



SA YEARBOOK 2007/08 | GOVERNMENT SYSTEM



The Constitution of the Republic of South Africa, 1996 was the result of remarkably detailed and inclusive negotiations that were carried out with an acute awareness of the injustices of the country's non-democratic past. It took effect on 4 February 1997.

## The Constitution

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 in which every citizen is equally protected by law
- build a united and democratic South Africa that is able to take its rightful place as a sovereign state in the family of nations.

## Founding provisions

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

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

## Fundamental rights

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

## Government

Government consists of national, provincial and local spheres, which are distinctive, interdependent and interrelated. The powers of the law-makers

(legislative authorities), governments (executive authorities) and courts (judicial authorities) are separate from one another.

## Parliament

Parliament is the legislative authority of South Africa and has the power to make laws for the country in accordance with the Constitution. It consists of the National Assembly and the National Council of Provinces (NCOP). Parliamentary sittings are open to the public. Since the establishment of Parliament in 1994, a number of steps have been taken to make it more accessible and to motivate and facilitate public participation in the legislative process. The website [www.parliament.gov.za](http://www.parliament.gov.za) encourages comment and feedback from the public.

## National Assembly

The National Assembly consists of no fewer than 350 and no more than 400 members elected through a system of proportional representation. The National Assembly, which is elected for a term of five years, is presided over by the Speaker, assisted by the Deputy Speaker. The National Assembly is elected to represent the people and to ensure democratic governance as required by the Constitution. It does this by electing the President, providing a national forum for public consideration of issues, passing legislation, and scrutinising and overseeing executive action.

## National Council of Provinces

The NCOP consists of 54 permanent members and 36 special delegates, and aims to represent provincial interests in the national sphere of government. Delegations consist of 10 representatives from each province. The NCOP must have a mandate from the provinces before it can make certain decisions. It cannot, however, initiate a Bill concerning money, which is the prerogative of the Minister of Finance. NCOP Online! ([www.parliament.gov.za/ncop](http://www.parliament.gov.za/ncop)) links Parliament to the provincial legislatures and local-government associations. It provides information on draft legislation and allows the public to make electronic submissions. The NCOP, which celebrated its 10th anniversary on 11 April 2007, came into existence on 6 February 1997.

## 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 President of South Africa is Mr Thabo Mbeki.

Parliament launched its new logo in Cape Town on 27 March 2007. The new emblem is an important step in creating the identity of Parliament, representing its values, vision and mission.

The new emblem was the result of a democratic process involving its members, officials and the people of South Africa. The new emblem centres around four key elements:

- Our Constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of the country and ensures government by the people under the Constitution.
- Our People – A people's Parliament of freely elected representatives that builds on the foundation of a democratic and open society. Parliament acts as a voice of the people, providing a national forum for the public consideration of issues.
- Our Parliament – The drum calls the National Assembly and the National Council of Provinces to consider national and provincial issues, ensuring government by the people under the Constitution.
- Our South Africa – The sun represents the healing of the divisions of the past, improving the quality of life of all South Africans, freeing the potential of each person and building a united and democratic South Africa to take its rightful place as a sovereign state in the family of nations.



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

## 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.

The Deputy President of South Africa is Ms Phumzile Mlambo-Ngcuka.

## 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.

## Traditional councils

The stipulations of Chapter 12 of the Constitution and the advent of democracy required the transformation of the composition of traditional councils. Therefore, legislation has transformed the composition of traditional councils to provide for elements of democracy (40% of members must be

ected) and gender representivity (one third of members must be women).

Legislation has also opened a window of opportunity for municipalities and traditional councils to achieve co-operative governance. Traditional councils have been given a strong voice in development matters and may now enter into partnerships and service-delivery agreements with government in all spheres.

### 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 Leaders was established in terms of the National House of Traditional Leaders Act, 1997 (Act 10 of 1997). Its

objectives and functions promote the role of traditional leadership within a democratic constitutional dispensation, enhance unity and understanding among traditional communities and advise national government.

Provincial houses of traditional leaders were established in all six provinces that have traditional leaders, namely the Eastern Cape, KwaZulu-Natal, the Free State, Mpumalanga, Limpopo and North West.

The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), provides for the establishment of local houses of traditional leaders.

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

In May 2007, the National House of Traditional Leaders celebrated its 10th anniversary.

By July 2007, all provinces had adopted regulations that guide the drafting of provincial regulations for the transformation of traditional authorities into traditional councils and the establishment of local houses.

Eleven departments had agreed to participate in the process of allocating roles and functions to traditional leadership.

### Commission on Traditional Leadership Disputes and Claims

The commission was established in terms of Section 22(1) of the Traditional Leadership and Governance Framework Act, 2003.

The main objective of the commission is to investigate and make findings on traditional-leadership disputes and claims.

