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

◄ The Union Buildings in Pretoria have been the venue for the inauguration of South Africa's first democratically elected presidents: Nelson Mandela on 27 April 1994 and Thabo Mbeki on 16 June 1999. The Union Buildings, which have become a symbol of unity in South Africa, were designed by Sir Herbert Baker and completed in 1913.

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

Fundamental rights

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

Government

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

Parliament

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

Since the establishment of the new Parliament in 1994, a number of steps have been taken to make it more accessible. This has been done to make the institution more

accountable, as well as to motivate and facilitate public participation in the legislative processes. One of these steps is the website (http://www.parliament.gov.za/), which encourages comments and feedback from the public.

National Assembly

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

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

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

The National Council of Provinces (NCOP)

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

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

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

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

Law-making

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

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

By June 2001, 101 Bills had been passed since 1994.

The President

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

The President of South Africa is Mr Thabo Mbeki.

The Deputy President

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

The Cabinet

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

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

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

Deputy Ministers

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

Traditional leadership

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

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

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

In September 1999 the Department completed a *status quo* report on traditional leadership and institutions. This was followed by the *Discussion Document on Traditional Leadership and Institutions*, launched in April 2000. Key issues requiring policy were addressed in the Document. The launch was followed by an elaborate consultative process, which culminated in a conference held in August 2000. From this process a number of submissions and comments were made by interested stakeholders, which paved the way for the drafting of the *Green Paper on Traditional Leadership and Institutions.*

Prior to the local government elections in December 2000, traditional leaders raised

President Thabo Mbeki – A profile

Thabo Mbeki was born on 18 June 1942 in Idutywa, Queenstown. He joined the ANC Youth League at the age of 14 and in 1961 was elected Secretary of the African Students' Association. He was involved in underground activities after the banning of the ANC in 1960 until he left South Africa in 1962. He continued his studies in the United Kingdom (UK) and obtained his MA (Economics) at the University of Sussex. While in the UK, he mobilised the international student community against apartheid and worked at the London office of the ANC for several years. He also underwent military training in the then Soviet Union. From 1973 he worked in Botswana, Swaziland, Nigeria and Lusaka and became a member of the ANC's National Executive Commitee 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, Thabo 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 Nelson Mandela as President of South Africa.

Government System

concerns about the impact of the new local government dispensation on the role, power and functions of traditional leaders. Government considered legislation aimed at addressing, on an interim basis, these concerns. In the longer term, the role, power and functions of traditional leaders will be addressed in the White Paper process, which is being undertaken by the Department.

Early in 2001, the Department of Justice and Constitutional Development granted all appointed traditional leaders powers to become commissioners of oath. This brings justice services closer to communities. The granting of these powers to traditional leaders was a result of constant requests by the public, especially in rural areas. The most common problem expressed was the long distances and high traveling expenses incurred to access such services.

Section 81 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), was amended during 2000, which provides enhanced representation of traditional leaders in the municipal councils from 10% to 20%.

Houses of Traditional Leaders

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

National House of Traditional Leaders

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

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

Remuneration of traditional leaders

For the financial year 2000/01, the President determined a 5% increment in the remuneration of traditional leaders and members of the National and Provincial Houses of Traditional Leaders. This was done after consultation with Premiers of the provinces concerned.

Cabinet, as on 31 October 2001	
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 Steve Tshwete	Safety and Security
Ms Sankie Mthembi-Mahanyele	Housing
Mr Alec Erwin	Trade and Industry
Dr Penuell Maduna	Justice and Constitutional Development
Mr Valli Moosa	Environmental Affairs and Tourism
Ms Geraldine Fraser-Moleketi	Public Service and Administration
Dr Ivy Matsepe-Casaburri	Communications
Mr Membathisi Mdladlana	Labour
Mr Ben Skosana	Correctional Services
Ms Thoko Didiza	Agriculture and Land Affairs
Mr Ronnie Kasrils	Water Affairs and Forestry
Dr Lindiwe Sisulu	Intelligence
Ms Phumzile Mlambo-Ngcuka	Minerals and Energy
Dr Manto Tshabalala-Msimang	Health
Dr Essop Pahad	Minister in The Presidency
Mr Ngconde Balfour	Sport and Recreation

The President has determined that the Chairperson and Deputy Chairperson of the National House be full-time members of the National House. The principle of no double pay applies to incumbents. The ruling came into effect on 1 April 2001.

Volkstaat Council

The Volkstaat Council was dissolved and the Volkstaat Council Act, 1994 (Act 30 of 1994), repealed through Presidential Proclamation on 30 April 2001.

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.

Deputy Ministers, as on 31 October 2001	
Mr Joe Matthews	Safety and Security
Mr Aziz Pahad	Foreign Affairs
Ms Bridgitte Mabandla	Arts, Culture, Science and Technology
Ms Susan Shabangu	Minerals and Energy
Mr Mosibudi Mangena	Education
Mr Charles Nqakula	Home Affairs
Rev Musa Zondi	Public Works
Mr Mandisi Mpahlwa	Finance
Prof Dirk du Toit	Agriculture
Ms Joyce Mabudafhasi	Environmental Affairs and Tourism
Ms Lindiwe Hendricks	Trade and Industry
Ms Nozizwe Madlala-Routledge	Defence
Ms Cheryl Gillwald	Justice and Constitutional Development
Ms Ntombazana Botha	Provincial and Local Government

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

According to the Constitution, provinces may have legislative and executive powers concurrently with the national sphere over, among other things:
• agriculture
• casinos, racing, gambling and wagering
• cultural affairs
• education at all levels, excluding university and technikon education
• environment
• health services
• housing
• 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 Coordinating Council (PCC) is a permanent forum where the President discusses issues of national, provincial and local importance with Premiers.

