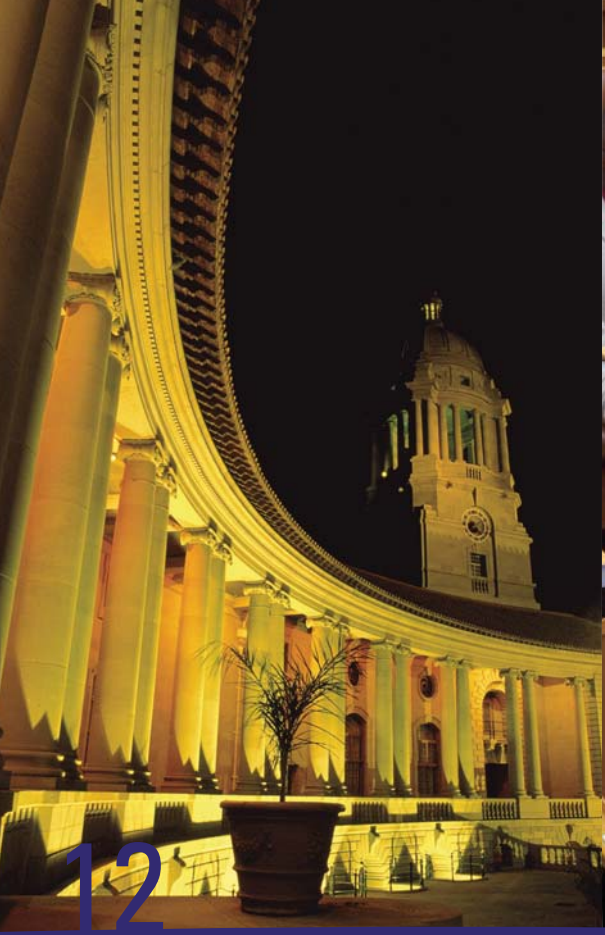


12

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. It took effect on 4 February 1997.

The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution. South Africa's Constitution is one of the most progressive in the world and enjoys high acclaim internationally.

The Preamble

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

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

Fundamental rights

Fundamental rights are contained in Chapter Two

of the Constitution and seek to protect the rights and freedom of individuals. The CC guards these rights and determines whether actions by the State are in accordance with constitutional provisions.

Government

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

Parliament

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

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

More than 100 women from all over the country converged on Parliament on 20 August 2004 to participate in the Women's Parliament. The theme of the event was *What Has 10 Years of a Democratic Parliament Meant For Women?*

National Assembly

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

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

National Council of Provinces

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

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

The NCOP also has a website, *NCOP Online! (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.

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 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.

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.

President Thabo Mbeki visited KwaZulu-Natal as part of the *Imbizo* programme of interactive governance from 29 to 31 January 2004. This was the seventh visit, following similar visits to Limpopo, Eastern Cape, Free State, Gauteng, North West and Western Cape.

The President visited Mpumalanga from 30 September to 2 October 2004. The theme of the *Imbizo* Focus Week was *Imbizo: Building a People's Contract to Build a Better South Africa and a Better World.*

The *Imbizo* Programme is a government programme approved by Cabinet in October 2000. Its purpose is to bring all three levels of government closer to the people through direct interaction with citizens. Through *izimbizo*, challenges and blockages to delivery are identified and solutions found. It aims to improve service delivery and the lives of all South Africans.

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

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

Deputy Ministers

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

Traditional leadership

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

The Chief Directorate: Traditional Leadership and Institutions in the Department of Provincial and Local Government provides support to traditional leaders and institutions, and is responsible for the development of policy in this regard. It renders an anthropological service, and provides advice and support to traditional leaders 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. It is also responsible for developing and implementing a regulatory framework for the protection of the rights of cultural, religious and linguistic communities.

The *White Paper on Traditional Leadership and Governance*, released in October 2002, dealt 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 was approved by Cabinet in June 2003, after which the Department embarked on the drafting of the National Framework Legislation on Traditional Leadership and Governance to put the challenges contained in the White Paper into perspective, and to guide and direct the drafting of provincial legislation.

The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), seeks to:

- set out a national framework, norms and standards to define the place and role of traditional leadership within the system of democratic governance

President Thabo Mbeki was born on 18 June 1942 in Idutywa, Queenstown, in the Eastern Cape. He joined the African National Congress (ANC) Youth League at the age of 14 and in 1961 was elected Secretary of the African Students' Association. He was involved in underground activities after the banning of the ANC in 1960, until he left South Africa in 1962. He continued his studies in the United Kingdom (UK) and obtained his Masters of Arts (Economics) at the University of Sussex. While in the UK, he mobilised the international student community against Apartheid and worked at the London office of the ANC for several years. He also underwent military training in what was then the Soviet Union.

From 1973, 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.

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

- transform the institution in line with constitutional imperatives
- restore the integrity and legitimacy of the institution of traditional leadership in line with customary laws and practices
- provide guidelines on the setting up of provincial legislation on traditional leadership and governance.

Provinces have embarked on provincial legislation, which was expected to be finalised in March 2005.

