





# Government system

## The Constitution

The Constitutional Court (CC) approved the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), 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 Constitution's Preamble states that the Constitution aims to:

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

### Founding provisions

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

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

### Fundamental rights

The fundamental rights contained in Chapter Two of the Constitution seek to protect the rights and freedom of individuals. The 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 was done to make the institution more accountable, as well as to motivate and facilitate public participation in the legislative process. One of these steps was the creation of a website ([www.parliament.gov.za](http://www.parliament.gov.za)), which encourages comment and feedback from the public.

### National Assembly

The National Assembly consists of no fewer than 350 and no more than 400 members elected through a system of proportional representation. The National Assembly, which is elected for a term of five years, is presided over by 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 has a website, *NCOP Online!* ([www.parliament.gov.za/ncop](http://www.parliament.gov.za/ncop)), which links Parliament to the provincial legislatures and local government associations. *NCOP Online!* provides information on draft legislation and allows the public to make electronic submissions.

### Law-making

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

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

### The President

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

### The Deputy President

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

### Cabinet

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



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

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

### Deputy ministers

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

## Traditional leadership

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

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

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.
- Transform the institutions in line with constitutional imperatives.
- Restore the integrity and legitimacy of traditional leadership in line with customary laws and practices.
- Provide guidelines to provincial legislation on traditional leadership and governance. (By mid-2005, provinces were finalising various Bills in this regard).

In October 2004, President Thabo Mbeki appointed the Commission on Traditional Leadership Disputes and Claims in terms of Section 23 of the Traditional Leadership and Governance Framework Act, 2003.

It will investigate and report on all traditional leadership disputes and claims dating from 1 September 1927. The commission will not make any recommendations to the executive. Its decisions will be final and binding.

In terms of Section 25(2) of the Traditional Leadership and Governance Framework Act, 2003, the commission is mandated to hear cases where there is doubt whether a traditional leadership position was established in accordance with customary



President Thabo Mbeki was born on 18 June 1942 in Idutywa, Queenstown, in the Eastern Cape. He joined the African National Congress (ANC) Youth League at the age of 14 and in 1961 was elected secretary of the African Students' Association.

He was involved in underground activities after the banning of the ANC in 1960, until he left South Africa in 1962. He continued his studies in the United Kingdom (UK) and obtained a Master of Arts (Economics) at the University of Sussex. While in the UK, he mobilised the international student community against apartheid and worked at the London office of the ANC for several years. He also underwent military training in what was then the Soviet Union.

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

law; cases where the title of an incumbent traditional leader is challenged; claims by communities to be recognised as traditional communities; cases questioning whether any establishment of 'tribes' was legitimate; disputes around traditional authority boundaries and the resultant division or merging of 'tribes'; and any other relevant matters.

Cabinet, as on 1 October 2005	
Mr Thabo Mbeki	President
Ms Phumzile Mlambo-Ngcuka	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 Services
Ms Lindiwe Hendricks	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

The commission will visit all existing royal houses to hold public hearings and meet with royal family members, as well as any other members of communities with an interest in royal affairs.

### Houses of traditional leaders

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

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.

Over the 2005 Medium Term Expenditure Framework period, the National House of Traditional Leaders was allocated R24,7 million while the Commission on Traditional Leadership Disputes and Claims received R13 million.

### 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 concurrent with the national sphere, over:

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

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

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

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

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

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

#### Deputy ministers, as on 1 October 2005

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
Mr Rob Davies	Trade and Industry
Ms Elizabeth Thabethe	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

# SOUTH AFRICA YEARBOOK 2005/06

## Provincial governments, as on 15 September 2005

### Eastern Cape

Ms Nosimo Balindlela	Premier
Mr Gugile Nkwinti	Agriculture
Mr Mkhangeleni Matomela	Education
Mr Andre de Wet	Economic Affairs, Environment and Tourism
Mr Billy Nel	Finance
Dr Bevan Goqwana	Health
Mr Sam Kwelita	Housing, Local Government and Traditional Affairs
Mr Thobile Mhlahlo	Safety, Liaison and Transport
Mr Christian Martin	Roads and Public Works
Ms Nomsa Jajula	Sport, Recreation, Arts and Culture
Ms Tkoko Xasa	Social Development

### KwaZulu-Natal

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

### Free State

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

### Limpopo

Mr Sello Moloto	Premier
Dr Aaron Motsoaledi	Education
Dr Joyce Mashamba	Provincial Treasury
Mr Thaba Mufamadi	Agriculture
Mr Charley Sekoati	Health and Social Development
Ms Maite Nkoana-Mashabane	Local Government and Housing
Mr Collins Chabane	Development, Environment and Tourism
Ms Dikeledi Magadzi	Agriculture
Mr Joseph Maswanganyi	Sport, Arts and Culture
Mr Stanley Motimele	Roads and Transport
Ms Machwene Semenya	Safety, Security and Liaison

### 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	Sport, Arts, Culture and Recreation
Mr Bob Mabaso	Social Development
Mr Ignatius Jacobs	Public Transport, Roads and Works

### Mpumalanga

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

**Northern Cape**

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

**North West**

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

**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 and Tourism
Mr Pierre Uys	Health
Mr Richard Dyantyi	Local Government and Housing
Mr Marius Fransman	Transport and Public Works
Ms Kholeka Mqulwana	Social Services and Poverty Alleviation
Mr Whitey Jacobs	Cultural Affairs and Sport

**Local government**

There are 284 municipalities focused on growing local economies and extending the provision of services to previously neglected areas.

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.

By July 2005, 67% of the population had access to free basic water, while 64% of South Africa's 284 municipalities were providing free basic electricity to 49% of the population.

**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 as a whole
- 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



Two South African traditional leaders visited Zambia in May 2005 to promote the idea of a continental house of traditional leaders (COHTLA). The ultimate goal is to unite all African indigenous/traditional leaders under the COHTLA banner to enable them to speak with one voice and to contribute towards governance and conflict resolution to the benefit of the entire continent.



