; emergency preparedness; a rapid and effective response to disasters; and post-disaster recovery and rehabilitation.

The National Disaster Management Centre (NDMC) was constituted to promote an integrated and co-ordinated system of disaster management, with special emphasis on prevention and mitigation by national, provincial and municipal organs of State, statutory functionaries, other role-players and communities. The general responsibilities of the NDMC involve:

- co-ordinating an integrated disaster-management system
- specialising in issues relating to disaster management

- monitoring compliance with the Disaster Management Act, 2002 (Act 57 of 2002), and the National Disaster Management Framework
- acting as a central repository for information concerning disasters, impending disasters and disaster management
- initiating and facilitating efforts to make funding available for disaster management
- liaising and co-ordinating all activities with provincial and local disaster-management offices.

The Disaster Management Act, 2002 was promulgated on 15 January 2003. The implementation of the Act will be phased in over two years, taking into account capacity limitations in provincial and local spheres.

## The Public Service

The Public Service continues to build on the policy and regulatory reforms it has put in place since 1994. In particular, the Department of Public Service and Administration continues to implement the wage policy developed in 1999, including a major review of macrobenefits. An incentive policy framework has been developed. A competency framework and performance-management system for the Senior Management Service (SMS) are being implemented. The Human Resource (HR) Development Strategy for the Public Service is under implementation, including a system of learnerships and the internship programme. Minimum standards on the management of HIV/AIDS in the workplace have been promulgated. The Country Corruption Assessment for South Africa was released.

The policy and strategy of *batho pele* (people first) continues to underpin the support provided to other departments by the Department of Public Service and Administration.

### Size of the Public Service

By 31 December 2002, the Public Service had

1 040 506 people in its employ, representing a 0,86% difference and an increase of 8 912 from the total employment as on 31 December 2001. With regard to the share of personnel in the Public Service sectors, 62% are attached to the social services sector (health, social development and education), followed by 17,3% in the Criminal Justice Cluster, 13,6% in the Governance and Administration (G&A) Cluster, and 7,1% in the Defence and Intelligence Clusters.

## Restructuring of the Public Service

Resolution 7 of 2002 came to an end on 12 September 2003. The aim of this Resolution was to restructure the Public Service in terms of human resources, to enable the most effective and efficient delivery of services. Phase one of the programme has been completed. Phase two deals with excess employees not accommodated during the redeployment. Restructuring in the Public Service, however, is an ongoing process and a framework will be established to guide its ongoing transformation and restructuring.

All excess employees who were unsuccessful in the redeployment process as at 12 September 2003, were placed in a special programme and assigned to defined centres by the employer. By that date, government had 20 958 excess employees, including South African National Defence Force personnel, and 20 313 vacancies. Of the 20 313, there were 5 279 non-funded vacancies and 15 034 funded vacancies. Overall, the majority of excess personnel were from the agricultural sector while the majority of vacancies were in the health sector.

At the beginning of the process the total number of excess employees was 28 744. This number was reduced through internal appointments, voluntary packages (2 507), resignations (746), employment in other departments (2 311) and early retirement (23). Departments further reviewed their human

resource plans and further absorbed (2 199) within their respective structures.

A special programme, which was expected to run until May 2003, focused on the re-skilling of employees and also facilitated absorption into future departmental vacancies.

Employees who were not successful in this programme were eligible for the employer-initiated severance package. Employees may, however, choose to exit the Public Service earlier rather than join this special programme, by applying for a severance package.

## Macro-organisational issues

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

The Cabinet has approved a process for the creation of public entities as part of an overarching framework for service delivery.

The Department of Public Service Administration and the National Treasury have developed a business plan to review all public entities reporting to national government departments, excluding constitutional bodies and commissions.

As at 28 February 2003, the recorded number of public entities totalled 336 and in the 2003/04 financial year, national government allocated approximately R15 billion towards these entities.

The review is expected to be finalised by May 2004.

## Community Development Workers (CDWs)

In August 2003, the Cabinet approved the roll-out of CDWs. They are an additional type of public servant (different to the mainline public servant or local government official); skilled facilitators who will bridge the gap between government services and the people. These public servants will assist citizens with matters



such as birth certificates, identity documents (IDs), social-grant applications and small business start-ups, on their own doorsteps and in their own communities.