Cabinet, as on 15 October 2004	
Mr Thabo Mbeki	President
Mr Jacob Zuma	Deputy President
Ms Nosiviwe Mapisa-Nqakula	Home Affairs
Ms Naledi Pandor	Education
Dr Nkosazana Dlamini-Zuma	Foreign Affairs
Mr Mosiuoa Lekota	Defence
Mr Trevor Manuel	Finance
Mr Sydney Mufamadi	Provincial and Local Government
Mr Jeff Radebe	Transport
Mr Alec Erwin	Public Enterprises
Ms Stella Sigcau	Public Works
Dr Zola Skweyiya	Social Development
Mr Charles Nqakula	Safety and Security
Dr Lindiwe Sisulu	Housing
Mr Mandisi Mpahlwa	Trade and Industry
Ms Brigitte Mabandla	Justice and Constitutional Development
Mr Marthinus van Schalkwyk	Environmental Affairs and Tourism
Ms Geraldine Fraser-Moleketi	Public Service and Administration
Dr Ivy Matsepe-Casaburri	Communications
Mr Membathisi Mdladlana	Labour
Mr Ngconde Balfour	Correctional Services
Ms Thoko Didiza	Agriculture and Land Affairs
Ms Buyelwa Sonjica	Water Affairs and Forestry
Mr Ronnie Kasrils	Intelligence
Ms Phumzile Mlambo-Ngcuka	Minerals and Energy
Dr Pallo Jordan	Arts and Culture
Mr Mosibudi Mangena	Science and Technology
Dr Manto Tshabalala-Msimang	Health
Dr Essop Pahad	Minister in The Presidency
Rev Makhenkesi Stofile	Sport and Recreation

Houses of Traditional Leaders

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

In terms of the Traditional Leadership and Governance Framework Act, 2003, local Houses of Traditional Leaders will be established in accordance with provincial legislation in district municipalities where traditional leadership exists.

Each provincial House of Traditional Leaders nominates three members to be represented in the National House, which then elects 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.

In 2003/04, the National House of Traditional Leaders contributed to the development of government policy and legislation on traditional leadership and governance, communal land rights, property rates, the National Water Resource Strategy and customary marriages. Contributions were also made at the Southern African Development Community (SADC) Annual Conference on Traditional Leaders and the Conference of African Traditional Leaders, both held in 2003.

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 Premiers are appointed by the President of the country.

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

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

- agriculture
- casinos, racing, gambling and wagering
- cultural affairs
- education at all levels, excluding university and university of technology education
- environment
- health services
- housing
- language policy
- nature conservation
- police services
- provincial public media
- public transport
- regional planning and development
- road-traffic regulation
- tourism
- trade and industrial promotion
- traditional authorities
- urban and rural development
- vehicle licensing
- welfare services.

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

Provinces also have exclusive competency over a number of areas, which include:

- abattoirs
- ambulance services
- liquor licences
- museums other than national museums
- provincial planning
- provincial cultural matters
- provincial recreation and activities
- provincial roads and traffic.

The President's Co-ordinating Council (PCC) is a consultative forum where the President discusses issues of national, provincial and local importance with the Premiers. The forum meets quarterly and addresses issues such as:

- enhancing the role of provincial executives with regard to national policy decisions
- strengthening the capacity of provincial governments to implement government policies and programmes
- integrating the Provincial Growth and Development Strategies (PGDS) within national development plans
- improving co-operation between national and provincial spheres of government to strengthen local government
- improving co-operation on fiscal issues

Deputy Ministers, as on 15 October 2004	
Ms Cheryl Gillwald	Correctional Services
Ms Susan Shabangu	Safety and Security
Mr Aziz Pahad	Foreign Affairs
Ms Sue van der Merwe	Foreign Affairs
Ms Ntombazana Botha	Arts and Culture
Mr Derek Hanekom	Science and Technology
Ms Lulama Xingwana	Minerals and Energy
Mr Enver Surty	Education
Mr Malusi Gigaba	Home Affairs
Mr Ntopile Kganyago	Public Works
Mr Jabu Moleketi	Finance
Adv Dirk du Toit	Agriculture and Land Affairs
Ms Rejoice Mabudafhasi	Environmental Affairs and Tourism
Ms Lindiwe Hendricks	Trade and Industry
Mr Mluleki George	Defence
Mr Johnny de Lange	Justice and Constitutional Development
Ms Nomatyala Hangana	Provincial and Local Government
Ms Nozizwe Madlala-Routledge	Health
Mr Radhakrishna 'Roy' Padayachie	Communications
Dr Jean Benjamin	Social Development
Mr Gert Oosthuizen	Sport and Recreation

Provincial governments, as on 1 September 2004

Eastern Cape

Ms Nosimo Balindlela	Premier
Mr Max Mamase	Agriculture
Mr Mkganeli Matomela	Education
Mr Andre de Wet	Economic Affairs, Environment and Tourism
Mr Billy Nel	Finance
Dr Bevan Goqwana	Health
Mr Gugile Nkwinti	Local Government and Housing
Mr Thobile Mhlahlo	Provincial Safety, Liaison and Transport
Mr Sam Kwelita	Roads and Public Works
Ms Nomsa Jajula	Sport, Recreation, Arts and Culture
Ms Neo Moerane-Mamase	Social Development

KwaZulu-Natal[1)]