Provincial governments, as on 1 September 2001

KwaZulu-Natal

Lionel Mtshali	Premier
Narend 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 Welfare and Population Development
Rev Celani Mtetwa	Works
Sibusiso Ndebele	Transport

Northern Province

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

Gauteng

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

Free State

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

Mpumalanga

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

Western Cape

Gerald Morkel	Premier
Gerrit van Rensburg	Agriculture, Property Management and Works
Hennie Bester	Community Safety
Audrey van Zyl	Constitutional Affairs and Technology
Helen Zille	Education
Glen Adams	Environmental and Cultural Affairs
Leon Markovitz	Finance, Business Promotion and Tourism, Office of the Premier
Nick Koornhof	Health
Cecil Herandien	Housing and Corporate Services, Leader of the House
Pierre Uys	Local Government and Development Planning
David Malatsi	Social Services and Poverty Relief
Piet Meyer	Transport, Sport and Recreation

Northern Cape

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

North-West

Dr Simon Popo Molefe	Premier
Edna Molewa	Agriculture
Darkey Africa	Developmental Local Government and Housing
Maureen Modiselle	Economic Development and Tourism
Pitso Tolo	Education
Martin Kuscus	Finance
Dr Molefi Sefularo	Health
Dimotana Thibedi	Traditional and Corporate Affairs
Nomonde Rasmeni	Safety and Liaison
Mandlenkosi Mayisela	Social Services, Arts and Culture and Sports
Phenye Vilakazi	Transport, Roads and Public Works

Eastern Cape

Rev Makhenkesi Stofile	Premier
Max Mamase	Agriculture and Land Affairs
Stone Sizane	Education
Enoch Godongwana	Provincial Treasury, Economic Affairs, Environment and Tourism
Dr Bevan Goqwana	Health
Gugile Nkwinti	Housing, Local Government and Traditional Affairs
Dennis Neer	Provincial Safety, Liaison and Transport
Phumulo Masualle	Roads and Public Works
Nosimo Balindlela	Sport, Recreation, Arts and Culture
Ncumisa Kondlo	Welfare

The forum meets every two months and addresses issues such as:

- enhancing the role of provincial executives with regard to national policy decisions
- strengthening the capacity of the 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 coordinated programmes of implementation and the necessary structures to address issues such as rural development, urban renewal and safety and security.

Local government

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

SALGA
SALGA has a mandate to represent the interests of organised local government in the country's intergovernmental relations system with a united voice.

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

- promoting sound labour relations practices that can achieve high levels of performance and responsiveness to the needs of citizens.
- representing, promoting, protecting and giving voice to the interests of local government at national and provincial levels, in intergovernmental processes and in other policy-making fora.
- building the capacity of local government to contribute towards a developmental democratic governance system that can meet basic human needs.
- SALGA is funded through a combination of sources. These include a percentage share of the national revenue allocated to local government, membership fees from provincial and local government associations that are voluntary members, and donations from the donor community that funds specific projects.

Municipalities

The Constitution provides for three categories of municipalities.

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

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

Metropolitan councils have a single metropolitan budget, common property rating and service tariffs systems, and a single employer body. South Africa has six metropolitan municipalities, namely Tshwane, Johannesburg, Ekurhuleni, Durban, Cape Town and Nelson Mandela, 231 local municipalities and 47 district municipalities.

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

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

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

These new municipalities had to have strategic plans for effective service delivery in place by March 2001. The Government set up district municipal workshops after the municipal elections to ensure that plans were in place for effective service delivery. These workshops focused on integrated plans to ensure that all officials are equipped with a working knowledge of the macro-economic challenges facing South Africa.

According to the Medium-term Budget Policy Statement, tabled in Parliament on 30 October 2000, provincial and local government spheres will receive additional funds over the next three years. This reflects the Government's commitment to addressing the challenges of redistribution and service delivery. The Government planned to increase its spending on public services by R7,8 billion in 2001/02 and R13,2 billion in 2002/03.

Training

The Department of Provincial and Local Government launched councillor training workshops in January 2001. The course was intended for councillors to empower them on crucial municipal issues in a bid to improve municipal services in the country. The R3,5-million course was funded by the Norwegian Government.

Legislation

In November 2000, the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), was published to establish a frame-

work for planning, performance-management systems, effective use of resources, and organisational change in a business context. Each elected council must, within a prescribed period, adopt an inclusive plan that links and coordinates the various schemes and proposals for an area's development. This plan will form a policy framework and a basis on which annual budgets must be drawn up. This integrated development must reflect the council's vision for the long-term development of a municipality with emphasis on developmental and internal transformation needs.

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

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

Programmes

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

Consolidated Municipal Infrastructure Programme (CMIP)

The purpose of the CMIP is to enhance the development impact of the delivery process

Information

The Development Bank of Southern Africa and the National Business Initiative launched a manual for municipal officials entitled *Integrated Development Planning – A Strategic Management Approach for Councillors and Senior Officials* late in 2000.

The manual provides a new planning approach, which is in line with the *White Paper on Local Government*. It puts forward a vision of developmental local government that should reverse apartheid patterns.

by focusing, for example, on the transfer of skills, the promotion of small, medium and micro-sized enterprises (SMMEs), using labour-intensive construction methods, and maximising job-creation opportunities. Since its inception, R3,3 billion of CMIP funds have been allocated to various project categories (such as water, sanitation, roads, solid waste, community lighting, storm water, community facilities and training).

As part of government's policy to make available free basic services to poor households, CMIP will provide infrastructure resources.

Social Plan Fund

The Fund was established in 1998 at the National Job Summit.

The Department was allocated an amount of R3 million for 1999/00 to 2001/02. In the last two years, 102 municipalities received a grant of R50 000 to undertake local economic regeneration studies.

Almost 50 regeneration studies have been completed.

These reports are being analysed and, depending on their quality and usefulness, recommendations will be made to Cabinet regarding the future of the Fund.