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.

### 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 category 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.

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

In metropolitan areas, there is a choice of two types of executive 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.

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

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

By February 2005, more than 80% of ward committees had been set up.

The two-day National Conference on Public Participation and Strengthening of Ward Committees was held in March 2005. This resulted in draft resolutions and guidelines on the operations and functioning of ward committees and public participation in local government.

### Integrated development plans

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



The Presidential Municipal Imbizo Programme was initiated in 2005 to align Project Consolidate and government's imbizo programmes. In May 2005, the first Presidential Municipal Imbizo was held in the Bojanala District Municipality in North West. Several others followed.

The National Imbizo Focus Week, held in October 2005, focused on the implementation of Project Consolidate. Attention was paid to practical work in assisting the 136 municipalities identified, as well as others that may be prioritised by provinces, to improve their capacity and to implement projects aimed at reducing poverty and improving services to the people.

Members of the executive from all spheres of government interacted directly with the public and communities regarding programmes that require partnership of local, provincial and national government with communities.

reviewed annually in consultation with communities and stakeholders.

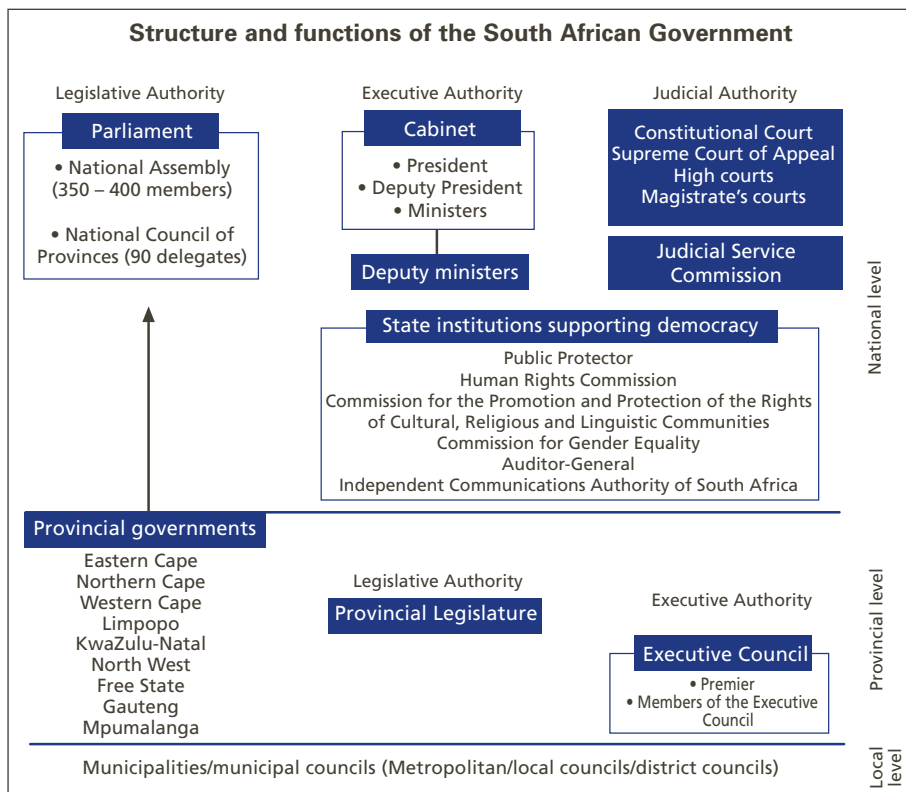
The aim is to achieve service delivery and development goals for municipal areas in an effective and sustainable way. National and provincial-sector departments, development agencies, private-sector bodies, non-governmental organisations and communities all have a key role to play in the preparation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

The Department of Provincial and Local Government provides support to each of these role-players, specifically municipalities, through guidelines, training programmes, hands-on support, funding and capacity-building programmes.

The department also advises role-players on how to co-ordinate and improve development planning, and provide platforms for knowledge sharing. It is

also 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. The centre will provide an information co-ordination service to strengthen intergovernmental planning.

The IDP review is an annual process required by the Local Government: Municipal Systems Act, 2000. Teams from the Department of Provincial and Local Government will focus on each district and metropolitan municipality which, in turn, will support municipalities with technical engagement to develop credible IDPs that engage key areas of national priority relating to basic service provision, development and work creation.



Source: [www.gov.za](http://www.gov.za)

By June 2005, the IDP review hearings had been held in nine provinces and the metropolitan councils.

Planning and Implementation Management Support (PIMS) had been established in all 47 district municipalities. The department will continue to support the PIMS centres so that municipalities can be assisted with the development of strategies for integrated development planning and implementation. The PIMS centres provide the ideal conduit for sharing best practice with all municipalities within a district, and are supplementing the efforts of the Knowledge Sharing Facility Project.

### Training

The South African Management Development Institute (SAMDI) has been working with the Department of Provincial and Local Government in establishing the Local Government Learning Academy, which will focus on training councillors and senior officials at local level.

### Legislation

The Local Government: Municipal Systems Act, 2000 established a framework for planning, performance-management systems, effective use of resources and organisational change in a business context.



The Benoni Declaration was adopted in June 2005 by over 200 municipal mayors, councillors and senior officials. The declaration and its plan of action address gender equality in local government.

The declaration committed local government to:

- continue with skills-development training for women councillors and officials
- voter education and local-governance training for women candidates in local government elections
- monitor gender mainstreaming
- improve and accelerate engendered service delivery and economic development towards eradicating poverty and reducing unemployment, especially among women
- develop and implement strategies to respond to the challenges of communicable diseases, such as HIV, AIDS and tuberculosis.

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

It also regulates public-private partnerships. The Act 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 for municipalities that will provide for the termination of services in the event of non-payment. Municipalities will have the power to pass bylaws to implement the policy.