Mr Sibusiso Ndebele	Premier
Prof. Lindumusa Nda-bandaba	Agriculture and Environmental Affairs
Ms Inna Cronjé	Education
Mr Narend Singh	Arts, Culture and Tourism
Dr Zweli Mkhize	Finance and Economic Development
Ms Neliswa Nkoyeni	Health
Mr Mike Mabuyakhulu	Housing, Local Government and Traditional Affairs
Inkosi Nyanga Ngubane	Social Services and Population Development
Mr Muzikwenkosi Gwala	Public Works
Mr Bheki Cele	Transport, Safety and Security
Mr Amichand Rajbansi	Sport and Recreation

1) 3 December 2003

Free State

Ms Beatrice Marshoff	Premier
Mr Segobelo Magashule	Agriculture
Ms Mantsheng Tsopo	Education
Dr Benjamin Malakoane	Tourism, Environmental and Economic Affairs
Mr France Morule	Finance
Mr Sakhiwo Belot	Health Services
Mr Itumeleng Kotsoane	Local Government and Housing
Mr Seiso Mohai	Transport, Roads and Public Works
Mr Pule Makgoe	Public Safety, Security and Liaison
Ms Zanele Dlungwana	Social Development
Mr Joel Mafereka	Sport, Arts, Culture, Science and Technology

Limpopo

Mr Sello Moloto	Premier
Dr Aaron Motsoaledi	Agriculture and Environmental Affairs
Dr Joyce Mashamba	Education
Mr Thaba Mufamadi	Finance and Economic Development
Mr Charley Sekoati	Health and Welfare
Ms Machwene Semenya	Local Government and Housing
Mr Collins Chabane	Public Works
Ms Dikeledi Magadzi	Provincial Safety, Security and Liaison
Mr Joseph Maswanganyi	Sport, Recreation, Arts and Culture
Mr Stanley Motimele	Transport

Gauteng

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

Mpumalanga

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

Northern Cape

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

North West

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

Western Cape

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

- 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.

In 2004/05, provincial governments were expected to develop PGDS. The PGDS must be informed by, and aligned with, the Integrated Development Plans (IDPs) of municipalities, as well as the National Spatial Development Perspective. This will lead to more prudent resource allocation by all spheres of government in addressing the challenge of economic growth and development.

Local government

Local government has come a long way from the period when there were over 1 200 racially segregated municipalities. From more than 800 municipalities after 1996, there are currently 284 municipalities that are focused on growing local economies and extending the provision of services to areas that were previously neglected.

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.

In February 2004, the Minister of Finance, Mr Trevor Manuel, announced an allocation of R47,3 billion to local government for the next three years.

The 2004/05 Budget anticipated that transfers to local government would rise to R14,2 billion in 2004/05; R15,9 billion in 2005/06; and R17,1 billion in 2006/07, representing 4,6% of national spending by 2006/07, up from 3,6% in 2002/03.

Allocations for local government infrastructure transfers rose from R4,1 billion in 2003/04 to R6 billion in 2006/07. This represents an overall increase of 46,3% over the next three years.

Municipal debt has increased in the last five years. The Department is consolidating an intervention strategy that will help municipalities recoup the

money owed to them, estimated to be around R26 billion. The issue of municipal debt is receiving ongoing attention from the Department and has resulted in the establishment of the Municipal Revenue Enhancement Programme, which was initiated in May 2002 and endorsed by the Cabinet in July 2003.

The Minister of Provincial and Local Government, Mr Sydney Mufamadi, commissioned an investigation into the issue of municipal services debt and the role that could be played by national government. The recommendations of the investigation were implemented and are bearing fruit – by March 2004, more than R1,4 billion had been collected from government departments who owed municipalities for services.

By March 2004, the majority of the country's 284 municipalities were providing free basic water and electricity, 90% in the case of water and just more than 50% in the case of electricity.

The Department of Provincial and Local Government worked closely with the Department of Water Affairs and Forestry to ensure the finalisation of the framework for the roll-out of free basic sanitation by December 2004.

South African Local Government Association (SALGA)

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

SALGA aims to:

- continuously improve its ability to deliver high-quality services to its members
- increase the impact and influence of organised local government
- increase the skills base within the local government sector and thus the country at large
- increase knowledge-sharing and improve the communication capacity as well as vertical and horizontal connectivity of municipalities
- leverage the collective buying power of municipalities to benefit the local government sector
- ensure that South Africa's local government plays a critical role in furthering Africa's development at regional and international level.

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.

SALGA is expected to spend R15,6 billion in infrastructure development over a period of three years.

Municipalities

The Constitution provides for three categories of municipalities.

As directed by the Constitution, the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), contains criteria for determining when an area must have a Category A municipality (metropolitan municipalities) and when municipalities fall into categories B (local municipalities) or C (district 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, the East Rand and Port Elizabeth be declared metropolitan areas.

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

The Department of Provincial and Local Government assisted with the establishment of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities in 2003.

The Commission aims to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities.

The Commission will concentrate on:

- public education and information
- investigations and assisting with dispute resolution
- policy research
- facilitating the establishment of community councils.

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.