Municipal Infrastructure Investment Unit

The Unit was set up in 1998 to encourage private-sector investment in municipal services and to establish a market for such investments. The Government provides an annual grant to the Unit. Through this grant, the Unit has undertaken 15 pilot projects and has assisted many municipalities in preparing and finalising appropriate municipal service partnership agreements. Over the next three years, government will expand the support provided to the Unit. The Unit received a three-year allocation for the first time in 2001/02.

Local Government Transition Fund

One of the most important tasks in the transformation of local government was the drawing of new municipal boundaries. The previous 843 municipalities were disestablished and

Government has increasingly placed emphasis on integrated planning and implementation of policy as a requirement for sustained progress in combating poverty. To this end, two integrated and multidisciplinary programmes have been developed, cutting across many government departments and coordinating resources in a focused way.

In February 2001, President Mbeki, in his address to Parliament, announced details of the Integrated Sustainable Rural Development Strategy (ISRDS) and the Urban Renewal Strategy (URS). The latter programme will in particular include a multidisciplinary approach to dealing with crime.

The President identified 13 rural and eight urban nodes which would be the initial focus of a number of measures to ensure that urban renewal and rural development are addressed in an integrated and sustainable manner. A further 17 nodes were due to be announced by the end of 2001. Without neglecting other areas, this Strategy will ensure that in these areas of greatest need government's efforts will make an impact arising from the focused coordination of programmes concerned with poverty eradication, sanitation, housing, water, electrification, household food-security, pension payouts, job creation, infrastructure development and HIV/AIDS.

These two pivotal programmes present the three spheres of government (national, provincial and local), with challenges to work together in unprecedented ways. The Department of Provincial and Local Government is charged with the responsibility of ensuring that work in the implementation of these two programmes is underpinned by both horizontal and vertical integration.

The 13 nodes of the Rural Development Strategy are:
- O.R. Tambo, North East, Ukwahlamba and E Kei District Councils in the Eastern Cape
- Umzinyathi Umkhayakude, Ugu and the Zululand Municipality in KwaZulu-Natal
- The Kalahari-Kgalagadi Cross-boundary District Council in the Northern Cape and the North-West
- Central Karoo District Council in the Western Cape
- Sekhukhune Cross-boundary District Council in Mpumalanga and the Northern Province
- Eastern District Municipality in the Northern Province
- Thabo Mofutsanyane in Qwa Qwa in the Free State.

The URS will be focused initially on the following localities:
- Khayelitsha and Mitchells Plain in the Western Cape
- KwaMashu and Inanda in KwaZulu-Natal
- Mdantsane and Motherwell in the Eastern Cape
- Alexandra Township in Gauteng
- Galeshewe in the Northern Cape.

Depending on needs and priorities in the different nodal areas, government's programmes will be packaged as 'baskets of services' which will include: Adult Basic Education and Training; Primary Health Care Feeding Scheme; Housing; Kick-start Youth Programme; housing support centres; telecentres; women in construction; Local Economic Development projects; Co-operatives; Community-based Public Works Programme; Working for Water; Khula start; community water and sanitation; technology centres; eco-tourism; Land Care and utilisation; cultural industries; and energy centres.

The ISRDS was launched in July 2001 at the Bothithong Village, Kgalagadi Cross-boundary Municipality in the North-West/Northern Cape Province and the URS in Alexandra township in May 2001.

284 new municipalities created. Municipalities are required to amalgamate and restructure administration and service delivery arrangements, among other things. At the same time, local government must ensure continued access to municipal services by all citizens.

Enormous pressures will initially be placed on municipalities during this process. It is therefore critical to provide financial assistance to municipalities for approximately two years. This will be a once-off grant and will be incorporated into the equitable share from 2003/04. The primary objective of the grant is to facilitate a smooth transition to the new municipal structures. It will fund the preparation of the strategic transformation plans and assist municipalities in designing and implementing appropriate institutional and service delivery arrangements.

Municipal systems improvement programme
The *White Paper on Local Government* provided a framework for developmental local government. Achieving these developmental outcomes will require changes in the operations and administrative organisation of municipalities. The Municipal Systems Act, 2000 establishes a legal framework for the new municipal systems, including the development of Integrated Development Plans, performance management systems and related municipal management reforms. The grant provides direct assistance to municipalities, particularly through the funding of Planning and Implementation Management Support centres in district municipalities to assist with the preparation of Integrated Development Plans in line with municipal budgets.

The grant will also assist municipalities in piloting performance management and monitoring systems, and will complement other initiatives by the National Treasury aimed at building municipal financial management capacity and implementing budget reforms.

Local Economic Development (LED) and poverty alleviation
The Minister of Provincial and Local Government, Mr Sydney Mufamadi, said in his media

briefing in September 2001 that the LED Fund had supported a total of 184 projects since 1999. Of these 19,5% were in progress, 13,5% were completed (mainly from the 1999/00 allocation), 20,6% were in advanced stages of implementation, and 46% had not started (primarily the 2001/02 allocation). Projects for the 2001/02 financial year have all received financial transfers but are in the planning and tendering stages.

The results of the 1999/00 LED Fund of R42 million, of which R39 million was transfers, are indicative of the performance of the other two years. Of the total number of 5 888 people employed, 30% were women. Sixty-one per cent of people employed through LED projects were employed during the construction stages of the project. The remaining 2 567 people have received long-term employment. A total of 2 089 people received on-the-job training. Almost two-thirds of this training is accredited. Of these, 53% were women.

Almost R24 million of the R39 million (61%) transferred for projects was spent on infrastructure in the form of equipment, tools and buildings. Some R3,18 million (8%) was regarded as direct support to SMMEs in terms of subsidised equipment and rentals.

The first of the annual national LED Trade Fairs was convened in Johannesburg in November 2000 to showcase LED projects and expose smaller municipalities to national markets. The Department also issued the first *LED Best-practice* newsletter in 2000. During the next three years, the programme will concentrate on improving its linkages with the other household, social and economic infrastructure programmes of the Government, alongside its current activities.