### Department of Provincial and Local Government

The national department's mandate is derived from chapters 3 and 7 of the Constitution. Its functions are to develop national policies and legislation regarding provinces and local government, and to support and monitor the implementation of and



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

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

From 1973, Mr Mbeki worked in Botswana, Swaziland, Nigeria and Zambia and became a member of the ANC's National Executive Committee in 1975. Between 1984 and 1989, he was director of the ANC's Department of Information. He led the organisation's delegations, which met groups from inside South Africa in Dakar, Senegal, and elsewhere. In 1989, he headed the delegation that held talks with the apartheid government, which led to agreements on the unbanning of political organisations and the release of political prisoners. He also participated in negotiations preceding the adoption of South Africa's Interim Constitution in 1993.

Following the first democratic election in 1994, Mr Mbeki was appointed Executive Deputy President. In 1997, he was elected President of the ANC, and in June 1999, after the country's second democratic election, he succeeded Mr Nelson Mandela as President of South Africa.

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

compliance with the following regulatory frameworks:

- White Paper on Local Government (1998)
- Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- Disaster Management Act, 2002 (Act 57 of 2002)
- Traditional Leadership and Governance Framework Act, 2003

- Local Government: Municipal Finance Management Act, 2003 (Act 27 of 2003)
- Municipal Property Rates Act, 2004 (Act 6 of 2004)
- Intergovernmental Relations (IGR) Framework Act, 2005 (Act 13 of 2005).

The department's vision is to create a capable and well-integrated system of government working together to achieve sustainable development and enhanced service delivery in a developmental state.

The department's mission is to provide professional and technical support to government by:

#### Cabinet ministers and deputy ministers, as on 1 December 2007

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

- developing appropriate policies and legislation to promote integration in government's development programmes and service delivery
- providing strategic interventions, support and partnerships to facilitate policy implementation by the provinces and local government
- creating enabling mechanisms for communities to participate in governance.

The department has adopted a set of values that is informed by the Batho Pele (People First) principles and focuses on the following:

- dedication to professional development and service delivery
- professionalism in the conduct of all employees
- leading and participating in service delivery
- being goal-orientated in undertaking its mandate.

The activities of the Department of Provincial and Local Government are organised under the following seven branches:

- Corporate Services
- Governance, Policy and Research
- Urban and Rural Development
- Systems and Capacity-Building
- Free Basic Services and Infrastructure
- Monitoring and Evaluation.

### 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 (MECs). Premiers are appointed by the President of the country.

Decisions are taken by consensus, as is the case in the national Cabinet. Besides being able to make provincial laws, a provincial legislature may adopt a constitution for its province if two thirds of its members agree.

However, a provincial constitution must correspond with the national Constitution as confirmed by the CC.

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

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

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

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

- abattoirs
- ambulance services
- liquor licences
- museums other than national museums
- provincial planning



The introduction of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005), is starting to demonstrate how intergovernmental relations can be improved. In most provinces, intergovernmental structures have begun to assume a strategic role in forging co-operation between the different spheres of government. These structures also seek to improve integrated development plans (IDPs) and enable government to deliver services effectively and closer to local communities.

The Department of Provincial and Local Government coordinates an intergovernmental process of engagements that is expected to achieve significant results through IDPs. This effort is starting to yield results with improvements in the adoption rate of municipal plans and budgets, and better integration between capital and operational budgets within these IDPs.

**Members of the executive councils of provincial governments, as on 1 October 2007**

<b>Eastern Cape</b>		<b>KwaZulu-Natal</b>	
Ms Nosimo Balindlela	Premier	Mr Sibusiso Ndebele	Premier
Mr Gugile Nkwinti	Agriculture	Mr Mtholephi Mthimkhulu	Agriculture and Environmental Affairs
Mr Johnny Makgato	Education	Ms Ina Cronjé	Education
Mr Mbulelo Sogoni	Economic Affairs, Environment and Tourism	Ms Weziwe Thusi	Arts, Culture and Tourism
Mr Billy Nel	Finance	Dr Zweli Mkhize	Finance and Economic Development
Ms Nomsa Jajula	Provincial Treasury	Ms Neliswa Nkonyeni	Health
Ms Thokozile Xasa	Housing, Local Government and Traditional Affairs	Mr Mike Mabuyakhulu	Local Government, Housing and Traditional Affairs
Mr Thobile Mhlahlo	Safety, Liaison and Transport	Dr Meschack Hadebe	Social Welfare and Population Development
Mr Christian Martin	Roads and Public Works	Ms Lydia Johnson	Public Works
Ms Noxolo Abrahams-Ntantiso	Sport, Recreation, Arts and Culture	Mr Bheki Cele	Transport, Community Safety and Liaison
Mr Sam Kwelita	Social Development	Mr Amichand Rajbansi	Sport and Recreation
<b>Free State</b>		<b>Limpopo</b>	
Ms Beatrice Marshoff	Premier	Mr Sello Moloto	Premier
Ms Suzan Mnumzana	Agriculture	Dr Aaron Motsoaledi	Education
Mr Cusca Mokitlana	Education	Mr Saad Cachalia	Provincial Treasury
Mr Neo Masithela	Tourism, and Environmental and Economic Affairs	Mr Charles Sekoati	Health and Social Development
Ms Zanele Dlungwana	Public Safety and Liaison	Ms Maite Nkoana-Mashabane	Local Government and Housing
Mr Sakhiwo Belot	Health	Mr Collins Chabane	Economic Development, Environment and Tourism
Mr Joel Mafereka	Local Government and Housing	Ms Dikeledi Magadzi	Agriculture
Mr Pule Makgoe	Provincial Treasury	Dr Joyce Mashamba	Sport, Arts and Culture
Mr Seiso Mohai	Transport, Roads and Public Works	Mr Justice Pitso	Roads and Transport
Ms Mantsheng Tsopo	Social Development	Ms Samson Ndou	Security and Liaison
Mr Ace Magashule	Sport, Arts and Culture	Ms Machuene Semenya	Public Works
<b>Gauteng</b>		<b>Mpumalanga</b>	
Mr Mbhazima Shilowa	Premier	Mr Thabang Makwetla	Premier
Mr Khabisi Mosunkutu	Agriculture, Conservation and Environment	Ms Dinah Pule	Agriculture, Conservation, Environment and Land Reform
Ms Dorothy Mahlangu	Local Government	Mr Craig Padayachee	Economic Development and Planning
Ms Angelina Motshekga	Education	Mr Siphosezwe Masango	Education
Mr Paul Mashatile	Finance and Economic Affairs	Mr William Lubisi	Health and Social Development
Mr Brian Hlongwa	Health	Ms Candith Mashego-Dlamini	Local Government and Housing
Ms Nomvula Mokonyane	Housing	Mr Madala Masuku	Public Works
Mr Firoz Cachalia	Community Safety	Ms Mmathulare Coleman	Finance
Ms Barbara Creecy	Sport, Arts, Culture and Recreation	Mr Jabulani Mahlangu	Culture, Sport and Recreation
Mr Kgaogelo Leggoro	Social Development	Mr David Mabuza	Roads and Transport
Mr Ignatius Jacobs	Public Transport, Roads and Works	Mr Fish Mahlalela	Safety and Security