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

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

The Local Government Municipal Property Rates Act, 2004 (Act 6 of 2004), regulates the power of a municipality to impose rates on property; excludes certain properties from rating in the national interest; 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 MIG is a conditional grant aimed at supporting municipal capital budgets to fund municipal infrastructure and to upgrade existing infrastructure, primarily benefiting poor households. It gives effect to earlier Cabinet decisions and policy on the establishment of a single consolidated funding mechanism to support municipal infrastructure.

The MIG started to merge with the following funding programmes in a phased manner in 2004/05:

- the Consolidated Municipal Infrastructure Programme

- the Water Service Capital Fund
- the Community-Based Public Works Programme
- the Local Economic Development Fund
- the Building for Sport and Recreation Programme
- electrification funding in support of addressing the electrification backlogs of permanently occupied residential dwellings that are situated in historically undersupplied areas.

The MIG is geared towards making the system of transfers to municipalities simpler, more certain and direct. Its conditions are more flexible, designed to support the capital budgets of municipalities and to facilitate integrated development planning.

By the end of June 2005, 97,2% of the 2004/05 MIG allocation and 7,4% of the 2005/06 allocation had been spent. Households had benefited from the MIG in respect of water (212 828), sanitation (74 245), roads (122 582), storm water (83 593) and solid waste (55 880). A total of 287 655 person days of employment had been created specifically through the use of labour-intensive methods, in relation to the 2004/05 MIG allocation. Some R135 million was spent on urban nodes and R992 million on rural nodes in the implementation of MIG 2004/05.

Through the MIG programme, the Department of Water Affairs and Forestry has allocated R765 million for eradicating the water supply and sanitation backlogs in the nodes.

### Project Consolidate (PC)

The PC is a two-year hands-on programme that allows national and provincial government, with private-sector partners, to find new ways of working with local government.

The Cabinet adopted the PC in February 2004 as the best way to address problems hampering delivery. It provides targeted focus and capacity-building to 136 municipalities identified for assistance.

The specific objectives of the programme are to:

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



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

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

- establish a new and practical benchmark for local government performance excellence
- have successful local government elections in 2005/06.

Because backlogs in the 136 municipalities differ, the department partnered with different sectors of society and stakeholders to prepare teams comprising professionals and specialists in different fields.

By September 2005, 38 service-delivery facilitators had been mobilised from the local government and private sectors. Some had been deployed to various municipalities and had undertaken diagnostic assessments. Processes are in place to address the challenges they face. A number of national departments have also identified personnel to support the PC. In addition, representation of national and provincial departments on the steering committees of the PC has improved.



In May 2005, over 4 000 delegates and exhibitors from Africa and beyond gathered in Pretoria for the founding congress of the United Cities and Local Government of Africa. The congress focused on poverty alleviation at the lowest level of government by establishing a strong, unified municipal structure in Africa.

## Government and communication

The vision of the Government Communication and Information System 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 Government Communication and Information System is the official spokesperson for government.

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

The Government Communication and Information System is responsible for maintaining the website, Government Online ([www.gov.za](http://www.gov.za)), which includes both an information portal for general information about government, and a services portal,

which is a source of information about all the services rendered by national government.

The Government Communication and Information System leads or is involved in various communication partnerships and joint processes, including:

- An intersectoral programme to set up multi-purpose community centres (MPCCs), providing information about how to access government services, as well as some government services at the centres themselves. In September 2005, there were 66 MPCCs in operation. A strategy for setting up one MPCC in each of the country's municipalities by 2014 has been approved.
- Institutional support to the Media Development and Diversity Agency (MDDA), set up under the MDDA Act, 2000 (Act 14 of 2002), for which the Minister in The Presidency is the responsible minister.
- The development of the new coat of arms launched on Freedom Day, 27 April 2000, and the redesign of the national orders.
- The process towards the transformation of the advertising and marketing industry.
- The Academy of Government Communication and Marketing, in collaboration with the Wits School of Public and Development Management, Unilever and the Mandela-Rhodes Foundation.
- The international marketing campaign led by the International Marketing Council (IMC).
- The *Imbizo* Campaign of direct interaction between government and the public.

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

## International Marketing Council

The IMC of South Africa was established in 2000 as a public-private partnership aimed at creating a positive, united image for South Africa to give the country a strategic advantage in an increasingly competitive marketplace. The work of the IMC is overseen by a board of trustees, whose members act as advocates for South Africa and provide the council's operational team with strategic guidance.



The IMC's mission is to:

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

The following centres and tools facilitate the work of the council:

- The Communication Resource Centre is a state-of-the-art facility, monitoring media coverage on South Africa anywhere in the world. Government communicators use the rapid-response resource to formulate messaging around various issues covered on South Africa internationally.
- The Information Resource Centre collects, collates and makes accessible a vast spectrum of positive information about South Africa.
- The web portal, [www.southafrica.info](http://www.southafrica.info), is the official national gateway to the country for national and international Internet users, realising over 1,5 million page views (nine million hits) per month and containing over 25 000 pages of information updated daily.
- *South African Story Now* is a booklet filled with facts, quotes and anecdotes that illustrate the extraordinary South African story and current challenges. This is the second version of the booklet. It is meant to equip brand ambassadors, but is also a stand-alone marketing tool.
- The Brand Champion Programme tasks skilled professionals with seeping the brand positioning into the bloodstream of South Africa and weaving the values into the fabric of society.
- 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 is constantly seizing new and creative opportunities to market South Africa, to:

- encourage patriotism and national pride
- leverage initiatives

- provide leadership
- share research and create strategic frameworks and tools with all institutions wishing to co-ordinate their marketing efforts.

The 10 Years of Freedom celebrations presented the country with a once-in-a-lifetime opportunity to sound its trumpet to the world. For the IMC, this was also an opportunity to garner local support for Brand South Africa and what it stands for. The IMC developed communication, encouraging people to *Join in the Rhythm of this Nation*.