Interim Integrated Development Plans

The subprogramme has undertaken a major study of the experiences of 20 municipalities in the integrated development planning process since 1998. It provided a manual on the Integrated Development Plan, training programmes and other support initiatives to municipalities. Handbooks on LED and guidelines on municipal service partnerships were also issued, alongside extensive training programmes country-wide. The strategic objective for the next three years is to ensure that municipalities receive adequate support to comply with the new regulatory framework for integrated development planning and municipal service delivery. Policy initiatives to strengthen the frameworks for integrated development planning, LED and municipal service partnerships are being developed. These initiatives will be complemented by support, training and capacity-building programmes.

Efforts are under way to pilot selected municipal community partnerships around the country.

Government and communication

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

Information

Parliament hosted a workshop, *Perspectives on Africa*, in July 2000. This workshop was part of the Millennium Project and consisted of an exhibition, an educational programme and lectures. The project illustrated how different past experiences in South Africa had shaped the understanding of present realities.

A collection of maps of South Africa and southern Africa dating from the 16th and 17th centuries was exhibited.

Information

The Municipal Finance Management Bill will give municipalities greater access to capital markets. The Bill will modernise municipal financial management and will allow municipalities to be accountable for public finances. The Bill extends the philosophy of the Public Finance Management Act, 1999 (Act 1 of 1999), and emphasises transparency and control in all spheres of government.

The Bill will compel municipalities to set up revenue funds and prepare timely financial statements and annual audits.

It consists of the Communication Services Agency, which is responsible for, among other things, the production and distribution of government media, event management and the bulk-buying of advertising space; the Media Liaison Section, which is responsible for strengthening working relations between the media and government, as well as the international promotion of South Africa; the Policy and Research Section, which is responsible for research into the communication environment in which government is working, dealing with policy relating to media, communication and information, and for providing access to government information through the website *Government online*, and the Provincial and Local Liaison Section, which is responsible for providing information at community level in close co-operation with communicators of the nine provincial governments. The Chief Directorate: Corporate Service provides information technology services, provisioning administration, financial management, administrative services and human resource administration and development.

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

The GCIS is facilitating the establishment of Multi-purpose Community Centres (MPCCs) as a programme for integrated one-stop government information and service points. This initiative is a partnership between all spheres of government, business and civil society.

The first MPCC was launched on 10 December 1999 at Tombo, in the Kei District Council area in the Eastern Cape. At the end of March 2001, 10 centres have been opened. By the end of March 2003, 60 MPCCs will be operating, at least one in each district or metropolitan council. (See map and addendum.)

The GCIS is also involved in the Media Development and Diversity Agency and the International Marketing Council (IMC), and played a major part in the development of the new Coat of Arms, which was launched on 27 April 2000. (See chapters: *Arts and Culture* and *Communications*.)

International Marketing Council (IMC)

The IMC, which was launched in October 2000, is a partnership between government, and corporate and non-government sectors.

The Directors-general of eight government departments, the chief executive officers of the GCIS, Trade and Investment South Africa and South African Tourism as well as 21 individuals from outside government make up the Council that is chaired by Minister of Foreign Affairs, Dr Nkosazana Dlamini-Zuma.

The IMC is responsible for
• advancing the objectives of South Africa's international marketing campaign abroad
• giving strategic guidance to an interdepartmental project team which has been set up to manage the campaign
• acting as 'ambassadors' for South Africa, where possible in their individual capacities
• advising the Cabinet Committee on International Relations on matters pertaining to the marketing of South Africa.

The non-government members represent a wide spectrum of South African expertise from business, the arts, marketing and other key sectors.

They are committed to selling abroad the best of what South Africa has to offer. The promotion of the country also has a domestic dimension with which the IMC members assist.

Following its *bosberaad* in January 2001, the IMC is planning a major international marketing initiative which will have two elements:
• The first will be aimed at the domestic audience. The purpose will be to build support for the international marketing campaign and will draw upon what recent research has shown to be a strong sense of national pride within all sectors of the community. The IMC is coordinating with other related initiatives like South African Tour-

ism's *Circle of Sunshine* campaign and the National Economic, Development and Labour Council's (NEDLAC) *Proudly South African* initiative. M-Net's successfully concluded local campaign *Share your country's magic* is part of this initiative.

- The second element will be an internationally focused campaign buttressing existing initiatives and launching new initiatives. The initial target countries are: the United Kingdom (UK), United States (US), France, Germany and Japan. As the campaign grows, countries in Africa, Latin America and Asia will also be targeted. Plans are under way to roll out the campaign in the UK, hot on the heels of *Celebrate South Africa*, with US next on the list.

(See Chapter: *Tourism.*)

Co-operative governance

The importance of co-operative governance and intergovernmental relations in South Africa is reflected in Chapter Three of the Constitution on Co-operative Government, 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 settlement of intergovernmental disputes. The Department of Provincial and Local Government is developing this framework.

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

These include, among others, 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 (FOSAD), which promote programme integration at national and provincial level.

- Ministerial fora (or MINMECs) between responsible line-function Ministers at national level and their respective counterparts at provincial government level, which normally meet on a quarterly basis. These fora are supported by technical committees.
- A number of intergovernmental fora that facilitate co-operative government and intergovernmental relations.

Elections

The Constitution of South Africa places all elections and referendums in the country at all three spheres of government (national, provincial and local) under the control of the Independent Electoral Commission (IEC), established in terms of the Electoral Commission Act, 1996 (Act 51 of 1996). South Africa's last municipal elections were held on 5 December 2000. Some 18 476 500 people registered to vote, of whom 55% were women. The election day was officially declared a public holiday.