**Northern Cape**

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

**North West**

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

**Western Cape**

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

- 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 implementation programmes and the necessary structures in place to address issues such as rural development, urban renewal, and safety and security.

**Local government**

There are 282 municipalities in South Africa. They are focused on growing local economies and providing infrastructure and services.

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

**Municipal Demarcation Board**

The board is a constitutional institution established by the Local Government: Municipal Demarcation Act, 1998.

The main function of the board is to determine municipal boundaries in accordance with the Act and other related legislation, and to advise on demarcation matters.

In addition, the board is tasked with delimiting wards into metropolitan and local municipalities.

## South African Local Government Association (Salga)

Salga is a listed public entity, established in terms of Section 21 of the Companies Act, 1973 (Act 61 of 1973), and recognised by the Minister of Provincial and Local Government in terms of the Organised Local Government Act, 1997 (Act 52 of 1997).

Salga represents local government on numerous intergovernmental forums such as the PCC, Minister and MECs (MInMec) forum, the Budget Forum, as well as the NCOP and on the Financial and Fiscal Commission.

Salga aims, among other things, to:

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

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

### Local Government Strategic Agenda (2006 - 2011)

In 2006, the Department of Provincial and Local Government co-ordinated the implementation of the five-year Local Government Strategic Agenda.

The agenda aims to ensure that the three spheres of government focus on a systematic and co-ordinated local-development programme that can be monitored periodically.

### Municipalities

The Constitution provides for three categories of municipalities.

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

Metropolitan councils have single metropolitan budgets, common property ratings and service-tariff systems, and single employer bodies.

South Africa has nine metropolitan municipalities, namely:

- Buffalo City (East London)
- City of Cape Town
- Ekurhuleni Metropolitan Municipality (East Rand)
- City of eThekweni (Durban)
- City of Johannesburg
- Mangaung Municipality (Bloemfontein)
- Msunduzi Municipality (Pietermaritzburg)
- Nelson Mandela Metropolitan Municipality (Port Elizabeth)
- City of Tshwane (Pretoria).

Metropolitan councils may decentralise powers and functions.

However, all original municipal, legislative and executive powers are vested in the metropolitan council.

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

Non-metropolitan areas consist of district councils and local councils.

District councils are primarily responsible for capacity-building and district-wide planning.

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

- prepare, implement and review integrated development plans (IDPs)
- establish, implement and review municipalities' performance-management systems
- monitor and review municipalities' performances
- prepare municipalities' budgets
- participate in decisions about the provision of municipal services
- communicate and disseminate information on governance matters.



Imbizo is a forum for enhancing dialogue and interaction between government and the people. It provides an opportunity for government to communicate its Programme of Action and the progress being made. It promotes participation of the public in the programmes to improve their lives. Imbizo also highlights people's concerns, grievances and advice about government's work.