Recruitment procedures for CDWs will be customised according to local and other provincial specifications. The job description designed for CDWs calls for a minimum requirement of Grade 12 or equivalent prior learning. CDWs will go through a learnership phase that includes thorough training before their formal appointment. Remuneration will correspond with their levels of appointment and phase of operation.

On 1 October 2003, the South African Management Development Institute (SAMDI) started rolling out training for the CDWs. They will use a specific and practical training intervention that responds to real community issues.

Training will be supplemented by a toolkit that CDWs can use in their day-to-day operations. The training includes a Participatory Rural Appraisal, a technique that broadly covers community-needs assessment, public facilitation, project management, communication and conflict resolution. The training will be enhanced by the inclusion of a simulated project component.

Gauteng will be the first province to deploy the group of 40 trained CDWs, followed by Limpopo, North West and the Eastern Cape.

## Strengthening institutional performance

Government's programme of creating a better life for all requires capable institutions that can deliver on priorities identified. The Integrated Provincial Support Programme (IPSP) continues to support five provincial administrations in enhancing the performance of selected institutions. The Programme focuses on service-delivery improvement; capacity-building; learning by doing cross-pollination and the sharing of experiences in the quest to deeply entrench sound public-administration prac-

tices; an ethos of good governance; and the delivery of services.

In Limpopo, the IPSP has contributed to a better functioning Department of Public Works, which has won a number of awards for service excellence. The IPSP has also helped to put in place a model for taking services provided by the South African Police Service (SAPS) to remote rural areas, through an effective mobile unit in the former Venda area.

Similar achievements can be reported about other provinces, including turning Ezemvelo KZN Wildlife in KwaZulu-Natal into a capable ecotourism facility. The Eastern Cape managed, through IPSP support, to create a mobile mechanism for registering Child Support Grant beneficiaries in remote rural areas. It has established a solid reliable warehouse for electronically captured social-grant files. About 1,8 million social-grant files have been captured in the province through this system.

A special intervention to support the Eastern Cape Provincial Government with service delivery and governance challenges commenced in November 2002. Turnaround strategies are being implemented in the Departments of Education, Health, Welfare, and Roads and Public Works.

There is also an increasing focus on promoting learning and knowledge management. To this end, a number of platforms have been established, including national and provincial learning networks; an annual learning academy bringing together public-service front-line managers; the annual Public Management Conversation involving local senior managers, academics and selected international contributors; and a *Service-Delivery Review Journal* in which experiences about service-delivery improvement efforts are shared.

## Service-delivery improvement

The vision of government is to promote integrated seamless service delivery. This is done within the *Batho Pele* policy of government, as



promulgated in 1997. The *batho pele* principles are applied as the basis for service delivery. Various projects are being implemented to give full realisation to the improvement of service delivery. The e-Gateway project aims to establish a single electronic gateway that will facilitate access to all information and services being provided by government.

A key initiative in terms of *batho pele* is to modernise government. As part of the process, the Department has established the Centre for

Public-Service Innovation (CPSI) to encourage service-delivery innovation in the Public Service. The work of the CPSI focuses on using innovative means to achieve outcomes in sustainable service-delivery partnerships, influencing the work culture within government and developing an environment supportive of innovation. The role of the CPSI is primarily to function as an enabler, facilitator and champion of innovative ideas.

New service-delivery mechanisms are also being implemented, such as the MPCCs, Shared Services and One-Stop Centres. The Department has also produced the *Directory of Public Services*, which provides information to citizens on the points of service delivery.



The Acting Director-General of the Public Service Commission at the time, Prof. Richard Levin, presented the results of the Citizen Satisfaction Survey to the Portfolio Committee on Public Service and Administration in April 2003.

The Survey was conducted in the Departments of Education, Health, Housing and Social Development across the nine provinces.