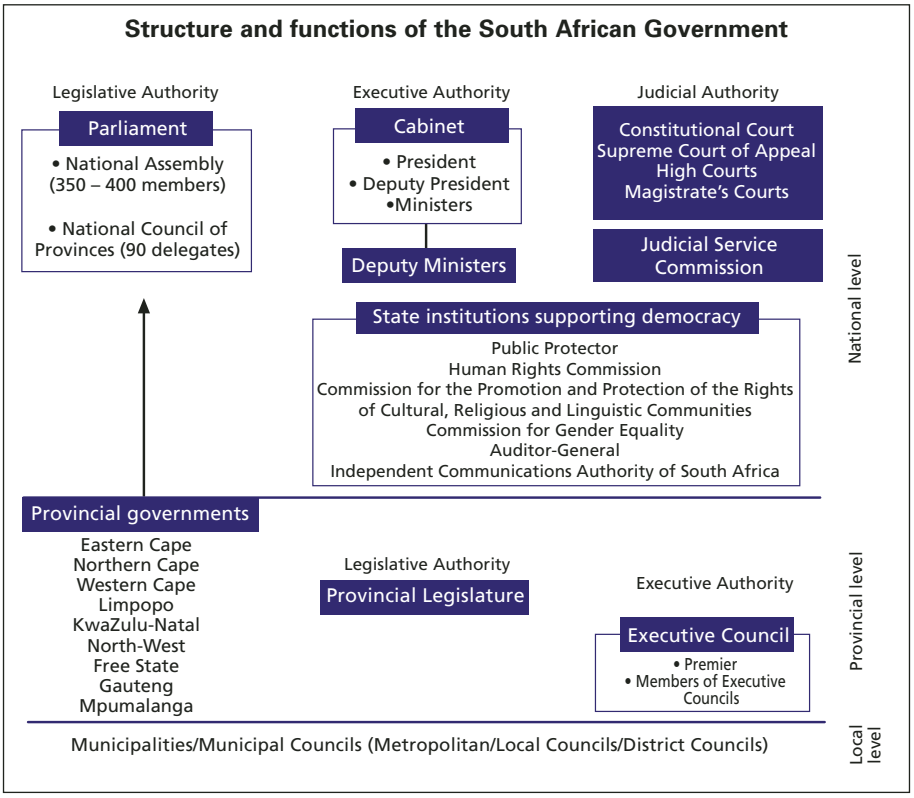
Legislation

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 to 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



Source: *www.gov.za*

framework necessary for the new system of local government, two key pieces of legislation were introduced.

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

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

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 Programme (URP). The URP also 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 partnering with government to support these programmes.

By June 2004, through the ISRDP, government was concentrating its efforts on 177 anchor projects in rural nodes. These projects span all critical sectors from social development to infrastructure investment and local economic development. The actual investment by national departments in the rural nodes was R5,9 billion. By mid-2004, more than half of all the anchor projects in the rural nodes had been completed.

Through the URP, the eight urban nodes focused on 98 anchor projects. The bulk of these projects span the infrastructure, economic development and social development sectors. Just over a third of these projects were completed by June 2004. The investment by national government departments in urban nodes amounted to R4,2 billion.

The programmes are the centre of government's efforts to tackle poverty and address the challenges of the Second Economy.

In this regard, the identification and registration of the indigent in the 21 nodes were a priority in 2004. It will assist with better targeting in the roll-out of free basic services in the nodes and will also facilitate the implementation of the Expanded Public Works Programme (EPWP). Skills development will also receive particular attention in the nodes. This will be implemented through the EPWP, the Municipal Infrastructure Grant and complementary initiatives of the Department of Labour.

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

Municipal Infrastructure Grant (MIG)

The R15,6-billion MIG was launched in August 2004. It places municipalities at the centre of local economic development (LED) and the delivery of municipal infrastructure, and will drastically fast-track the improvement of service delivery at local government level.

The provision of services such as water, sanitation, roads, and electricity will be undertaken within the guidelines of the Extended Public Works Programme (EPWP).

The MIG seeks to establish a single consolidated funding mechanism to support municipal infrastructure, and replaces all existing municipal capital grants such as the Consolidated Municipal Infrastructure Programme, the LED Fund, Water Services Project, Municipal Sports and Recreation Programme, National Electrification Programme to local government, and the Urban Transport Fund.

A total of R4,4 billion was allocated to municipalities in 2004/05 for basic services and infrastructure investment, increasing to R5,2 billion in 2005/06 and 2006/07.

An amount of R21,8 million has been allocated to the Municipal Infrastructure Investment Unit, which was set up in 1998. The Unit assists municipalities in finding innovative solutions to infrastructure investment and management.

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 the 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.

By September 2004, 234 municipalities had completed the 2004/05 IDP Review Process.

The Department supported the establishment of 44 Planning and Implementation Management Support (PIMS) centres at district municipality level. By mid-2004, these were fully operational, and three more were in the final stages. The Department will continue to support the PIMS centres so that assistance can be given to municipalities with the development of strategies for integrated development planning and implementation. The PIMS centres are providing the ideal conduit for sharing best practice with all municipalities within a district, and are supplementing the efforts of the Knowledge Sharing Facility Project to provide knowledge-sharing facilities in the local government sector.

It was envisaged that by the end of 2004, the Department of Provincial and Local Government would have established a national early warning system for disaster management, and with the support of the provinces would have ensured that all municipalities have disaster-management plans as an integral part of their IDPs.

Training

A priority for 2004/05 was the establishment of a coherent and systematic institutionalised capacity-building and training programme for local government's leadership. It was envisaged that the Department would launch the Local Government Leadership Academy in partnership with a number of academic institutions early in 2005.

The Academy will serve as a base from which the Department will systematically sponsor local government's capacity for innovation as required by South Africa's governance system. The Department hopes to have trained at least 5 000 local government practitioners by March 2006.