**Integrated development plans**

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

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

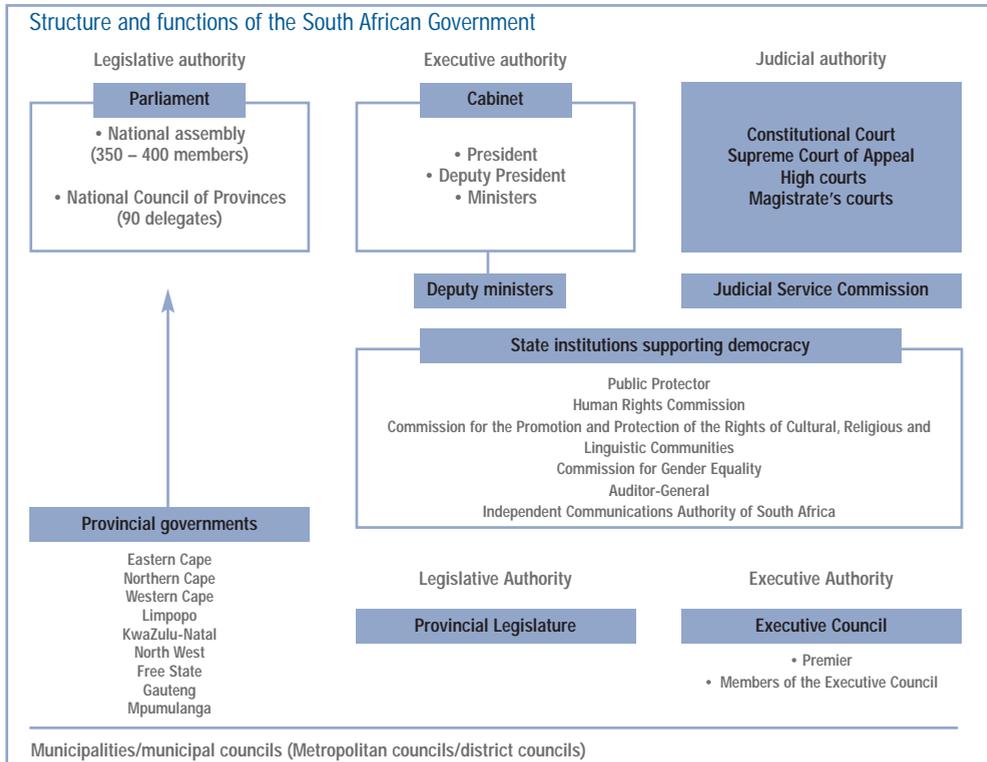
The Department of Provincial and Local Government advises role-players on how to co-ordinate and improve development planning, and provides platforms for knowledge-sharing. It has developed a supporting intergovernmental planning

framework, which provides greater clarity as to the type and role of appropriate planning at each government level. The IDP Nerve Centre was established to provide an information-co-ordination service to strengthen intergovernmental planning.

A national engagement process of all IDPs was conducted in 2007. An IDP format guide was distributed to all municipalities.

The department initiated a national assessment process, looking at the IDPs of all municipalities. This intergovernmental effort resulted in the increased adoption rate of IDPs. The adoption rate in the 2006/07 financial year was 98%. These IDP engagement processes are contributing to inter-sphere co-ordination and integration.

By mid-2007, in addition to the 17 national intergovernmental structures which had been established since 1994, all the provincial governments had established their own premier's co-ordinating intergovernmental forums.



These were constituted in terms of Section 16 of the IGR Framework Act, 2005.

All 46 district municipalities had established their district intergovernmental forums in terms of Section 24 of the IGR Framework Act, 2005. The process is an integral part of an institutionalised mechanism for monitoring the implementation of the government-wide five-year Local Government Strategic Agenda. Provinces have made progress towards establishing provincial monitoring and evaluation (M&E) units in the offices of the premiers and the provincial departments of local government.

By mid-2007, work had been completed in eight of the 13 pilot areas for the application of the National Spatial Development Perspective (NSDP) principles, and draft reports were being finalised. A draft communication plan for the NSDP had been prepared. Planning for extending the NSDP application to 10 districts/metros had been initiated.

### Legislation

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

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

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

The Local Government: Municipal Finance Management Act, 2003 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 regulates the power of a municipality to impose property rates, excludes certain properties from rating in the national interest, provides fair and

equitable valuation methods of properties, and provides for municipalities to implement a transparent and fair system of exemptions, reductions and rebates through their rating policies. The Act will be implemented in phases. The Municipal Infrastructure Grant (MIG) is a key instrument for addressing municipal infrastructure and basic service backlogs.

### Municipal Infrastructure Grant

A process of reallocating MIG funds between municipalities (as provided for in the Division of Revenue Act, 2006 [Act 2 of 2006]), has been adopted with the primary intention of using available funds in the most efficient manner to eradicate backlogs in municipalities that have demonstrated capacity to spend. At the same time, various measures to strengthen the ability of poor-spending municipalities to better spend their MIG funds are being instituted.

### Local Economic Development (LED)

An LED framework was launched in August 2006, along with a practical toolkit supporting its implementation. By March 2007, 37 districts and all metros had adopted LED plans and assessments of the integration of LED plans and PGDS. The state of preparedness to implement LED had also been completed.

### Project Consolidate

In 2004, Project Consolidate, a hands-on support and engagement programme focusing on targeted municipalities, was launched. This project was informed by a growing concern that although some municipalities were able to discharge their responsibilities, some required additional technical and institutional support.