Over 7 000 radio advertisements were flighted, encompassing all of South Africa's 11 official languages

The IMC's first advertising foray into international markets was in the form of a branding exercise using 10 London taxis, each depicting creative, positive headlines about South Africa. This campaign is part of an international strategy to raise awareness of what South Africa has to offer international traders, investors and travellers.

The IMC also started using the international media to conduct surveys, and started using supplements on South Africa more strategically.

Top South African business leaders and IMC representatives visited Europe to search for foreign direct investment (FDI) in trade and tourism. The delegation held investment conferences in Frankfurt, Munich and London.

The visit followed the successful Branding South Africa Mission to the United States of America in June 2004.

## Co-operative governance

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

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

These include:

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

To improve integration among all spheres of government in both policy development and implementation, the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), was promulgated in August 2005. It will be complemented by the alignment of spatial and development strategies and planning cycles among all three spheres of government.

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

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

Source: *Beeld*

## Elections

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

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

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

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

During the floor-crossing window, which closed at midnight on 15 September 2005, the ANC gained 14 members from other parties, including four from the DA, bringing its total in the 400-member house to 293. The DA lost five seats in total. Several new parties emerged (see table). Local government elections are scheduled for March 2006.

## Disaster management

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

Since April 2003, the Disaster Management Centre under the departments of provincial and local government and of agriculture have issued a number of early 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.

In February 2005, Cabinet allocated R15 million towards victims of the tsunami disaster; R75 million for financial needs relating to local disasters; and R130 million for drought relief in various parts of the country, including the Northern Cape. Government also allocated R1 million to the Southern African Development Community (SADC) HIV and AIDS Trust Fund.

## The Public Service

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

### Size of the Public Service

On 31 December 2004, the Public Service had 1 043 698 people in its employ, of whom 62% were attached to the Social Services Sector (health, social development and education), followed by 19% in the Criminal Justice Sector and 7% in the Defence Sector.

### Restructuring of the Public Service

Resolution 7 of 2002 came to an end on 12 September 2003. The resolution aimed to restructure the Public Service in terms of HR to enable the most effective and efficient delivery of services.

Phase One of the programme was completed. Phase Two deals with excess employees not accommodated during the redeployment. Between 2003 and June 2005, the number of excess employees was reduced from 13 383 to 5 298. Restructuring of 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.

National Treasury and the Department of Public Service and Administration have been conducting a review of public entities to develop a coherent and consistent regulatory framework for these entities, broadly aligned with public-service arrangements. It aims to achieve improved governance and oversight, clear and appropriate lines of accountability and performance-orientated human resource management (HRM).

The review focused on schedule 3A and 3B public entities and covered areas of corporate governance, the classification of entities into new corporate forms, HR and performance management, and proposals for legislative amendments to give effect to the governance framework. Reports, with findings and recommendations, were finalised for each of the mentioned areas of review. A consolidated governance framework report was drafted to inform government policy.

### Community development workers (CDWs)

CDWs are part of government's drive to ensure that service delivery reaches poor and marginalised communities. CDWs provide a bridge between government and citizens, rendering information on services, benefits and economic opportunities.



Government's Programme of Action 2005/06 is available on Government Online ([www.gov.za](http://www.gov.za)). The information is updated regularly to keep the public informed of the implementation process.

By September 2005, 2 238 full-time CDWs and CDW learners had been recruited and were active in the programme. Of this number, 1 329 had completed their yearlong learnership programme.

By September 2005, provinces were involved in the process of recruiting a further 920 CDW learners, bringing the total of CDWs to 3 158. This will ensure that all municipalities have a substantial number of CDW employees. Progress made indicated that the initial target of 2 840 CDWs countrywide would be exceeded by March 2006.

## Strengthening institutional performance

### Integrated Provincial Support Programme (IPSP)

Since its inception, the IPSP has supported five provinces (Eastern Cape, Limpopo, the Free State, KwaZulu-Natal and Mpumalanga) in implementing successful innovative service-delivery initiatives. Some of these initiatives, such as the review of PGDS, have started informing national and provincial policies and approaches aimed at achieving poverty alleviation, effective rendering of basic services and good governance.

The purpose of the programme is to enhance the ability of provincial administrations to achieve service standards as agreed with communities by implementing projects aimed at:

- improving the ability of provincial government to co-ordinate and manage pro-poor policies and development
- improving the utilisation of resources and enhancing the poor's access to basic services
- building capacity to restructure state assets
- ensuring transparency and accountability by the centre of provincial government in the delivery of services to citizens
- maximising shared learning and capacity in the Department of Public Service and Administration and provinces
- achieving effective planning and management of the implementation of projects in IPSP II and the overall implementation of the programme.

Successful projects include:

- functional PGDS with feasible targets in five IPSP provinces
- functional and advanced performance management and development systems in the Free State
- updated HR records in Limpopo, Mpumalanga and the Eastern Cape
- improved integrated planning and budgeting in the Free State
- an established functional platform for inter-governmental co-ordination in KwaZulu-Natal
- an effective project and programme management system at provincial and national level
- effective integrated mobile service-delivery centres in the Eastern Cape and Limpopo
- successful institutional turnaround and restructuring of state asset projects in Limpopo
- institutionalising the MPCC programme within municipalities in Mpumalanga
- eliminating backlogs in child support grants' registration and in the payment of qualifying beneficiaries of social grants in targeted areas
- a functional social development information management system, contract management centre and electronic file-management system in the Eastern Cape.



In July 2005, the Electoral Commission (IEC) of South Africa launched the IEC training academy in Kempton Park. The purpose of the academy is to improve the skills levels of election administrators and to produce election officials who will be instrumental in delivering free and fair elections. The academy will initially focus on South Africa, but aims to serve election-management bodies across the continent in future.

To coincide with the launch, the Train-the-Trainer Boot Camp, aimed at equipping people to train electoral staff for the 2006 municipal elections, was also held.

## Service-delivery improvement

A strategy has been formulated to revitalise Batho Pele (People First) in government, identifying new goals and targets in transforming the culture and

ethos of the Public Service, thereby improving service delivery.