Government and communication

The vision of Government Communications (GCIS) is to help meet the communication and information needs of government and the people to ensure a better life for all.

It consists of the following chief directorates:

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

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

The GCIS is central in developing communication strategies and programmes for each of government's transversal campaigns. It also assists departments with specific campaigns and events,

as well as developing departmental communication structures.

The GCIS is responsible for maintaining the Government's website (*www.gov.za*).

The 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.

On 29 October 2004, the Atteridgeville MPCC became the 60th operational MPCC out of 60 planned for the first phase of this programme to bring government closer to where people live. The plan is to have at least one MPCC in every one of the 284 municipalities within 10 years.

The 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 charged with changing the perceptions of the country and developing 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.

In March 2004, the International Marketing Council launched a television advertising campaign, as part of the country's 10 Years of Freedom celebrations. It encouraged South Africans to become 'part of the rhythm of our nation' – literally, by drumming to the same beat. The star of the advertisement was 10-year-old Tlotlego Tsagae, born on 27 April 1994.

The IMC's mission involves 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. This task has been completed and the slogan and essence of all communication is *South Africa – Alive With Possibility*.
- Establishment of an integrated approach in government and the private sector in terms of the international marketing of South Africa.
- Building of national support for the brand within South Africa itself.

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
- *www.southafrica.info* is the official national gateway to the country for national and international Internet users, reaching nearly a million users per month, and containing over 25 000 pages of information which is updated daily
- 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
- in 2004, the IMC launched its international roll-out with advertising in the United Kingdom in influential magazines and on London taxis
- the IMC has created a booklet with facts and figures about South Africa, *The South African Story*, which is available at IMC offices
- a Brand Ambassador programme is taken into corporations and encourages individual participation in marketing the country
- two country managers in Washington and London lobby the media, maintain supportive relationships with South African and local corporates, and co-ordinate all activities that provide marketing opportunities for South Africa.

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

Co-operative governance

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

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

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

The Intergovernmental Relations Framework Bill aims to provide focus, clarity and certainty regarding core aspects of intergovernmental relations at the executive level of government.

The Bill was expected to be introduced into Parliament in 2004/05.

Elections

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

On 1 March 2004, political parties contesting the 2004 election signed the Electoral Code of Conduct in preparation for the national and provincial election held on 14 April 2004.

A total of 35 political parties submitted candidates' lists:

- 11 parties contested the election nationally and provincially
- three parties contested the election nationally
- seven parties contested the election nationally and in one or more provinces
- 14 parties contested the election in one or more provinces only.

There were a total of 16 966 voting stations and 337 mobile voting stations.

After the CC ruling on 3 March 2004, instructing the IEC to register all qualifying prisoners as voters for the 2004 election, the Commission registered 27 170 prisoners. IEC staff in co-operation with the Department of Correctional Services visited 235 prisons countrywide from 10 to 12 March to register persons in prisons.

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

The Democratic Alliance followed with 50 parliamentary seats, the Inkatha Freedom Party was third with 28 seats, the United Democratic Movement won nine seats, while the New National Party and the Independent Democrats got seven seats each. The African Christian Democratic Party got six seats, the Freedom Front Plus four, and the Pan Africanist

When South Africans rushed to the polls on 14 April 2004, there were some 216 000 electoral staff members to assist them at some 16 966 polls countrywide.

During the election, the Independent Electoral Commission used 94 500 ballot boxes, 430 tons of paper for the ballots, and 40 300 ballot paper templates for blind voters.

A total of 90 local observers were deployed at the various voting stations, while 200 international observers also visited the voting stations.

Congress and the United Christian Democratic Party three each. The Minority Front and Azanian People's Organisation won two seats each.

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

Disaster management

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

Since April 2003, the Disaster Management Centre under the departments of Provincial and Local Government and of Agriculture have issued a number of early warning systems to notify all those affected about expected weather patterns.

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

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

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

The Public Service

In line with the constitutional and legal mandate of the Department of Public Service and Administration, the vision and mission statement is consistent with the overall aim of leading the modernisation of the Public Service by assisting government departments in implementing their own management policies, systems and structural solutions, within a generally applicable framework of norms and standards to improve service delivery.

The Human Resource Development (HRD) Strategy for the Public Service, 2002 – 2006 was launched in May 2002. The HRD Strategy seeks to improve the competency levels of public servants so that they are better able to serve the public. The focus is on:

- rolling out the HRD Strategy through internships, learnerships and skills programmes to address skills shortages
- building skills to support public-service delivery and transformation in the Public Service.

Cabinet has approved proposals to institutionalise and strengthen internships and learnerships in the Public Service as vehicles to fight unemployment and develop skills targeting the youth. The National Skills Fund made R106 million available to the Public Service Sector Education and Training Authority.

Size of the Public Service

On 31 December 2003, the Public Service had 1 037 655 people in its employ, of whom 62,2% were attached to the social services sector (health, social development and education), followed by 18% in the Criminal Justice Cluster, and 7,2% 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.

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, to 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 and Administration and 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 about R15 billion towards these entities.

By August 2004, the review of public entities had progressed well. The review seeks to provide the tools for departments to assess the performance and relevance of the public entities that report to them, and to develop a legislative framework for public entities to ensure uniformly high standards of corporate governance. Final reports on the classification of public entities, corporate forms, HR and performance-management frameworks, and corporate governance have been prepared.