Project Consolidate resulted in mobilising and deploying technical support, service-delivery facilitators, engineers and project managers to the



The Local Government Laws Amendment Bill seeks to refine and align policy provisions reflected in different laws, strengthen enforcement measures, and improve technical and legal provisions. The affected legislation will include the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998); Local Government: Municipal Structures Act, 1998 (Act 117 of 1998); Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003); and the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).

identified municipalities. This initiative introduced a new culture and method of working by national departments, provinces, the private sector and NGOs to provide direct and sustained support to municipalities.

One area of concern is municipal financial viability and management. By mid-2007, 12 municipalities had been identified as pilot sites for efforts directed at improving municipal billing systems.

Since this intervention, revenue collection in these municipalities had increased by an average of 21,4%. This total increase in revenue amounted to R1,6 billion over a period of 12 months. The increased revenue allowed the municipalities to provide new services. It also improved the ability of municipalities to predict revenue flows.

By 30 November 2006, 42 Project Consolidate municipalities were being supported through this initiative. The aim was to reach 70 municipalities with 90 deployees by the end of June 2007. A total of 291 infrastructure projects, valued at R1,5 billion, were receiving implementation support.

The infrastructure projects focus on among other things, water, sanitation and roads. By mid-2007, 51 retired engineers, 45 graduates and 99 students had been deployed at 75 municipalities. A total of 130 municipal employees had received hands-on training. Development and infrastructure implementation support was being given to R2,2 billion worth of projects.

Attention is also being given to improving internal controls, developing Municipal Finance Management Act, 2003-compliant asset registers, and developing tools and procedures to facilitate the compilation of annual financial statements. Following this intervention, all the backlogs of annual financial statements up to the 2004/05 financial year have been eliminated. Significant skills transfer has taken place, benefiting the lower-level finance staff in municipalities. Practical tools and guides to enable sustainability have been developed and provided to participating municipalities.

### 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 aims to provide core communication services to Government Communications and other government departments, both in-house and through outsourcing. It also produces the *South Africa Yearbook* and *Pocket Guide to South Africa*.
- Government and Media Liaison aims to coordinate effective, integrated and comprehensive communication and media liaison services across government. It is also responsible for BuaNews, a government news service.
- Policy and Research conducts communication research to provide communication advice and monitors the development and implementation of government programmes from a communication perspective.
- Provincial and Local Liaison supports development communication and extends government's information infrastructure through



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.

Provincial and local government aim to increase the pace of implementing government programmes, which seek to cultivate conditions for sustainable economic development in geographic spaces that were previously neglected. The Urban Renewal Nodes Investment Atlas identified 25 investment opportunities, while its rural counterpart identified 88 investment opportunities, mainly in agriculture, tourism and mining.

A market-development approach to creating jobs, building capacity for economic development and reducing poverty in the nodes was being piloted by mid-2007 at the Maruleng and Bushbuckridge nodes. This pilot is a R30-million partnership between the Department of Provincial and Local Government and the Business Trust.



partnerships with provincial and local government. It facilitates the establishment of Thusong Service Centres (former multipurpose community centres) to make services and information more accessible to the public, particularly the disadvantaged.

- Corporate Services provides financial management, administrative services, and human-resource (HR) administration and development. The Project Desk implements project management and co-ordinates services to cross-cutting projects driven by Government Communications, on behalf of other departments.
- *Vuk'uzenzele*, which is published bimonthly, focuses on economic and other opportunities created by South Africa's democracy.

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

Government Communications is central to developing communication strategies and programmes for government's transversal campaigns.

It also assists departments with specific campaigns and events, as well as in developing departmental communication structures.

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

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

- An intersectoral programme to set up Thusong Service Centres, providing information about how to access government services. By October 2007, 96 Thusong Service Centres were in place and more centres were being established. A strategy for setting up one Thusong Service Centre in each of the country's municipalities by 2014 has been approved.
- The transformation of the advertising and marketing industry.
- The Academy of Government Communication and Marketing, in collaboration with the University of the Witwatersrand School of Public and Development Management, Unilever and the Mandela-Rhodes Foundation.
- The Imbizo Campaign of direct interaction between government and the public.

The following entities report to Government Communications:

- the International Marketing Council (IMC)
- the Media Development and Diversity Agency.

(See chapters 4 and 5: *Arts and culture* and *Communications*.)

### **International Marketing Council**

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

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

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

The IMC has succeeded in changing perceptions by hosting branding and investment missions in important markets overseas, in partnership with the Department of Trade and Industry. This partnership will focus on profiling key economic sectors of South Africa's flourishing economy in markets that are relevant to their investment needs. The IMC's role in the exercise is primarily that of ensuring common and consistent messaging and ensuring a consistent look-and-feel during interactions with people abroad.

In 2007, the IMC launched a new television commercial to boost the growing confidence among South Africans about the future. Known as the "We've done it before" Campaign, it was built on the premise that South Africans continue to defy all odds. This campaign follows the successful and inspirational "Rhythm of the Nation" and "Today I Woke Up" advertising campaigns.