The *Batho Pele* Campaign encourages a positive attitude in the Public Service.

The campaign focuses on taking services to the people. This involves 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 dealing 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 HRM systems in view 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.

By September 2005, the training of 56 trainers on the Batho Pele Change Engagement was underway in Limpopo. Progress reports on the implementation of name tags, extensions of flexible working hours and signage in departments had been received and a report was being compiled. The Department of Home Affairs had implemented flexible working hours in the spirit of Batho Pele.

## Labour relations and conditions of service

By May 2005, recommendations to amend the performance management and development system for the Senior Management Service (SMS) had been drafted. These include the requirement that the

implementation of the Batho Pele principles be a factor in assessing managers' performance. The *Batho Pele Change Management* Campaign is being implemented in departments and SAMDI is offering training programmes for SMS and levels 1 to 12. Batho Pele learning sessions are also presented to share best practices on service-delivery improvement.

## Medical assistance restructuring

A restricted membership medical scheme for public-service employees called the Government Employees Medical Scheme was registered with effect from 1 January 2005.

During 2005, there was no active enrolment of members in the scheme as it was in the process of developing its operations. Member enrolment was expected to commence on 1 January 2006 according to a member enrolment strategy under negotiation in the Public Service Co-ordinating Bargaining Council (PSCBC). The strategy provides for the phased-in enrolment of public-service employees over a five-year period. The scheme is expected to reach full capacity by 2010.

The scheme is expected to result in the addition of hundreds of thousands of new beneficiaries of medical aid, create new employment opportunities, and reduce patient load on the public health sector while creating new revenue streams for this sector.



The Minister of Public Service and Administration, Ms Geraldine Fraser-Moleketi, announced in May 2005 that South Africa would despatch separate teams of experts to Sudan and the Democratic Republic of Congo (DRC) to help them rebuild their public sectors.

Officials will provide technical and limited financial support to various public-service institutions in the DRC over a three-year period.

She also announced that senior officials from the South African Management Development Institute and her department would visit Sudan to assist in capacitating its public sector, especially skills development.



### **Pension provisioning restructuring**

The PSCBC finalised two collective agreements, namely the PSCBC Resolution 12 of 2002 and PSCBC Resolution 7 of 2003. The agreements provide for the introduction of new benefits (orphans' pension and funeral benefit), the restructuring of identified existing benefits (spouses' pension percentage) as well as a new procedure for changing the employer contribution rate to the Government Employees Pension Fund. The agreements also deal with the recognition of non-contributory service as pensionable service for employees disadvantaged by past discrimination in pensions.

By mid-2005, most aspects of the agreements had been fully implemented while work to address the position of identified groups of employees in respect of the recognition of pensionable service was still underway.

### **Housing**

Resolution 2 of 2004, in terms of which the previous Home-Owner Allowance Scheme, assisting only employees repaying a bond on their property, was repealed and replaced with the Housing Allowance.

The Housing Allowance is a sum of money that the employer pays every month in addition to employees' salaries to assist them to pay for the rent or instalments on their own homes.

Not everybody will immediately receive the maximum value of the Housing Allowance. As part of the agreed phasing-in process, the Housing Allowance will be increased from R100 per month over five years to a maximum of R403 per month. The maximum allowance will also be revised quarterly to provide for changes in the interest rate, whereafter it will be fixed on 1 January 2009.

### **Leave**

With the adoption of Resolution 7 of 2000, the leave benefits of public-service employees was restructured in line with current practices, as well as the requirements of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997). The restructured benefits include annual leave, sick leave, incapacity leave, family responsibility leave, maternity leave, adoption leave, leave for occupa-

tional injuries and diseases, leave for union activities and special leave.

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

### **Management Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) for public-service employees**

The objectives of PILIR are to set up structures and processes to:

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

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

PILIR provides for the appointment of health-risk managers – external companies comprising a multidisciplinary team with the necessary knowledge, skills and capacity in the medical field, specifically occupational medicine. The managers assess cases and make recommendations regarding applications for incapacity leave and ill-health retirements to the heads of departments.

An implementation strategy was developed and approved by Cabinet to inform the implementation of PILIR in the Public Service.

## Fighting corruption

The National Anti-Corruption Forum (NACF) is a national structure that brings the public, business and civil-society sectors together to further national consensus against corruption.

The NACF convened the second National Anti-Corruption Summit in March 2005 in Pretoria, Gauteng.

Several resolutions were adopted to form the basis of a national programme to fight corruption. These resolutions pertain to ethics, awareness, prevention, combating, oversight, transparency and accountability. An implementation committee was established to develop the National Anti-Corruption Programme (NAP) that will be implemented within the sectors and as cross-sectoral plans. The summit resolved that the NACF should assume responsibility for driving the NAP and that the NACF should refine representation of sectors in this structure.

By September 2005, an implementation committee had commenced with its first project on the Prevention and Combating of Corrupt Activities Act 2004 (Act 12 of 2004). The project is to develop guidelines on the Act for citizens and public-service and business managers. It will contain a section explaining the Act in plain language, which will be translated into all 11 languages.

## 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 avail-

able 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.

The SMS Service-Delivery Challenge (Khaedu) Project entails the deployment of SMS members to service-delivery points as part of a mandatory performance agreement to gain practical experience on the challenges prevalent at these points.

## Human resource management

The Human Resource Development (HRD) Strategy for the Public Service was launched in April 2002. The strategy is aimed at improving the State machinery on a sustainable basis through skills development and training programmes. The strategy's vision is to develop a dedicated, responsive and productive cadre of public servants. The development of the strategy is in line with the HRD Strategy for South Africa and the National Skills Development Strategy developed by the departments of labour and of education.

A scarce skills strategy and an internship framework are incorporated in the HRD Strategy for the Public Service. The latter is intended to fast-track the skills development of the youth and unemployed graduates.