Community Development Workers (CDWs)

As part of government's efforts to bring information and services closer to the people, the CDW Programme was launched. CDWs are public-service employees specifically tasked with assisting and enabling social development.

The first enrolments took place in February and March 2004. Some 495 CDW learners were enrolled in five provinces (Eastern Cape, North West, Northern Cape, Gauteng and Limpopo) and deployed to 138 municipalities.

By August 2004, R52 million had been obtained to fund 2 087 learnerships. A total of 200 municipalities had been identified for the deployment of learner CDWs.

The *CDW Handbook* was developed and distributed to ensure a common understanding of the Programme.

Strengthening institutional performance

Integrated Provincial Support Programme (IPSP)

The IPSP is a partnership between the Department of Public Service and Administration and the provincial governments of the Eastern Cape, Kwazulu-Natal, Limpopo, Free State and Mpumalanga.

Financial support for IPSP projects is provided by a variety of international donors and the South African Government. It is a key capacity-building programme based on an inter- and intra-government funds approach. 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.

The SAPS Limpopo Mobile Service Vehicle Project won a United Nations (UN) Public Service Award in June 2004.

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 the *Service-Delivery Review Journal* in which experiences about service-delivery improvement efforts are shared.

Service-delivery improvement

A strategy has been formulated to revitalise *Batho Pele* (People First) in government, identifying new

Since July 2004, the Government's Programme of Action arising from the May 2004 Cabinet *Lekgotla* and the President's State of the Nation Address on 21 May 2004 has been available on the Government's website (*www.gov.za*). The information is updated regularly so that the public can keep abreast of the process of implementation.

goals and targets in transforming the culture and ethos of the Public Service, thereby improving service delivery.

The *Batho Pele* Campaign encourages a positive attitude in the Public Service. It is based on the findings of a review of the implementation of the *Batho Pele* principles in government.

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

The following will be implemented as part of the Campaign:

- public servants who deal directly with the public will be identified by name tags
- the *Know your Services* Campaign will inform the public on how to seek redress for poor service
- management systems will be set up to monitor the rate of service delivery by public servants and to identify the frequency and types of complaints and queries received
- the Department of Public Service and Administration will review its HR management systems in light of *Batho Pele*
- Ministers and Public Service Commissioners will pay unannounced visits to service-delivery centres
- senior managers will be required to spend time in these centres, to assist with service delivery and to learn first-hand of both the challenges and the successes at the grass-roots level of service delivery
- *Batho Pele* will be infused into the training programme for public servants.

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 service conditions for Senior Management Service (SMS) members. Agreement was reached to determine the service conditions 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 a special focus on medical aid, housing, leave and pension arrangements, to ensure efficiency, adequacy, equity and administrative justice. Task teams comprising parties to the Public Service Co-ordinating 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, among other things, an improved benefit structure, a new employer-contribution arrangement, new arrangements to expedite the appointment of the Board of Trustees, and 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. The Incentive Policy Framework, incorporating pay and grade progression and performance incentives was introduced, effective from 1 April 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 and AIDS on service delivery.

Fighting corruption

The Public Service Anti-Corruption Strategy is the blueprint for anti-corruption work in the public sector.

The second National Anti-Corruption Summit took place in November 2004. A multisectoral task team led by the Public Service Commission (PSC) organised the Summit.

The Summit aimed to strengthen intersectoral co-operation and assess its progress in terms of addressing corruption measured against global standards.

In February 2004, the Prevention and Combating of Corrupt Activities Bill was passed.

The Bill, which will replace the Corruption Act of 1992 (Act 94 of 1992), is informed by government's strategy to combat corruption at all levels of South African society.

The Bill makes provision for witness protection and compels people in positions of authority – particularly senior managers in government, parastatals and the private sector – to report corrupt activities.

Failure to blow the whistle on corruption will carry a maximum penalty of 10 years' imprisonment.

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 underway 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.

HIV and AIDS

Following an assessment of the likely impact of HIV and 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 and 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 and 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.

Minimum standards for the management of HIV and AIDS in the workplace have been promulgated. Focused programmes will be launched to promote

the health and well-being of not only public servants, but also their families. The main thrust in this regard will be aimed at the prevention of HIV and AIDS.

Significant focus will also be placed on other health and wellness-related issues. The implementation of a communication strategy, which is aimed at creating a high level of responsiveness to the prevention and management of HIV and AIDS in the Public Service, will be a major focus for the next three years. The strategy will, among other things, provide for the recognition of innovation and good practice in addressing HIV and AIDS in the Public Service.

Assistance by the Department will be strengthened through:

- guidelines/advice on succession planning and other aspects related to HR planning
- access to related information sources
- advice rendered by experts.

The policy and strategy of *Batho Pele* continue to underpin the support provided to other departments by the Department of Public Service and Administration.

Public-service information

The National Minimum Information Requirements identify the information required at a strategic level, which departments must ensure is kept accurate and up to date. National Treasury, in conjunction with the Department, developed a diagnostic toolkit to assess departments' 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 to publish, as part of their annual reports, a statistical report with regard to their 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 to 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 working group to investigate and make recommendations on the use of open-source software in government. Another working group looked at knowledge management in government.

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 with 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 improved 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 underway to develop an e-Government Act to facilitate the implementation of the *Gateway* project. A study done by the *Gateway* legal advisers identified the need for legislative intervention to facilitate this process.