The primary aims of the Survey were:

- accommodate citizens' desire to be consulted about services rendered to them
- identify key factors that have an influence on the satisfaction of citizens in general
- determine the level of services desired by citizens
- measure actual service delivery against expectations with the aim of identifying gaps
- identify and highlight areas that have to be prioritised for improvement
- provide a basis for comparison or benchmarking service delivery within a department and between other departments.

Based on the overall Citizen Satisfaction index score, the Survey revealed that generally citizens felt that their expectations were largely met. However, citizens who participated in Adult Basic Education and Training, life skills education, antenatal care, and social security grants were far more likely to feel that their expectations were being met by the Departments of Education, Health, and Social Development, respectively. Citizens who received services pertaining to outcome-based education (Department of Education), emergency medical services (Department of Health), internal housing-delivery services or a housing subsidy (Department of Housing), or from social workers, non-governmental organisations and social-development projects (Department of Social Development) felt that their expectations were being met.

## Labour relations and conditions of service

The results of the Personnel Expenditure Review in 1999 highlighted a need to review a number of public-service practices and systems. The purpose of this Review was to highlight problem areas and help identify opportunities where innovation could result in the release of available resources to fund other development programmes in line with the national reconstruction and development framework.

Certain focus areas were identified in the medium term:

- The review of conditions of service for SMS members. Agreement was reached to determine conditions of service of SMS members outside the normal bargaining structures. A revised and inclusive remuneration structure has been introduced for members of the SMS.
- The review of macrobenefits in the Public Service with special focus on medical aid, housing, leave and pension arrangements, with a view to ensuring efficiency, adequacy, equity and administrative justice. Task teams comprising parties to the Public Service Coordinating Bargaining Council (PSCBC) were established to facilitate the review process. In December 2002, an agreement was



concluded on pension restructuring. The Resolution resolves to amend the Rules of the Government Employee Pension Fund to make provision for, *inter alia*, an improved benefit structure, a new employer-contribution arrangement, new arrangements to expedite the appointment of the Board of Trustees, and new arrangements for the recognition of pensionable years of service for former members of the non-statutory forces and employees disadvantaged by past discriminatory employment practices.

- Work has commenced on medical aid restructuring.
- Agreement has been reached to discontinue with rank- and leg-promotion (with effect from 1 July 2001) in favour of a performance-based pay progression system. An Incentive Policy Framework, incorporating pay progression, grade progression and performance incentives has been introduced, effective from 1 April 2003. The first pay progression based on the outcome of performance assessments was effected on 1 July 2003.
- The review of collective bargaining structures in the Public Service to clearly define roles, responsibilities and issues to be negotiated at national, sectoral or departmental level.
- The development of a national strategy to facilitate the mitigation of the impact of HIV/AIDS on service delivery.

### Fighting corruption

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

### Senior Management Service

The overall goal of the SMS initiative is to improve government's ability to recruit, retain and develop quality managers and professionals. To this end, the following have been put in place:

- a modernised employment framework consisting of improved terms and conditions of service
- mechanisms to improve interdepartmental mobility of senior managers and professionals
- uniform Performance Management and Development Systems supported by a competency framework
- improved and competency-based recruitment and selection processes
- the institution of a higher ethical conduct through the disclosure of financial interests
- focused training and development interventions.

The second SMS conference was held in September 2003 in Port Elizabeth, Eastern Cape. The theme of the conference was *Towards an Integrated Public Service*.

### Human resource management

The Public Service HR management systems propagate the inculcation of a culture of performance, hence the emphasis on strategic and HR planning and the development of human-capital capacity.

The Competency Framework for Senior Managers has been 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. Initiatives are under way to develop a similar competency framework for middle managers and lower ranks. It will also involve submitting proposals on how to accelerate the development of middle managers and prepare them for senior-management positions.

The State as employer has a responsibility to comply with the laws of the country on

representivity. To this end, the Public Service Regulations require that heads of departments conduct strategic planning sessions to inform their annual plans (e.g. service-delivery, HR, recruitment, training and development, and change-management strategies) in accordance with their delivery programmes.