Other tools applied by the IMC to facilitate the enhancement of national pride include:

- The Communication Resource Centre, which is a state-of-the-art facility monitoring media coverage on South Africa anywhere in the world. Government communicators use the centre in formulating messaging concerning various issues relating to South Africa that are covered internationally.
- The Information Resource Centre, which collects, collates and makes accessible a vast spectrum of positive information about South Africa.

- The web portal *www.southafrica.info*, which is the official national gateway to the country for national and international Internet users, realising over 2,2 million page views a month, and containing over 25 000 pages of information.
- *The South African Story II*, which is the second version of the IMC booklet filled with facts, quotes and anecdotes that illustrate the extraordinary South African story and current challenges facing the country.
- The Brand Champion Programme, through which highly skilled professionals are tasked with positioning the brand among South Africans and weaving the values of the brand into the fabric of society. The Brand Champion Team engages organisations, corporates and individuals through workshops to ensure that everybody who is well positioned to interface with tourists, investors and traders is armed with an understanding of the Brand South Africa values, and is also an ambassador of the brand.
- The *Alive with Possibility* newsletter, which is a weekly online communication tool showcasing positive stories coming out of South Africa.
- The *Boundless Opportunities* newsletter, which is produced in partnership with the JSE Securities Exchange Limited (JSE), targets stakeholders of the JSE, including all international exchanges.

### Co-operative governance

The importance of co-operative governance and intergovernmental relations in South Africa is reflected in Chapter 3 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 forums between responsible line-function ministers at national level and their

respective counterparts at provincial-government level, which normally meet quarterly. These forums are supported by technical committees.

- A number of intergovernmental forums that facilitate co-operative governance and inter-governmental relations.

To improve integration among all spheres of government in both policy development and implementation, the IGR Framework Act, 2005 was promulgated in August 2005.

### Elections

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

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

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

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



The Minister in The Presidency, Dr Essop Pahad, announced in May 2007 that Brand South Africa's weight in the global marketplace was valued at over R500 billion.

This valuable imprint on popular consciousness coincides with a move by the International Marketing Council (IMC) to extend the South African country brand formula from the borders of the United Kingdom and the United States of America to India.

The IMC, now a registered public entity, has brought about enhanced international profiling of South Africa as a dynamic emerging market.

The third floor-crossing window period for municipal councils since the 2000 municipal elections expired on 15 September 2007 at midnight.

A total of 250 municipal councillors crossed the floor successfully in this period, affecting the composition of 128 municipalities.

By September 2007, 12 new political parties had registered since June 2007 – the Christian Democratic Alliance, Federal Congress, National Alliance, Social Democratic Party, National People's Party, People's Democratic Movement, African People's Convention, New Vision Party, Civic Alliance of South Africa, South African Political Party, Federal African Convention and the Eden Forum. All the parties are registered nationally, except for the Eden Forum which is registered municipally.

The three parties with the largest net gain were the:

- ANC with 53
- African People's Convention with 36
- National People's Party with 31.

In terms of loss, the three parties with the biggest net loss were the:

- PAC with 41
- ID with 27
- National Democratic Convention with 22.

In terms of the new parties that had been registered since June 2007, the following four gained the most members:

- African People's Convention with 36
- National People's Party with 31
- Federal African Congress with nine
- Federal Congress with nine.

Of the 128 municipalities affected by floor-crossing, the province that had the most affected municipalities was KwaZulu-Natal with 27, followed by the Western Cape with 22 and the Eastern Cape with 15.

## Disaster management

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

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

The Government's Early Warning System allows the NDMC to forecast weather patterns.

The centre is developing an electronic database containing extensive information about disasters

that occur or that may occur in southern Africa, including information on early warning systems.

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

## The Public Service

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

## Size of the Public Service

By the end of March 2006, the Public Service had 1 045 412 employees (excluding members of the South African National Defence Force). Of these employees, 67% were attached to the social services sector (health, social development and education), followed by 20% in the criminal justice sector.

Statistics show that in 2006/07, 103 349 employees were recruited and retained. The highest proportions were college and school educators (26%), followed by professionals and managers (19%) and administrative staff (18%).

## Restructuring of the Public Service

In 2006/07, a communication strategy for the Public Service skills database, namely project HR Connect, was implemented. Introductory workshops were held at 21 departments. Some 40 000 personal survey forms were distributed. Departments were requested to submit their forms by 20 June 2007. Departments also received training on aligning



The Independent Electoral Commission (IEC) is expected to intensify its preparations for the fourth general election in 2009. The IEC is not only responsible for South Africa's elections but it has also guided and supported the successful transition to democracy in a number of neighbouring countries, including the Democratic Republic of Congo.

Election-management bodies in east and southern Africa are sending their experts to South Africa to participate in a specialised training programme. Election administrators from nine east and southern African countries (Kenya, Lesotho, Malawi, Mozambique, South Africa, Tanzania, Zanzibar, Uganda and Zambia) took part in a Train the Trainer course in May 2007, conducted by the International Institute for Democracy and Electoral Assistance and the IEC, with funding from the Australian Government.

organograms with the Organising Framework of Occupations.