The strategy is supported by various laws such as the Skills Development Act, 1998 (Act 97 of 1998), the Skills Development Levies Act, 1999 (Act 9 of 1999), and the 1997 *White Paper on Public Service Training and Education*. The implementation of the strategy is underpinned by the vision of an integrated HRM system.

The Public Service HRM 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 was introduced to improve the quality of managers and professionals employed in the Public Service. This framework links directly with performance management, training and development, as well as recruitment and selection. 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 to comply with the laws of the country on representivity. To this end, the Public Service regulations require that executing authorities prepare strategic plans to inform their annual plans (e.g. service delivery, HR, recruitment, training and development, and change-management strategies) in accordance with their delivery programmes.

In February 2005, the Public Service comprised 2% managers, while 50% of the employees fell within salary levels that were typically labelled as lower-skilled, 40% semi-skilled and a further 8% as highly skilled. Government plans to ensure that the skills profile of personnel and the skills profile required by a developmental state are commensurate with one another.

HR has undertaken a research project to determine ways and methods to strengthen the efficiency of HRM in the Public Service. This will define the roles and responsibilities of HR components. It will also define the competency requirements for HR practitioners and identify necessary interventions to improve service delivery. Work in this regard was completed, and by June 2005 the research findings were being considered for implementation.

Research has been initiated into the Public-Service remuneration framework with specific reference to professionals. Departments are reviewing the grading of certain occupations. Requests for the payment of scarce skills allowances are being considered by the Department of Public Service and Administration. Draft guidelines on the deployment of senior managers within the Public Service have been developed.

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

## Affirmative action

Government's affirmative action policy for the Public Service emphasises the creation of a representative public service within an environment that values diversity and supports the affirmation of those who have been historically disadvantaged.

The overall profile of the Public Service needs to match the population profile in terms of both race and gender.

On 31 March 2005, 73,9% of the Public Service was African; 3,7% Asian; 8,9% coloured; and 13,5% white. Regarding gender, 53,3% was female and 46,7% male. However, at senior management level, 54% were African; 7,5% Asian; 7,7% coloured; and 30% white. The gender breakdown for senior management was 28,5% female and 71,5% male.

## HIV and AIDS

The minimum standards for the management of HIV and AIDS in the Public Service were promulgated in 2002. A comprehensive implementation strategy focuses on:

- supporting the implementation of the minimum standards by government departments
- continuously reviewing the minimum standards to ensure relevance and appropriateness
- monitoring the implementation of the minimum standards throughout the Public Service.

The implementation of the minimum standards is proceeding well. The programme has been identified as a good practice model by the International Labour Organisation and is documented as such.

While the current focus on HIV and AIDS will be maintained, a more comprehensive employee health and wellness approach will be adopted over the next few years. The process of developing guidelines for employee health and wellness is already underway. These guidelines will consolidate the following programmes into a comprehensive public-service employee health and wellness programme:

- the current HIV and AIDS Programme
- the Employee Assistance Programme (EAP)
- occupational health and safety
- disaster management

- health promotion and disease prevention
- all other health- and wellness-related programmes.

Over the next three years, other significant projects aimed at supporting government departments in the implementation of the programme include:

- developing a peer educator model for the programme
- developing a model for mainstreaming employee health and wellness
- managing HIV- and AIDS-related stigma and discrimination
- identifying, documenting and distributing good-practice initiatives in the Public Service.

### Public-service information

Service delivery, HR and financial information is published on an annual basis by departments to achieve monitoring and evaluation (M&E). The Department of Public Service and Administration, in partnership with National Treasury, is investigating the modernisation and upgrading of HRM information systems.

By June 2005, a proposal on the design of a government-wide M&E system had been developed following Cabinet approval of a framework for such a system. An audit of reporting requirements and departmental M&E systems in the Public Service is underway. An early warning system, which will alert government to imminent service-delivery failures, has been developed.

### Government Information Technology Officers' (GITO) Council

The GITO Council was created to serve as an Information Technology (IT) co-ordination and consolidation vehicle to assist in informing government, on a continuous basis, when and how to intervene in the interest of enhanced service delivery. It is premised on the requirement that each GITO 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 investigated knowledge management in government.

All Information Communications Technology (ICT) projects will be brought in line with the objectives of the Gateway project.

### Batho Pele Gateway Services Portal

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

Responsibility for the content of the Gateway Services Portal (accessed via South Africa Government Online [[www.gov.za](http://www.gov.za)]) has been transferred to the Government Communication and Information System from the Department of Public Service and Administration. The Government Communication and Information System will be supported by content managers in every department to ensure that services offered to the public are fully and accurately reflected on this website. It is intended that the content of this resource be available in all official languages. By April 2005, the portal was accessible from any computer or from the general service counters at nine MPCCs, over 600 public information terminals in citizen post offices, and from the laptops of 40 CDWs.

The Gateway call centre (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 has driven innovation in the delivery of public services for the past three years. This is achieved through informed, action-orientated research, demonstration of ideas in practice, and addressing the culture and context in which innovation takes place.

In keeping with the emphasis on building the capacity of the Public Service, the CPSI's *2005 Future Watch Research Report* focused on human-capital development in the Public Service. The report identified three forms of human-capital development, namely individual, organisational and stakeholder. The report identified trends in each case to provide government departments with new innovative techniques.

The CPSI strives to create opportunities for enhancing access to government services through innovative means. This was achieved through the piloting of general services counters within MPCCs.

The annual CPSI Public-Sector Innovation Awards recognise projects and programmes that are directed at enhancing public-service delivery, thus improving South Africans' standard of living.

### State Information Technology Agency (SITA)

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

It consolidates and co-ordinates the State's IT and information-management interests. SITA is managed as a private company, with government as the sole shareholder.

It focuses on the effective provision of ICT products and services across all three spheres of government.

### 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 United Nations (UN) pertaining to public administration. In addition, the ministry has concluded and continues to conclude various information-sharing and capacity-development bilateral co-operative

agreements with similar ministries and departments across the globe.