## Human resource development

The Human Resource Development (HRD) Strategy for the Public Service builds on the foundation put in place by the National Skills Development Strategy and the National HR Development Strategy for South Africa. The Strategy has been approved by the Cabinet for implementation. It aims at addressing the major HR capacity constraints hampering the effective and equitable delivery of public services, and has the following four strategic objectives, namely, to ensure:

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

The roll-out of the Public Service HRD Strategy commenced in 2003.

## HIV/AIDS

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

- The development of workplace-policy frameworks and the definition of minimum standards. A framework to ensure the establishment of work environments conducive to preventing and mitigating the impact of HIV/AIDS in the workplace was agreed upon at the PSCBC. To provide relevant terms of reference for the users of the framework,

minimum standards were defined and promulgated as part of the working-environment provisions in the Public Service Regulations.

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

A comprehensive implementation strategy was developed, which focuses on the implementation of the workplace-policy framework and minimum standards, facilitating the development and implementation of departmental workplace policies and continuously monitoring and evaluating the progress achieved by departments.

## Public-service information

The Department of Public Service and Administration has published the National Minimum Information Requirements (NMIRs), which identify the information required at a strategic level which departments must ensure is kept accurate and up to date. The National Treasury, in conjunction with the Department, developed a diagnostic toolkit to assess a department's compliance with the NMIRs and to identify factors that contribute to the lack of compliance. This toolkit has been applied with success in various departments.

The Department, in partnership with the National Treasury, is engaged in a process to investigate the modernisation and upgrading of HR management-information systems.



Since 2002, departments have had to publish, as part of their annual reports, a statistical report with regard to HR-management practices.

## Government Information Technology Officers' (GITO) Council

The GITO Council was created to serve as an information technology (IT) co-ordination and consolidation vehicle in government, and as a radar that will assist in informing the Government, on a continuous basis, when and how to intervene in the interest of enhanced service delivery to citizens. It is premised on the requirement that each government IT officer is part of the executive team in the respective organ of State, and responsible for the departmental or provincial IT strategy and plan.

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

The GITO Council has formed a workgroup to investigate and make recommendations on the use of open-source software in government. Another workgroup looked at knowledge management in government.

The Office of the Government Chief Information Officer in the Department of Public Service and Administration has been interacting with departments on their projects and reporting to the GITO Council on a regular basis to facilitate project co-ordination. All e-government projects will be brought in line with the objectives of the Gateway project.

### e-Government policy

The Draft e-Government Policy has been subject to bilateral consultations with specific departments to ensure that the concerned departments can implement policy statements.

The Draft Policy outlines the mission and vision of the South African Government with regard to electronic service delivery, challenges and mechanisms of effecting service delivery based on citizens' life expectations/events, and the necessary institutional framework to realise e-government.

e-Government regulations, which will form a new Chapter of the Public Service Regulations, were developed and approved by the GITO Council in November 2001. These Regulations seek to enforce interoperability and information security across all government departments at all levels.

A set of standards to guide government-wide interoperability were agreed upon by the GITO Council in January 2002. A process is under way to develop an e-Government Act to facilitate the implementation of the Gateway project. A study has been done by the Gateway legal advisors who identified the need for legislative intervention to facilitate this process. The e-Government Act is expected to be completed by the first quarter of 2004.

## State Information Technology Agency (SITA)

The restructuring of SITA has been completed as approved by the Cabinet. The current structure consists of:

- SITA Holdings, responsible for all the corporate functions and three operating divisions, namely:
  - SITA D, ring-fencing the affairs of the Department of Defence.
  - SITA C, taking care of the affairs of all other national and provincial governments.
  - SITA e-Services, which is responsible for transforming the way in which government conducts its business. It is also the single channel for procurement of government IT and related services through its IT Acquisition Centre.

The SITA Act, 1998 (Act 88 of 1998), has been amended primarily with the purpose of

entrenching the basic principles of the IT 'house of values' and to improve the governance of SITA.

The focus of SITA remains on service delivery to its client base through adherence to the principles as embedded in the IT 'house of values'. Improved co-ordination of requirements and interoperability will become the order of the day, resulting in the elimination of duplication and leveraging the buying power of government.

The first phase of the Government Common Core Network has been completed. It provides a single integrated Wide Area Network for all government departments, eliminating the 13 networks in existence. Various other initiatives to achieve economies of scale are in the tender adjudication phase.