The e-Government Act was expected to be completed in 2004.

The *Batho Pele Gateway* was launched at nine MPCCs countrywide on 3 August 2004.

These were the Mbazwana, Sterkspruit, Mapela, Lerethlabetse, Atlantis, Mpuluzi, Tombo, Namahadi and Galeshewe MPCCs.

The MPCCs form part of the access strategy for the *Gateway*, and have *Gateway* connectivity.

Several post offices are also connected. In this way, information on a range of government services may be found in one location.

The *Gateway* is a portal which contains information on government services. It can be accessed at *www.gov.za*.

A *Gateway* call centre (dial 1020), is also operational in six of the 11 official languages.

The next phase of the *Gateway* project involves making service transactions available online.

Centre for Public Service Innovation (CPSI)

The CPSI is a Section 21 company established by the Minister of Public Service and Administration to identify, support and nurture innovation in public services.

In March 2004, the Department of Public Service and Administration, the CPSI and the State Information Technology Agency (SITA) launched a report entitled *From Red Tape to Smart Tape: Easing the Administrative Burden of Public Service Delivery*.

The purpose of the report is to provide an empirical basis for discussion on the matter and therefore aims at seeking solutions.

It reviews trends in red-tape reform globally and provides a framework for considering these trends within the South African service-delivery context. It also documents a number of international, but more pertinently, local case studies, which demonstrate that efficiency challenges in service delivery are already being addressed.

State Information Technology Agency

SITA came into operation on 4 April 1999 as a result of the SITA Act, 1998 (Act 88 of 1998).

It was established to consolidate and co-ordinate the State's IT and information management interests. SITA is managed as a private company, with government as the sole shareholder.

The primary reasons for the creation of SITA were the difficulties government experienced with regard to:

- recruiting, developing and retaining skilled IT personnel
- managing IT procurement and ensuring that government gets value for money
- using IT to support transformation and service delivery
- effectively utilising expensive IT resources
- integrating IT initiatives.

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.

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 UN 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.

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

The programme focuses on institutional capacity, research and data availability, innovation, and training in public services across all African countries. It has been adopted as a programme of the African Union. Some of the practical work that has already taken place under the auspices of the programme includes:

- a seminar on public-sector performance management
- initiation of a programme on leadership capacity development
- a programme of action on e-government
- collation of data on the size and shape of the African public sector
- establishment of a supportive Network of African Management Development Institutes (MDIs).

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

Governance and Administration (G&A) Cluster

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

The Cluster system has fostered greater stability, certainty and predictability in the determination and implementation of key priorities in the country.

The comprehensive G&A Cluster programme of improving performance of the State focuses on four broad outcomes:

- streamlining systems and processes of the machinery of State to enable better alignment of resources and capability with national priorities
- integrating service-delivery mechanisms and capacity to provide citizen-centred, responsive service-delivery machinery
- directly combating poor performance, corruption and institutional inefficiency
- contributing to governance improvements and capacity-building beyond South Africa, within the context of NEPAD.

Public Service Commission

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 HR 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 the following 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 imple-

mentation 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 anti-corruption capabilities in national and provincial departments in conjunction with the Department of Public Service and Administration.
- Anti-corruption training.
- Providing secretariat services to the National Anti-Corruption Forum (NACF). The NACF consists 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.
- Developing 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.

To improve the efficiency of reporting on corruption and the protection of whistle-blowers, an Integrated Corruption Management Information System was developed in 2004.

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) involved in corrupt activities, or refer the matter for criminal prosecution. Recommendations may advise departments on the recovery of financial losses suffered or State assets lost. The component may also refer matters for further investigation by another appropriate agency, or engage in cross-sectoral investigations with other agencies.

Management and Service-Delivery Improvement

The fundamental objective of this unit is to monitor and evaluate management practices and service delivery in the Public Service. It also gives advice on the improvement of service processes of departments. In addition, it researches and develops innovative methods to enhance management practices and improve service delivery. Based on research and analysis, the Commission produces the *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, with corresponding indicators for each value. Early indications are that departments are not performing uniformly and certain key challenges remain.

Another research practice is that of evaluating specific departmental programmes, especially those involving development and oriented towards the

promotion of good practice. In this regard, an evaluation of the success of community-based policing initiatives is underway, together with good-practice guides on various sectors of public administration, namely, the management of police stations, school districts and hospitals.

Other projects undertaken to enhance citizen engagement and service delivery include the following:

- A Citizens' Fora report on the pilot undertaken in primary healthcare in Mpumalanga, and in poverty-alleviation programmes in the Eastern Cape. The report includes a toolkit that serves as a guide on the full-scale roll-out of fora across the nine provinces.
- A Citizen Satisfaction Survey undertaken across departments in the Criminal Justice Cluster (Correctional Services, Justice and Constitutional Development, and the SAPS).

Another activity of this unit in the promotion of effectiveness and efficiency is to audit compliance, on the part of departments, with the guidelines on the transformation of service delivery.

Labour Relations

This unit investigates, monitors and evaluates the application of merit and equity principles and sound HR 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 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 the interdepartmental mobility of senior managers and professionals
- uniform performance management and development systems supported by a competency framework.

The SMS Development Programme is at an advanced stage. The Competency Framework has been converted into the proficiency levels 'competent' and 'advanced'.