The IEC launched a R46-million voter education campaign with the theme *Vote, its your right*, in October 2000 to promote voter turnout. It educated voters about, among other things, the different ballot papers used in respect of the three different categories of municipalities. The UK donated R7 million of this, while contributions were also received from, among others, Japan, Greece, Austria, Canada, the US, the United Nations (UN) and international agencies. More than 1 600 field workers were recruited and trained in voter registration. They worked with non-governmental organisations (NGOs) to conduct workshops at factories, churches, schools and traditional gatherings.

The gender distribution of all candidates for the municipal elections was 66% male and 34% women.

On election day, 223 712 election staff were employed at 15 002 voting stations across the country.

The Democratic Alliance (DA) won the Cape Town Metro City, while the six other

metro cities went to the ANC. The ANC won a total of 170 municipalities, 36 went to the IFP, 18 to the DA and one to the UDM. In 12 municipalities no overall majority was achieved.

The national voter turnout was 48%. Spoilt ballots accounted for 2,63% of the total ballots cast.

By-elections

By-elections take place within 90 days after the resignation or death of a councillor, or whenever a political party exercises its right to change its representation in a council.

In terms of the Local Government: Municipal Structures Act, 1998, a by-election must be held if:
• the IEC does not declare the result of the election of a municipal council, district management area or ward within the period specified in terms of the Electoral Commission Act, 1996
• a court sets aside the election of a council, or in a district management area or in a ward
• a council is dissolved
• a vacancy in a ward occurs
• a councillor vacates office during a term of office if he/she resigns in writing; no longer qualifies to be a councillor; was elected from a party list and ceased to be a member of the relevant party; contravenes a provision of the Code of Conduct for Councillors; is a representative of a local council in a district council and ceases to be a member of that local council; or is replaced by the local council as its representative in the district council.

While the Electoral Commission is responsible for the management of all by-elections, it also uses these by-elections as an opportunity to update the National Common Voters' Roll, refining electoral processes and conducting voter education.

Disaster management

Like many countries in the world, South Africa is at risk from a wide range of natural,

technological and environmental hazards that can lead to disasters such as droughts, floods, major fires, tornadoes and major oil spills.

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

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

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

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

In April 1999, the Interim Disaster Management Centre was replaced with the Interdepartmental Disaster Management Committee to deal with disasters and other phenomena and to give advice to the Committee. The National Disaster Management Centre came into operation on 1 April 2000.

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

The Public Service

At the beginning of the second democratic term of governance in June 1999, a shift in

emphasis took place from restructuring and policy-making to service delivery and policy implementation.

The year 2000/01 has seen the intensification and consolidation of the initiatives adopted for the second term. The Department of Public Service and Administration focused its energies on the strengthening of management capacity, improving the quality of management information, developing mechanisms to promote service delivery improvement, e-government policy and transversal strategies addressing human resource management and development, Human Immunodefiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS), and corruption.

Size of the Public Service
On 31 December 2000, the Public Service employed 1 042 392 people. This represents a decrease of 23 607 from 31 December 1999.

Public service numbers have declined gradually but steadily since 1994, when the still-fragmented Public Service consisted of approximately 1,2 million officials. (As at September 1993, based on Department of Foreign Affairs and Payroll sources, there were 1 187 600 public servants in 11 'public services'.) Sixty-one per cent of public servants are in the social services cluster of departments (health, education and social development). The next biggest clusters are the criminal justice cluster (16%) and the defence and intelligence sector (8%).

Policy and legislation
The Public Service Management Framework is made up of legislation, regulations and collective agreements. The Public Service Act, 1994 (Act 103 of 1994), as amended, as well as the Public Service Regulations, came into operation in 1999.

The Regulations were re-issued on 5 January 2001 with minor amendments and new chapters on the Senior Management Service (SMS) and on financial disclosure by heads of departments and certain other employees.

In addition, a broader and more far-reaching review of the regulatory framework has been prompted by the need for greater alignment of the Public Service framework with the financial management framework and the labour relations framework.

An important focus of the review is also the macro-organisation of the Public Service and the need to regulate the establishment of public entities (PEs) and agencies to deliver services.

Macro-organisational issues
Part of the drive towards efficient and effective service delivery is the incorporation of mechanisms that allow for partnerships between public service departments and other entities.

This includes outsourcing and the creation of agencies or PEs to perform particular functions. An increasing obligation is monitoring and evaluating the work that is no longer performed directly by government.

Accordingly, Cabinet has approved the creation of an institutional framework to guide the creation, management and review of PEs as part of an overarching framework for service delivery. The framework will be incorporated in a more inclusive public management law which the Minister for Public Service and Administration intends to introduce in 2002 to replace the current Public Service Act, 1994. An interim framework has been established to regulate the creation of PEs until the broad, overarching framework comes into force.

Strengthening institutional performance
In 1999 and 2000, the Department of Public Service and Administration's Integrated Implementation Plan (IIP) assisted departments to develop management plans made up of a strategic plan linked to the Medium-term Expenditure Framework.

This is an organisational structure to deliver on strategic priorities within budgetary constrains, a service delivery plan and a human resource plan.

The management plans provided critical information on the Public Service which has informed government's approach to the restructuring thereof. Through the IIP process, departments and sectors have internalised government's priorities more effectively and made plans better designed to implement them.

The Department is developing capacity to provide support in change management, organisational development, restructuring, service delivery innovation and other key areas of transformation as an internal 'consultancy' service to the rest of government.

The Interprovincial Support Programme (IPSP), which was launched as a support pro-gramme for three provinces, has grown to incorporate three more provinces. Initial pro-jects supported the provinces' efforts to establish performance-management systems and to improve the delivery of services in accordance with the requirements of the *Batho Pele* service delivery policy.