SITA remains committed to the promotion of openness and fairness during procurement, and to the socio-economic responsibility of advancing Black Economic Empowerment. Particular attention is given to ensuring the regional distribution of spending, and skills development.

In line with the provisions of the SITA Act, 1998, as amended, national departments and provincial governments continue to integrate their services into SITA.

### **International and African affairs**

The Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, is the chairperson of the Pan-African Conference of Ministers of Public Service. At the fourth Conference, participating Ministers and delegations from across Africa approved the Pan-African Governance and Public Administration Programme, to be implemented within the broad framework of the New Partnership for Africa's Development (NEPAD).

The Programme is governed by a Committee of Ministers from across the continent, and is built on the principles of regional co-operation, identification of common needs, and the pooling of available resources. The

Programme identified as critical areas of intervention the following: institutional capability development, knowledge and policy learning, data collection and exchange, and innovation and partnership support.

The overall Programme also creates a framework for regional organisations, national management-development institutions and international development partners to collaborate in a manner unprecedented on the African continent.

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, the International Institute for Administrative Sciences, and in the activities of the United Nations pertaining to public administration. In addition, the Ministry has established and continues to establish various information-sharing and capacity-development bilateral co-operative agreements with similar Ministries and departments across the globe.

### **Governance and Administration Cluster**

In 1999, the Cabinet established six Committees which clustered the work of the Cabinet and became the locus of policy debates prior to the submission of memoranda to the Cabinet. At the level of directors-general, similar Clusters were established. The focus of the G&A Cluster is mainly, though not exclusively, on supporting the efficient and effective functioning of government, and is therefore primarily concerned with matters internal to government operations.

G&A Cluster priorities for 2002/03 included strengthening integrated governance, including the implementation of the Planning Framework of government; improving the capacity of government, including the transformation of local government; integrated service delivery, including the establishment of MPCCs and the Gateway project; and promoting good





governance, including the Cluster's support to NEPAD and the implementation of the Public Service Anti-Corruption Strategy.

### Public Service Commission (PSC)

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

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

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

The PSC is supported by the Office of the Public Service Commission (OPSC), which implements the policy and programmes of the PSC. The Commission comprises 14 commissioners and has regional offices in all nine provinces.

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

#### Professional ethics and risk management

The approach of the PSC is to address corruption proactively and in an integrated manner, focusing on the creation of an ethics-management infrastructure. Previous surveys in 2001 reiterated the need to strengthen the ethics-management skills of public servants and the ethics-management infrastructure, as the latter was found to be too basic and therefore

potentially ineffective. Many of the elements of an effective ethics infrastructure (code of conduct, fraud prevention plan, risk-management plans and consistent financial disclosures) are present in departments, but are often generic, inappropriate and poorly supported. The effectiveness of the different elements is often compromised by their failure to operate in an integrated and co-ordinated manner.

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 the implementation of the projects identified in the Strategy. The OPSC undertook several activities to implement the Strategy and build the capacity of the Public Service to prevent and fight corruption. These included:

- Auditing of anti-corruption capabilities in national and provincial departments in conjunction with the Department of Public Service and Administration.
- Training in anti-corruption.
- Acting as Secretariat to the National Anti-Corruption Forum (NACF). The NACF is a co-ordinating Forum consisting of representatives from business, civil society and the Public Service. It is convened by the Minister of Public Service and Administration and acts as a co-ordinating structure to lead and monitor the Anti-Corruption Strategy.
- Development of a generic professional ethics statement for the Public Service. The aim of the ethics statement/ethics pledge is to inculcate and maintain a culture of integrity and ethos within the Public Service.
- Ethics awareness and education. An explanatory manual on the Public Service Code of Conduct was developed and published. One million copies were produced and distributed to departments through an intensive workshop programme.