South Africa plays an influential role in the international and African governance and public administration community. At the request of the New Partnership for Africa's Development Secretariat, the South African Public Service and Administration Ministry 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.

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

South Africa's participation in the African Peer Review Mechanism process provides an opportunity to achieve various strategic objectives. The Minister of Public Service and Administration was granted overall responsibility for the South African Peer Review Process, which involves consultations with all major role-players to disseminate the questionnaire and to receive input. A self-assessment report must subsequently be drafted, a programme of action implemented and, after consultation with all major role-players, the National Peer Review Governing Council established. (See chapter 11: *Foreign relations*.)

### Governance and Administration (G&A) Cluster

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

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



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

The cluster has three broad priorities:

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

## Public Service Commission (PSC)

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

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

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

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

- report on its activities and the performance of its functions, including any findings it may make and directives and advice it may give, and provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with, either of its own accord, or on receipt of any complaint
- investigate and evaluate the application of personnel and public-administration practices and report to the relevant executive authority and legislature
- investigate grievances of employees in the Public Service concerning official acts or omissions, and recommend appropriate remedies
- monitor and investigate adherence to applicable procedures in the Public Service
- advise national and provincial organs of state regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service.

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

### Labour-relations improvements

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

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

- investigates grievances lodged with the PSC and makes recommendations to executing authorities
- investigates, monitors and evaluates labour-relations policies and trends in the Public Service and makes recommendations in that regard
- monitors and evaluates the capacity and ability

of departments to implement recommendations made

- investigates allegations lodged with the PSC relating to, among others, maladministration, poor conduct and behaviour of staff, and any form of discrimination.

The unit received 435 grievances between 1 April 2004 and 31 March 2005, and finalised 279 grievances.

The PSC also published complaints rules in the *Government Gazette* to provide a mechanism for members of the public (employees and public servants) to lodge complaints with the PSC relating to maladministration, poor conduct and behaviour of staff and any form of discrimination.

The unit is also investigating the performance of SMS members and determining the nature of support to be provided in dealing with poor performance, if any.

### **Public-administration investigations**

This unit is responsible mainly for audits and forensic investigations into public-administration practices. This entails the investigation of complaints lodged and requests emanating from, among others, executing authorities, public servants and whistleblowers. The unit also conducts research on general public-administration trends, and gives advice, makes recommendations and publishes reports on these trends, such as the *Report on Financial Misconduct*.

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

### **Professional ethics and human resource reviews**

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

The implementation of the Anti-Corruption Strategy is co-ordinated by the Anti-Corruption Co-ordinating Committee, which is chaired by the

Department of Public Service and Administration. Departments are individually tasked with the implementation of the projects identified in the strategy.

In 2004/05, the commission 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 NACF.
- The successful hosting of the second National Anti-Corruption Summit in March 2005.
- Developing a generic professional-ethics statement 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.
- The establishment of the toll-free, 24-hour National Public Service Anti-Corruption Hotline facility (0800 701 701) to which fraud and corruption can be reported. By early 2005, the PSC had referred 419 cases to the provinces and 146 cases to national departments for investigation. Consistent with the resolutions of both the 1999 and 2005 national anti-corruption summits, the hotline is expected to play a crucial role in the fight against corruption.
- The publication of reader-friendly whistleblowing guides to support public-sector managers with the promotion of accountability and transparency.

The PSC is also evaluating the implementation of the policy framework on managing HIV and AIDS in the Public Service and the establishment of EAPs.

### **Leadership and performance improvement**

This unit facilitates the performance management of heads of national and provincial departments and evaluates public-service performance in key government programmes.

The PSC has developed a framework for the evaluation of heads of departments. Their performance agreements are filed with the commission for quality- and compliance-control purposes.

The commission recognises the importance of providing feedback on organisational performance in addition to individual performance. A system to measure organisational performance was being developed and was expected to be implemented in 2005.

### Service delivery and quality assurance

The fundamental objective of this unit is to promote improved service delivery through public participation and quality audits that focus either on compliance, performance or management practices. The unit gives advice on the improvement of service processes of departments, including the reconfiguration of organisational structures for more efficient service delivery.

### Governance and monitoring

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

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

The unit is responsible for managing this system and undertaking departmental assessments on a continuous basis.

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

In promoting the use of M&E practices and systems within the Public Service, the PSC co-hosted the third African Evaluation Conference with the African Evaluation Association in Cape Town at the end of 2004.

The theme of the conference, which was attended by over 470 participants from 55 countries, 47 of which were African, was *Africa Matters, Evaluation Matters – Joining Forces for Democracy, Governance and Development*.

In April 2005, the PSC partnered with the Joint Africa Institute and African Development Bank to present a development evaluation seminar in Tunis, Tunisia. The eventual aim is to integrate M&E into administrative and governance structures at various levels.

## South African Management Development Institute

SAMDI is responsible for:

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

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

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

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

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

These programmes are accredited through tertiary institutions. Some 3 632 managers were expected to have been trained through these programmes by 31 March 2005.

SAMDI has developed and plans extensive roll-out of an HR planning course. The SMS and levels 1 to 12 performance-management systems have been revised.

During the past few years, SAMDI has successfully been implementing the IMDP, the development of which was funded by the Republic of Flanders. The IMDP caters for the development of junior, middle and senior managers between levels 6 and 16. SAMDI will also introduce the Foundation Management Programme aimed at the development of officials on levels 3 to 5 to ensure that there is a sustainable pool of potential management candidates on which government can draw to implement its programmes and activities.

During 2004/05, SAMDI delivered 70 079 person training days, of which 6 736 were funded by donors. This resulted in 15 510 persons being trained.

## Home Affairs

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

The department has a network of offices in all provinces. Areas where the establishment of fixed offices is not warranted, are serviced by mobile offices or units on a regular pre-arranged basis.

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

Statutory bodies falling under the department are the:

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

The Government Printing Works, a division of the Department of Home Affairs, provides printing, stationery and related services to all government departments, provincial governments and municipalities.