Service delivery improvement and the restructuring of the Public Service

The *Batho Pele* service delivery policy has been the corner-stone of the Department's efforts to improve service delivery in depart-ments since its promulgation in 1997. A strat-egy has been developed to revitalise *Batho Pele* during 2001. To encourage service deliv-ery innovation, plans have been developed to establish a Centre for Public Service Inno-vation as a Section 21 company, to incubate and pilot innovative projects developed by public servants and private companies.

A draft framework on service delivery in-novation has been developed and consulted upon. Issues addressed in the framework include partnering, shared services, outsourc-ing, a call centre, corporatisation, commer-cialisation, activity-based costing, and the redeployment of personnel to non-public service employers.

A task team was established to address the restructuring of the Public Service. A pilot restructuring project, aimed at facilitating the redeployment of South African National Defence Force personnel, has commenced.

Labour relations and conditions of service

Proposals on the implementation and the costing of the Personnel Expenditure Review for 1999/00 and the Wage Policy were finalised in March 2000 and taken forward as part of the negotiating process.

At the 2000/01 annual wage agreements, the parties agreed to establish employer/ union task teams on macro-benefits including medical aid, housing and pension benefits.

A task team was also established to deal with HIV/AIDS in the workplace. It was fur-ther agreed that the rank and leg promotion system would come to an end on 1 July 2001.

The Public Service implemented the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), from June 2000. A major agree-ment on the leave dispensation for the Public Service, including disability management, was reached in September 2000. Research was conducted into the conditions of services and programmes for the advancement of lower-graded workers in the Public Service. The Department assisted the Department of Foreign Affairs and the National Treasury in finalising the Foreign Service Dispensation.

The Public Service Job Summit, held in Pietersburg in the Northern Province in January 2001, represented a critical advance in relations between public service unions and the State as employer. The Summit, which was held pursuant to a resolution of the national Job Summit held in October 1998, committed the parties to the transformation of the Public Service. The framework agree-ment reached at the Summit established the principles and objectives to guide the process.

The Governance and Administration (G&A) Cluster

The IIP and the management plans that it helped produce also revealed patterns and trends across government that helped guide the planning process for the G&A Directors-general Cluster. The Cluster is made up of the

Directors-general of the central regulatory departments that include the Presidency, the National Treasury, the GCIS, the Department of Provincial and Local Government, the Public Service Commission (PSC), the South African Management Development Institute (SAMDI) and the Department of Public Service and Administration.

The central insight that emerged from the IIP process was that the Cluster's focus on line departments during the first democratic term of governance had produced positive results but that these changes were not permeating fast enough to the points of service delivery (hospitals, clinics, schools, police stations, etc.) This realisation paved the way for an integrated G&A plan of action that is focused on building the capacity of service-delivery institutions. This does not imply an abandonment of the programmes aimed at the modernisation of the Public Service, but signals a realisation that they must be primarily directed at service-delivery institutions.

Fighting corruption

A financial disclosure framework for top managers in the Public Service, aimed at preventing conflicts of interest between an employee's private activities and his or her official re-sponsibilities, came into operation on 1 April 2000. Affected employees are required to disclose, before 30 April of each year, all their registerable interests. The regulatory framework for disclosures, in Chapter 3 of the Public Service Regulations, came into force on 5 January 2001. A panel to deal with high-level disciplinary cases has been established.

State Information Technology Agency (SITA) and e-government policy

Draft e-government policy was scrutinised and revised at a workshop in July 2000 and at an Information Technology (IT) seminar in October. It was submitted to Cabinet for approval as a consultation document in April 2001. Extensive consultations are currently under way. The draft policy seeks to put the

users of government services at the centre, in line with the principles of *Batho Pele*. The policy also carries forward key recommendations of the Presidential Review Commission on IT. Accordingly, e-government efforts are based on four key pillars:

- leveraging economies-of-scale to procure IT hardware and software in a much more coordinated manner, and avoiding exploitation by some IT vendors
- fostering inter-operable government systems and avoiding unnecessary vendor lock-in
- e-government security to foster the citizen's confidentiality and privacy on information provided, flowing, and kept in government systems
- eliminating unnecessary duplications to save valuable resources and eliminate inconveniencing the citizen.

SITA was established in April 1999. It provides a range of IT services to departments in terms of the State Information Technology Act, 1998 (Act 88 of 1998). During 2000, a number of departments joined SITA.

The Government Information Technology Officers' Council was established in October 2000. The Council serves as an advisory body to ensure coordination on IT matters. It has established task teams to focus on IT security, projects, policy, strategy and procurement.

A review of SITA's business model was conducted, and Cabinet has approved that SITA be restructured to isolate its defence and legacy services, in order to enter into partnerships with public and private-sector companies with a view to a full transfer of these functions to the partners within three years. This will allow SITA to concentrate its energies on providing e-government services to departments. (See chapter: *Communications*.)

Human resource management and development

An investigation and report into the senior management cadre was completed in May 2000 and one of its key findings was that the Public Service was 'under-managed'.

The shortage of managers was found to be even more pronounced in the provinces, where the development needs are the greatest.

For these reasons and others, it was decided to establish a distinct SMS, improved recruitment and selection practices for senior managers, competency-based training and development programmes, and a more flexible and cost-to-employer remuneration system. The Competency Framework for the SMS was expected to be finalised by May 2001. A research project into recruitment and best-practices was conducted, and a report with recommendations produced.

HIV/AIDS

A study on the impact of HIV/AIDS in the Public Service was completed. Two further studies, focusing specifically on the health and education sectors, were completed in November 2000 and February 2001 respectively. A comprehensive Programme of Action has been developed to safeguard the Public Service against the impact of HIV/AIDS. The Programme focuses on a workplace policy framework and minimum standards; review of policy, legislation and conditions of service; and capacity-building and support programmes.