The local-government skills database will be developed once phase one of the skills audit has been completed and the skills-audit database has been set up. The project will take the Department of Public Service and Administration's approach to the skills audit for the national and provincial levels into account.

Cabinet has decided to make the use of competency assessments compulsory as part of the recruitment process for senior management service (SMS) posts. The assessment battery has been reviewed and refinements will be made. A leadership-development strategic framework for management was being developed. A centralised information system based on the assessment results is expected to assist in tracking skills gaps, targeting executive-development programmes, deploying scarce skills and headhunting.

The final draft of the Human Resource Development Strategy's (HRDS) implementation guide and plan has been completed. By mid-2007, a policy on the use of the 1% training budget was being developed, based on gaps and best practices in departments.

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

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

The objectives of PILIR are to:

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

PILIR adopts a holistic approach to health-risk management; prevents abuse of sick leave by managing incapacity or ill-health as far as possible; adopts a scientific approach to health-risk management based on sound medical, actuarial

and legal principles; and implements health-risk management that is consistent, fair, objective, cost-effective and financially sound.

### **Medical assistance**

The Government Employees Medical Scheme (Gems) was registered in accordance with the Medical Schemes Act, 1998 (Act 131 of 1998), in January 2005, and public-service employees began enrolling in January 2006. Gems is a restricted scheme for public-service employees.

The scheme attracts both employees who have enjoyed medical cover on open medical schemes and those who were previously unable to afford medical cover.

By the end of July 2007, Gems had become the country's largest restricted medical scheme, covering more than 150 000 principal members and some 400 000 lives.

### **Macro-organisational issues**

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

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

The Single Public Service is a massive undertaking designed to improve service delivery by integrating the front office, the back office and the institutions delivering services to the people. Critical preparatory work is being undertaken to develop common norms and standards in relation to HR practices.

By May 2007, the Single Public Service Bill had been drafted. A schedule of amendments to other

Acts was being drawn up. The project charter for the development of HR practices for the Single Public Service had been approved. Applicable legislation and available policy documents had been reviewed. A project to develop appropriate remuneration and conditions of service for the Single Public Service was under way.

### **Community Development Worker (CDW) programme**

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

Since the inception of the CDW Programme in 2003, 4 160 CDW learners had been recruited and deployed to municipalities. By February 2007, some 2 600 of these had been employed by provincial departments of local government. Recruitment of a further 1 000 learners was planned for 2006/07. In 2007, CDWs were to be trained to enable them to mobilise and train communities on co-operatives.

### **Batho Pele (People First)**

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

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

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

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

The African Public Service Day (APSD) and Public Service Week (PSW) are organised and hosted annually. The PSW focuses on public servants, recognises their efforts and considers the way in which they serve communities. It specifically aims to benefit women, young people and people with disabilities. The PSW offers opportunities for public

servants to rededicate themselves to the roots of their profession by rendering service to the people.

The APSD celebrates the spirit of inter-governmental relations, with the express objective of rebuilding the continent through efficient and effective service delivery. As part of the roll-out of Batho Pele to local government, 138 municipalities were trained in the Batho Pele Change-Management Engagement Programme in 2006/07. The programme is modelled on the train-the-trainer approach and participants are encouraged to further cascade it in their municipalities.

Between 2005 and the end of 2006/07, more than 900 officials were trained in change management using the Batho Pele change-management toolkit. In terms of the Public Service Regulations, departments are required to adopt service-delivery improvement plans.

### **Research, learning and knowledge management**

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

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

Some 12 000 copies of the learning journal, *Service Delivery Review*, are distributed to senior managers and practitioners across the Public Service annually. The Annual Service Delivery Academy has grown into an event where more than 500 practitioners come together to learn and share success stories.

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



## Employment practices and career management

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

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

The concept is one of talent development that takes the form of accelerated development training to create a sustainable pool of upwardly mobile managers. The South African Management Development Institute (Samdi) and the department are running the initiative.

Cabinet approved the first group of middle managers' enrolment in the programme in 2006. By July 2007, the first 103 middle managers had participated in the programme.

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

By mid-2007, the Public Service Gender Equality Strategic Framework and implementation guidelines were being consulted upon with stakeholders through national and provincial roadshows. A project to implement the Job-Access Strategy for the employment of people with disabilities in the Public Service has commenced. The National Steering Committee on Diversity Management has been established. A draft social audit template has been designed.

The Department of Public Service and Administration has anticipated the need for

stronger performance-management systems across the public sector. Departments in this portfolio, together with others, have been providing critical support for the development of a government-wide M&E system (GWM&ES). The Public Management Watch has been developed to proactively identify departments facing governance challenges and take initiatives to support them. The Public Service Commission (PSC) drives the system of performance management for heads of departments (HoDs) and recommendations have been made on strengthening the system.

Effective from 1 April 2006, the Performance Management and Development System for SMS members was amended to improve the content and application of the system.