### Special investigations

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

The special-investigations component contributes to the combating of corruption in the Public Service through:

- Investigating cases of corruption in national and provincial government departments. These are either referred to the PSC for investigation or are investigated on the Commission's own initiative.
- Investigating systemic issues of defective administration in government departments.
- Investigating adherence to applicable procedures in the Public Service.
- Making recommendations to remedy, rectify and/or correct issues investigated. Depending on the type of investigation, the recommendation may consist of advice to a department to either discipline official(s) proven to have been involved in corrupt activities, or refer the matter for criminal prosecution. Recommendations may advise departments on the recovery of pecuniary losses suffered or State assets lost. The component may also refer matters for further investigation by another appropriate agency, or engage in cross-sectoral investigations with other agencies.

### Management and service-delivery improvement

This unit investigates, monitors and evaluates management practices and service delivery in the Public Service. It also researches and develops innovative methods to enhance management practices and improve service delivery. Based on research and analysis, the Commission produces an *Annual State of*

*the Public Service Report* that provides a comprehensive overview of public-service performance.

To assist in the research process, the Commission has put in place a long-term monitoring and evaluation system for assessing and analysing the performance of the Public Service. The intention of the process is to identify areas where improvements could successfully be effected, thereby contributing to overall management and service-delivery improvement. This system is based on constitutional values and principles.

Another research practice is that of evaluating specific departmental programmes, especially those involving development and that are focused on the poor. The Evaluation of the National Housing Subsidy Scheme showed that it was generally efficient and effective. It was, however, found that a lack of local government capacity, especially in the rural areas, is a major blockage in housing delivery.

Other projects undertaken by the PSC to enhance management practices and service delivery include the following:

- A report on performance management in the Department of Social Welfare and Population Development in KwaZulu-Natal.
- Evaluation of land administration in the Eastern Cape.
- A review of the restructuring needs of the national Department of Transport.
- the Citizen Satisfaction Survey Tools to enhance and complement the Citizen Satisfaction Surveys, the PSC-considered methodologies and tools that will promote the incorporation of the views and perceptions of citizens in the process of service delivery. In co-operation with the Parliamentary Portfolio Committee on Public Service and Administration, Citizens' Forums were conceptualised and launched.

Another activity of this unit in the promotion of effectiveness and efficiency is to evaluate innovative approaches to service delivery by looking at alternative organisation and govern-



ance arrangements. The pilot projects under the MPCC Programme were evaluated and showed that these Centres were in demand.

### Labour relations

This unit investigates, monitors and evaluates the application of merit and equity principles and sound human-resource practices and policies. This entails providing advice on grievances in the Public Service and the monitoring of labour relations. It also investigates grievances lodged with the PSC, and monitors and evaluates the application of sound labour-relations principles in national and provincial departments. To this end, the Commission has developed grievance rules for the Public Service that will be set out in the PSCBC Resolution, as well as guidelines on the management of suspensions and those to follow when considering the merits of an appeal in a case of misconduct.

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

### Human resource management and development

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

In terms of its constitutional mandate, the PSC conducts investigations into the application and management of various HR practices. These investigations include the management of leave, overtime, sick leave, and dismissal as a result of misconduct.

### Senior management and conditions of service

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

The Commission conducts investigations into the management of performance agreements of senior managers and evaluates the application of developed authority regarding conditions of service of executing authorities.

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

### Affirmative action

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

The overall profile of the Public Service is very close to achieving perfect representivity status, edging its way to matching the population profile in terms of both race and gender.

On 31 March 2003, 72,5% of the Public Service was African, 3,6% Asian, 8,9% coloured and 14,7% white. With regard to gender, 52,5% was female and 47,5% male. However, at senior management level 56% was African, 8,2% Asian, 10,1% coloured and 25,6% white. The gender breakdown for senior management was 22,1% female and 77,9% male.

For State-owned enterprises, the composition of the boards with regard to race was as follows: 63% African, 2,5% Asian, 9,9% coloured and 24,7% white. In terms of gender, 76,5% was male and 23,5% female. The breakdown at senior management levels was as follows: 56,5% was white and 43,5% black with a gender breakdown of 75% male and 25% female.

### Training

As mandated to provide training and development in the public sector, South African Management Development Institute (SAMDI) trained 22 966 employees in 2002/03. Training was provided in HR management, change management, the Presidential Strategic Leadership Development Programme (PSLDP), service delivery, provisioning management, administration and training development and quality assurance.