Public Service information

One of the most important tools to improve management performance is to ensure that they have accurate and relevant information at their disposal to assist in decision-making. The Department of Public Service and Administration, with the co-operation of other departments, has developed the *Vulindlela Report*, a quarterly report that focuses on trends and patterns in public service employment. The programme encourages the participation of departments, particularly in the correcting and updating of their own information where it is inaccurate or out of date. Human resource managers contribute commentaries on the figures, which assist in the policy review process.

The Department also published an annual report on personnel expenditure and the *Public Service Review Report* in May 2000. The first report of its kind, the *1999/00 Review Report* contains information on the composition of the Public Service, a review of personnel expenditure and a review of service-delivery successes of the past five years. A chapter is also dedicated to the challenges for improving the management and performance of the Public Service. The Report is a contribution towards learning and sharing of best-practice in the Public Service. The *2000/01 Report* was released in June 2001.

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

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

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

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

Ethics and risk management

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

The Code of Conduct for Public Servants was promulgated in 1997 with the aim of providing public servants with guidelines on the behavior expected of them in the course of their duties. Public servants are required to serve the public impartially and may not discriminate unfairly against any member of the public. A cross-sectoral task team was established to create a national coordinating structure with the authority to lead, coordinate, monitor and manage the National Anti-Corruption Programme. The cross-sectoral task team comprised the public sector represented by the PSC, private sector represented by KPMG and civil society represented by Transparency South Africa. The three sectors signed a Memorandum of Understanding committing themselves to the fight against corruption in South Africa. This led to the launch of the National Anti-Corruption Forum on 15 June 2001 in Langa, Cape Town.

Special investigations

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

Management and service delivery improvement

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

Labour relations

This unit investigates, monitors and evaluates the application of merit and equity principles and sound human resource practices and policies. This entails providing advice on grievances in the Public Service and advice on, and monitoring of, labour relations. It also investigates grievances lodged with the Commission, and monitors and evaluates the application of sound labour relations principles in national and provincial departments. The Commission has approved an internal policy for dealing with complaints lodged with the Commission by public servants and members of the public.

Human resource management and development

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

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

Senior management and conditions of service

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

The PSC developed a framework for the evaluation of heads of departments.

Government System

It conducted research to determine how the evaluation of departmental heads is dealt with in various foreign public services, and also considered the unique circumstances that apply to South Africa. After a process of consultation, which included FOSAD, Cabinet approved a framework for such evaluations.

Affirmative action

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

On 31 December 2000, 51% of public servants were women, and 36% of all employees were African women. Seventy-one per cent of public servants were African.

The *White Paper on Affirmative Action in the Public Service* was published in April 1998. It spells out the accountability, monitoring, coordinating and reporting responsibilities of the various players within affirmative action programmes. The implementation of affirmative action policies was incorporated into managers' performance objectives and into the performance contracts of Directors-general.

Information

A project agreement between the UN and the South African Government was signed in March 2001 in support of government's National Anti-corruption Programme.

Project funding is estimated at about $350,000 and would, over two years, provide institution-building and direct support to the Programme through the following elements:
• assessing the corruption situation and anti-corruption measures in South Africa
• further developing the National Anti-corruption Programme and supporting legislation
• strengthening the capacity of selected departments and the National Directorate of Public Prosecutions to prevent, investigate and prosecute corrupt acts
• strengthening the capacity of the OPSC to detect and prevent systemic corruption risks
• developing tailor-made provincial anti-corruption strategies.
The project commenced in April 2001 and will be concluded after 24 months.

Failure to implement these policies could result in dismissal. Public service entities (the Public Service, parastatals and municipalities) had to set up affirmative action policies containing numeric targets and time frames.

Government undertook a national gender audit to assess systems which support gender mainstreaming. The audit had the following objectives:
• determining the sustainability of the institutional environment within which gender was to be mainstreamed
• understanding the operational dynamics of the institutional environment
• ascertaining the mechanisms and processes that can be instituted to enhance successful implementation of a gender mainstreaming strategy
• assisting government to establish initial benchmarks against which targets can be defined and progress can be measured over time.
The audit found that:
• there is a strong political will and a legislative framework in place which would enable gender mainstreaming
• since 1994, the number of women managers has increased.
With the assistance of the Office on the Status of Women, national Ministries will undertake to:
• review their infrastructures to undertake gender mainstreaming in a meaningful way
• arrive at a common understanding about the role, functions and accountability of gender focal points.
The *South African Policy Framework For Women's Empowerment and Gender Equality* was approved by Cabinet in December 2000. The policy document focuses on the empowerment of women living in rural areas as a means to gender equality. A high percentage of these women are African. Three programmes in the Presidency are effecting a proactive approach to ensure the integration of gender, children and disability issues in the rural strategy which will be launched soon.

Training

SAMDI is a fully-fledged department headed by a director-general to better align the training it provides with the challenges of implementing the Public Service Regulatory Framework and government policies.

The mission of SAMDI is to provide customer-driven organisational development interventions that will lead to improved public-sector performance and service delivery.

In developing its own turn-around strategy, SAMDI will broaden its current training focus to an organisational development function.

This will enable SAMDI to meet the client-driven needs of departments more effectively in order to accelerate service delivery.

Between February and September 2001, a total of 12 019 public servants were trained in areas such as the PSLDP, financial management, human resource management and provincial administration training.

A milestone for SAMDI has been the launch of the SAMDI/INTAN Capacity-building Programme (INTAN is the Malaysian Institute of Public Administration). By September 2001, 84 South African public service managers have been trained, 31 of these during study trips in Malaysia. Areas of training included training of trainers, needs analysis, management development and leadership development.

The Minister of Public Service and Administration said in her media briefing in Sept-

ember 2001 that the Public Sector Education and Training Authority (PSETA) would be formally launched on 25 September. The PSETA has been accredited by the South African Qualifications Authority as an Education and Training Quality Assurance agency. The process of accrediting training and education providers was completed at the end of August. Assessors were expected to be accredited by the end of October. Departments have submitted 55 workplace skill plans.