It also publishes, markets and distributes government publications. Based in Pretoria, the printing works provides a variety of related services to departments, the printing industry and other African countries, including the manufacture and supply of fingerprint ink to the South African Police Service (SAPS), and the printing of postage stamps for the DRC and Lesotho.

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

## Civic services

The Branch: Civic Services is responsible mainly for population registration and civic services. Population registration entails 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 2004 and March 2005, about 2 508 480 IDs were issued.

## Citizenship matters

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

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

## Population Register

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

Evolving technology, modern government structures and the need for more secure systems, led to the department embarking on a programme to re-engineer the Population Register. This will align its function with the current government dispensation and future needs of both the Government and third-party institutions. This 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 the project is on providing a more scalable, adaptable, efficient, secured and interoperable database. Features 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 deconsole 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 limita-

tions on access to information and thus public services.

## Immigration

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

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

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

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

- The Immigration Act, 2002 (Act 13 of 2002), provides for a stricter immigration policy. The implementation of administrative fines and other measures came into effect in 2003.
- The department works closely with the South



On 7 April 2005, the Department of Home Affairs launched a national campaign aimed at correcting errors in documents issued by the department. These include identity documents, passports, and birth and marriage certificates.

The *Lokisa Ditokomane/Lungisa Izingcwadi* Campaign was aimed at affording South Africans an opportunity to rectify incorrect details on these documents at no charge. For a period of three months, the department dedicated counters for this purpose, where members of the public received assistance.

African Revenue Service and the SAPS to ensure effective border control.

- A computerised visa system was instituted to curb the forgery of South African visas and is being extended to all South African missions abroad.

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

The immigration policy aims to:

- discourage illegal migration into South Africa by encouraging foreign nationals to apply for different permits to legalise their stay in the country
- create an enabling environment for FDI in South Africa
- attract scarce skills required by the economy in accordance with the 2014 vision of eradicating poverty and underdevelopment.

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

- temporary and permanent residence permits are issued as expeditiously as possible and according to simplified procedures
- security considerations are fully satisfied and the State regains control over the immigration of foreigners to South Africa
- economic growth is promoted through the

employment of needed foreign labour, foreign investment is facilitated, the entry of exceptionally skilled or qualified people is enabled, skilled human resources are increased and academic exchange programmes in the SADC are facilitated

- tourism is promoted
- the contribution of foreigners to the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African workers
- a policy connection is maintained between foreigners working in South Africa and the training of South African citizens
- a human rights-based culture of enforcement is promoted.

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

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

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

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

The directorate's main objectives are to:

- establish an information repository, which will act on risks and urgent immigration matters
- ensure dynamic real-time support on tactical and legal matters to immigration officers globally
- have a system through which relevant information is readily available to all stakeholders in government.



In May 2005, the Department of Home Affairs launched the first 10 mobile units as a means of achieving the broader strategic objectives intended to bring government services closer to the people. These units will be used to provide the full range of home affairs' civic and immigration services.

Sixty-seven mobile units will be deployed throughout the country and will be fitted with all the necessary equipment and facilities to function like ordinary offices. These vehicles will be located mostly in rural areas, taking into account the population dynamics of the area in accordance with the Urban Renewal Programme's and Integrated Sustainable Rural Development Strategy's nodal points.



Future systems include the roll-out of a library system to accommodate paper correspondence, an incident-reporting system to capture and analyse events across the country, and the development of a counter-corruption system, which will be accessible to members of the public for reporting corrupt officials. The establishment of formal mechanisms for exchanging information with stakeholders is also envisaged.

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

## 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 requirements.

## Control of sojourn

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

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

Depending on the circumstances, persons who are in South Africa illegally are either prosecuted, removed or their sojourn is legalised. Officers at the various regional and district offices of the department are in charge of tracing, prosecuting and removing illegal foreigners from the country. Employers of illegal foreigners may also be prosecuted.

## Permanent residence

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

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



South Africa hosted the Regional Hearing for Africa of the United Nations' Global Commission on International Migration in Cape Town from 28 February to 1 March 2005. The theme of the hearing was *To Provide a Framework for the Formulation of a Coherent, Comprehensive and Global Response to International Migration*.

The hearing addressed migration flows from within and to the continent. It covered a wide variety of issues, including the economic aspects of migration; irregular migration; migrants in society and their human rights; as well as the national, regional and global governance of migration.

new regulations, regions will be responsible for issuing permits previously issued by the regional committees in respect of permanent residence. They will also do so in respect of temporary residence.

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

### Temporary residence

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

- visitor's permits
- diplomatic permits
- study permits
- treaty permits
- business permits
- crew permits



New immigration regulations came into effect on 1 July 2005. Amendments to immigration legislation introduced some changes, eliminating the red tape burden imposed on foreigners. Some of these include:

- To curb fraudulent marriages, any foreigner who wishes to marry a South African and thereby obtain permanent residence in the country, should be married in good faith to such a South African citizen for at least five years before the status can be granted to him/her.
- In education, the regulation dealing with study permits provides that a deposit is not required from students of African countries. This is subject to a written undertaking from their governments to pay all deportation expenses in respect of such students, should this become necessary.
- Flexibility that enables mine workers from neighbouring states to be replaced easily upon death by someone from their family without immigration complications regarding the work permit. Workers who are dismissed are also protected; they are no longer forced to leave the country immediately, since they are allowed time to take their case for conciliation or through the courts without relinquishing their right to be in the country.

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

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

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

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

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

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

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

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

### **Removal of undesirable persons**

In terms of legislation, the Minister of Home Affairs may order the deportation of any person (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 the public interest.

## Acknowledgements

BuaNews

*Bua Briefs*

Department of Home Affairs

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Department of Public Service and Administration

*Estimates of National Expenditure 2005*, published by National Treasury

Government Communication and Information System

International Marketing Council

Office of the Public Service Commission

South African Management and Development Institute

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