The PSLDP, one major flagship programme of SAMDI, enrolled 4 921 delegates who completed training in 2002/03. Of this total, 1 432 were SAPS officials. The Ministerial

Support Staff Programme was launched in January 2002 with the intention of improving the functioning of the offices of political office-bearers. As a result of increased needs owing to the impact of the Programme, a total of 302 delegates were trained in 2002/03.

The Institute continuously engages its international counterparts in its capacity-building programmes to offer world-class interventions that encompass the latest and best practices.

Basic administration skills training for the Department of Home Affairs was also rolled out by SAMDI, through funding by the Public Service Sector Education and Training Authority. A total of 1 277 employees were trained in 2002/03.

The Institute has been involved in the Joint Committee on Collaboration and has engaged with Rwanda, Burundi and Uganda on projects that focus on capacity-building.

In collaboration with the Governance Institutional Development Division of the Commonwealth Secretariat, SAMDI offered a programme on effective negotiation skills to senior managers of the Southern African Development Community.

SAMDI's website ([www.samdi.gov.za](http://www.samdi.gov.za)) was launched in June 2003.

## Home Affairs

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

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

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

Statutory bodies falling under the Department are the:

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

The Government Printing Works provides printing, stationery and related services to all government departments, provincial governments and municipalities.

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

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

## Civic services

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

Civic services entail the issuing of passports, registration of foreign births, determining citizenship, and issuing 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:

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

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

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

### Migration

The Chief Directorate: Migration is responsible for control over the admission of 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 the Republic illegally.

About 150 000 illegal foreigners are repatriated every year.

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

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

In 2002, the Department received 20 842 asylum applications.

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

- The Aliens Control Amendment Act, 1995 (Act 76 of 1995), which provides for a stricter immigration policy. The implementation of visa fees, and other measures, came into effect in 2001.
- The Department is working closely with the South African Revenue Service and the SAPS to ensure effective border control over the medium term.
- A computerised visa system has been instituted to curb the forgery of South African visas and is being expanded to all South African missions abroad.
- The Immigration Act, 2002 (Act 13 of 2002), was enacted during the first half of 2002. It regulates the admission of people into South Africa, as well as their residence in and departure from the country. After a lengthy hearing and court arguments, the new system of migration control came into effect on 8 April 2003. The Immigration Advisory Board has been functioning since May 2003.

### Visas

Foreigners who wish to enter South Africa

must be in possession of valid and acceptable travel documents. They must also be in possession of valid visas, except in the case of certain countries whose citizens are exempt from visa control. Such exemptions are normally limited to permits which are issued for 90 days or less and transits.

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

### Control of travellers

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

### Control of sojourn

Foreigners who are in the country illegally and who are therefore guilty of an offence can be classified into three categories, namely those who:

- entered the country clandestinely
- failed to renew the temporary residence permits issued to them at ports of entry
- breached the conditions of their temporary residence permits without permission, e.g. holiday visitors who took up employment or started their own businesses.

Depending on the circumstances, persons who are in 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 can also be prosecuted.

### Permanent residence

It is government's policy to allow immigra-

tion on a selective basis. The Department 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 establish new concerns in South Africa.

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

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

Regional committees of the Immigration Advisory Board consider applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. In terms of the new regulations, regions will carry the responsibility of issuing permits as the regional committees used to do in respect of permanent residence, but they will do so also in respect of temporary residence.

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

### Temporary residence

In terms of the Aliens Control Act, 1991 (Act 96 of 1991), temporary residence permits are divided into the following categories:

- visitor's permits
- study permits
- work permits
- business permits
- work seeker's permits
- medical permits.

In terms of Section 11 of the Act, aliens wishing to enter South Africa as visitors or for busi-



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

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

Applications for the extension of temporary residence permits can be submitted to the nearest regional/district office of the Depart-

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

## Removal of undesirable persons

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

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

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 International Marketing Council website  
 KwaZulu-Natal Provincial Government  
 Limpopo Provincial Government  
 National Treasury  
 Mpumalanga Provincial Government  
 Northern Cape Provincial Government  
 North West Provincial Government  
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