Special Investigating Unit

A special investigation and tribunals unit appointed in March 1997 by former President Nelson Mandela to probe corruption and maladministration in government was the subject of a CC ruling during 2000.

In November 2000, in a case initiated by the South African Association of Personal Injury Lawyers, the CC ruled that it was unconstitutional for the Special Investigations Unit to be headed by a Judge, and therefore in particular by Judge William Heath. The Court held that to have a judge performing executive functions serves to corrupt the principle of the separation of powers, and that to require a judge to perform these functions clearly compromises the independence of the judiciary.

Government accepted the Court's decision and Parliament amended the legislation that had allowed for a judge to head the Unit. Willie Hofmeyr, head of the Asset Forfeiture Unit, was appointed to head the Unit.

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.

Information

The PSC, KPMG and Transparency South Africa launched the first South African Ethics in Practice 2001 Survey in March 2001. The Survey aims to establish a snapshot of current ethics practice of organisations across South Africa, as well as the ethics trends now and into the millennium.

The Survey will act as barometer of South African NGOs, business and government organisations' views on ethics, trends in the new millennium, and initiatives that organisations may implement in order to improve ethical practices. It will also address issues such as conflicts of interest and corporate courtesies, which are beginning to acquire a higher profile in South Africa. The Survey is based on the Ethics Practices Survey, which was conducted by KPMG Canada in 2000.

Statutory bodies falling under the Department are the
- Immigrants Selection Board
- Standing Committee for Refugee Affairs
- Refugee Appeal Board
- Film and Publication Board
- Film and Publication Review Board (see Chapter: *Arts and culture.*)

The Government Printing Works provides printing, stationery and related services for 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 South African Police Service (SAPS) and the printing of postage stamps for the Democratic Republic of Congo and Lesotho.

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

Civic services

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

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

Citizenship matters

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

- an application for naturalisation as a South African citizen
- an application for resumption of South African citizenship
- the registration of the birth of children born outside South Africa from South African fathers or mothers.

Migration

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

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

In 2000, South Africa repatriated 170 317 illegal immigrants to at least 92 countries. Mozambique and Zimbabwe are by far the largest sources of illegal immigrants. South Africa is believed to harbour between 2,5 and 4,1 million illegal immigrants.

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

In April 1999, the *White Paper on International Migration* was released, proposing a complete overhaul of the system. At the heart of the proposed policy is a reliance on market forces to determine which skills are needed in South Africa.

According to the document, illegal aliens compete for scarce resources and jobs with South Africans living in poverty. It recommends the scrapping of the Immigrants Selection Board in favour of 'objective criteria'

administered by a regulatory agency known as the Immigration Service. This is intended to enable businesses to recruit foreign workers on condition that they pay predetermined sums into a skills training fund for South African workers.

The creation of immigration courts and minimum mandatory penalties for those employing and harbouring illegal aliens are also recommended.

The White Paper proposes dividing foreigners into two categories: workers and the rest, which includes tourists and business people. While workers fall under community inspectorates, tourists and business people will be eligible for once-renewable three-month entry permits.

The Immigration Service will have the power to negotiate corporate visas, to be given to domestic companies for a specified number of foreign workers on the basis of skills needs and administered by the companies themselves.

People to be barred from South Africa include those with infectious diseases or criminal records, citizens of certain countries, those previously deported, and members of criminal or terrorist organisations.

A new system of migration control for South Africa will be launched, which capitalises on world experience while setting new world standards without losing sight of the specific features of South African society and government and related limitations and constraints. The Aliens Control Act, 1991 (Act 96 of 1991), will be replaced by the Immigration Act (when it is passed through Parliament), which will change not only the criteria for the issuance of permanent and temporary residence permits, but also the structures intended to administer new procedures. The new legislation will establish regulatory agencies, which will have the flexibility to make detailed determinations on the needs of migration control and society, in close coordination and consultation with the affected interests, role-players and stakeholders. Once adopted it may take two years to finalise the restructuring of the migration line function of the

Department and the new Immigration Service envisaged in the Bill, and to adopt the required regulations through the necessary participation of the relevant stakeholders and role-players.

Visas

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

The phasing-in of computerised visas has continued, and by the end of March 2001 a total of 54 missions were computerised. A further 27 missions were scheduled for the implementation of the computerised visa system during 2001/02.

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 the Republic. 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 the Republic are examined by immigration officers at recognised ports of entry to determine whether such persons comply with the necessary requirements.

Control of sojourn

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

Depending on the circumstances, persons who are in the Republic illegally are prosecut-

ed or removed or their sojourn is legalised. Officers at the various regional and district offices of the Department are in charge of tracing, prosecuting and removing illegal aliens from the country. Employers of illegal aliens are also prosecuted.

Permanent residence

It is government's policy to allow immigration on a selective basis. The Department is responsible for

- processing applications for immigration permits for consideration by the central and regional committees of the Immigrants Selection Board.
- admitting suitable persons for immigration, such as skilled workers in occupations in which there is a shortage in South Africa. The Department particularly encourages applications by industrialists and other entrepreneurs who wish to relocate their existing concerns or establish new concerns in South Africa.

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

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

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

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

Temporary residence

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

- visitor's permits
- study permits

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

In terms of Section 11 of the Act, aliens wishing to enter the Republic as visitors or for business or medical purposes must be in possession of visas, if not exempt from visa control. An immigration officer will issue a temporary residence permit to holders of such visas or to persons exempt from such visa requirements at the port of entry, if such persons meet entry requirements. However, persons wishing to enter the Republic 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 at the nearest regional/district office of the Department of Home Affairs prior to the expiry date of the permit. Any enquiries related to temporary residence permits can be made at the nearest district/regional office of the Department in South Africa, South African diplomatic representatives abroad, or the Director-general of Home Affairs for the attention of the Subdirectorate: Temporary Residence.

Removal of undesirable persons

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

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

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