An SMS member has to be at either of these levels. If not, development programmes are available to assist with the development of these competencies. The implementation of the Framework will allow the Public Service to plan, recruit, assess and develop its SMS cadre.

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.

The composition of the boards of State-Owned Enterprises 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

The South African Management Development Institute (SAMDI) has, over the past three years, delivered training to more than 50 000 public-sector officials. This is translated into 250 000 person training days (PTDs). The training was provided in the areas of Management and Leadership Development, Change Management and Service-Delivery Improvement, HR Management, and Provisioning Administration (now Supply-Chain Management).

Of the 44 477 PTDs during 2003/04, 9 661 were delivered as a result of the Flemish Government's funding for the Integrated Management Development Programme (IMDP) in KwaZulu-Natal and Limpopo. The IMDP includes the Emerging Management Development Programme, the Advanced Management Development Programme and the flagship Presidential Strategic Leadership Development Programme. In total, SAMDI delivered 79,6% of overall training in provincial administrations.

Given the centrality of training and development in building a developmental State, as well as the compelling need to support the NEPAD processes in the region and the whole continent, SAMDI, together with other participating African MDIs began the process of establishing a network of African MDIs, which culminated in a conference in December 2003. The main launch of the African Management Development Institute Network was scheduled for December 2004.

SAMDI continuously engages its international counterparts in its capacity-building programmes to offer world-class interventions that encompass the latest and best practices. Such engagements included a Joint Collaboration Agreement with the Malaysian Institute for Public Administration and an arrangement with the Canadian Centre for Management Development.

Internally, SAMDI has developed and adopted a new model of training and development. It has enhanced its curriculum development and quality-assurance mechanisms, which are intended to ensure high quality and relevant training for client departments.

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 DRC and the Kingdom of Lesotho.

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

Civic services

The responsibilities of the Chief Directorate: Civic Services comprise mainly population registration

and civic services. Population registration entails the recording of personal particulars in the Population Register with a view to the issuing of Identity Documents (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.

Between April 2003 and March 2004, more than 3,4 million IDs were dispatched.

Citizenship matters

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

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

Population Register

The current Population Register as hosted by the Department of Home Affairs stores and provides citizenry identification information, including unique identification numbers, addresses, birth dates and marriage status. Information resident on this system can be used for various requirements, including identity validation as needed by various institutes. In essence, this system forms the core of citizenry information systems within the Department of Home Affairs.

With the evolving technology, modern government structures and the need for more secure systems, the Department has embarked on a programme to re-engineer the Population Register in a bid to align its function with the current Government dispensation and future needs of both the government and third-party institutes. This redesign project is closely aligned with the implementation of the Home Affairs National Identification System approved by government in January 1996.

The focus and scope of this project is on providing a more scalable, adaptable, efficient, secured and interoperable database with features that will allow integration with the automated biometric fingerprint system, information sourcing from the electronic document management system, an electronic web-based query system, and interrogation from the different devices provided by the Integrated Client Services Console units. As the core component of Home Affairs' electronic systems, it is imperative that the redesigned database also provides for online services, thereby removing current limitations on access to information and thus public services.

Immigration

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

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

About 150 000 illegal foreigners are removed every year.

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

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 2003, the Department received 24 413 asylum applications.

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

- The Immigration Act, 2002 (Act 13 of 2002), provides for a stricter immigration policy. The implementation of administrative fines and other measures came into effect in 2003.
- The Department is working closely with the South African Revenue Service and the SAPS to ensure effective border control.
- 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.

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 at the ports of entry.

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

Control of travellers

The travel documents of persons entering or departing 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 immigration on a selective basis. The Department of Home Affairs is responsible for:

- Processing applications for immigration permits for consideration.
- Admitting persons suitable for immigration, such as skilled workers in occupations in which there is a shortage in South Africa. The Department particularly encourages applications by industrialists and other entrepreneurs who wish to relocate their existing concerns or establish new concerns in South Africa.

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

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

The Department considers the applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. In terms of 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 Subdirectorate: Permanent Residence) in Pretoria.

Temporary residence

In terms of the Immigration Act, 2002, temporary

residence permits are divided into the following categories:

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

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

Foreigners who are citizens of countries that are exempted from visa requirements for less than 90 days may likewise obtain a visitor's permit at a port of entry. For the period, such foreigner enjoys an exemption only. Any foreigner who requires a visa prior to proceeding to South Africa or who intends to enter South Africa for any period longer than the period that he/she is exempt from the visa requirement, must apply for and obtain a visa prior to proceeding to the Republic.

Foreigners who intend to accept an offer of employment, start a business, take up studies or enter the Republic for any purpose for which a temporary residence permit has been provided for in the Act, must apply for an appropriate temporary residence permit via the South African diplomatic representative in his/her country of origin/residence. Where there is no representative in the mentioned countries, the application must be submitted at the foreign representative in the nearest country.

The outcome must be awaited outside the country and an applicant may only proceed to South Africa once the permit as applied for, has been issued to the applicant.

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

Applications for the extensions of temporary residence permits must be submitted to the nearest regional/district office of the Department of Home Affairs where the applicant is employed at least 30 days 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 of Home Affairs in South Africa, South African diplomatic representatives abroad, or the Director-General of Home Affairs, for the attention of the Subdirectorate: Temporary Residence.

Removal of undesirable persons

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

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

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