## Fighting corruption

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

The National Anti-Corruption Forum (NACF) has strengthened the country's partnership approach to promote ethical conduct. The work done to date shows that the NACF is yielding positive results. South Africa's anti-corruption drive has a strong public-participation dimension, whereby citizens are encouraged to actively play a role in reporting acts of corruption.

By 30 November 2006, 2 297 allegations of corruption relating to national and provincial departments had been reported through the National Anti-Corruption Hotline (NACH).

As part of the anti-corruption initiatives, South Africa hosted the Africa Forum on Fighting Corruption from 28 February to 2 March 2007, as a precursor to the Global Forum V on Fighting Corruption and Safeguarding Integrity, which was hosted by South Africa from 2 to 5 April 2007. The forum provided a platform to discuss societal values, national integrity systems and the role of leadership in promoting ethical values in all sectors of society.

The Africa Forum and Global Forum have established a new continental and global

understanding of, and debate on, corruption and its impact on development.

The forums gave South Africa the opportunity to shape global anti-corruption discourse. Previously, corruption had been narrowly defined, focusing only on the “bribe giver” and the “bribe taker”. The forums identified the need to address the root causes of corruption, which is a structural global phenomenon involving all sectors of society, and which affects both developed and developing countries.

The challenge is to develop plans of action emanating from the declarations of the forums and other bodies. The Africa Forum’s declaration will be implemented under the auspices of the African Union (AU). The Global Forum’s declaration will be taken forward in anticipation of the Conference of the States Parties in 2008.

An audit of local government’s anti-corruption capacity has been conducted in 164 local authorities. By mid-2007, Project Consolidate’s Anti-Corruption Programme was in its second phase of implementation in 22 municipalities.

### **Human-resource development**

In 2006/07, the HRDS was prepared, which includes capacity-building steps such as the establishment of a national public-sector academy, (currently the South African Management Development Institute [Samdi]); partnerships with higher education (HE) institutions and further education and training colleges; e-learning for the Public Service; learnerships, internships and traineeships; a more strategic role for professional bodies; leadership and management-development strategies; and strengthened systems for workplace learning.

The capacity-building initiatives are supported by organisational initiatives (HR management [HRM] interventions) and governance initiatives, including M&E.

### **Employee health and wellness**

The Public Service Regulations were amended in 2002 to include mandatory minimum standards for managing HIV and AIDS in the Public Service.

In terms of the amended regulations, the heads of all government departments are obliged to implement minimum standards that outline what programmes must be put in place to support infected and/or affected employees, and to prevent stigma and discrimination against such employees.

Despite some challenges, implementation of the minimum standards is proceeding well and the programme has been recognised and documented

as a best-practice model by the International Labour Organisation.

While the initial focus of the Public Service Workplace Programme was on managing HIV and AIDS, the Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 8 of 2000 acknowledged the need for a comprehensive programme to deal with employee health and wellness.

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

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

The Local Government HIV and AIDS Framework was launched in April 2007 to assist municipalities in addressing the challenges of HIV and AIDS at local level.

### **Monitoring and evaluation**

The GWM&ES is being established. The aim is to develop a dashboard reflecting public-sector performance and other statistical information. The GWM&ES processes information from a wide range of sources, including government’s transversal systems, such as the National Statistical System of Statistics South Africa. In 2007, The Presidency published the *Mid-Term Review*, providing analysis and trends gleaned from 72 macro-indicators. Samdi was designing capacity-building for M&E.

### **Government Information Technology Officers’ (Gito) Council**

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

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

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

### **E-government projects**

Two major catalytic projects are under way, namely the Citizen Relations Portal and the Track and Trace

System. The user requirements for the Citizen Relations Portal were expected to be completed in May 2007.

The Department of Home Affairs has introduced an identification document application track-and-trace system, which enables home affairs officials to respond to queries from the public regarding the progress of their applications received after 19 February 2007. Citizens can also verify their marital status records via the system. Citizens can obtain the information on the Internet ([www.dha.gov.za](http://www.dha.gov.za)), from the call centre (0800 601 190) or via short message service (SMS) (32551).

The Ministry for Public Service and Administration has embarked on various transformation initiatives to modernise its service-delivery model for the benefit of the people. These include, among other things, conducting citizen/business research; developing a next-generation e-government vision, strategy and roadmap; producing a next-generation State Information and Technology Agency (Sita) business, operating and technology model; conducting rapid prototyping of catalytic projects; developing a national digital inclusion plan for South Africa; and working towards the development of an enterprise architecture.

The Next-Generation Network Project is worth R454 million over five years and it represents the largest deployment of next-generation network services in sub-Saharan Africa.

The ministry developed a free and open source software strategy to decrease cost savings in licence fees in the medium- to long-term, and to facilitate interoperability through the increased use of open standards.

The Access Strategy focuses on developing infrastructure for integrated service delivery, including the construction programme for Thusong Service Centres and the development of ICT infrastructure at service-delivery institutions.

#### **Batho Pele Portal**

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

The Department of Public Service and Administration has transferred responsibility for

providing the content for the Gateway Services Portal (accessed via South Africa Government Online [[www.gov.za](http://www.gov.za)]) to Government Communications. It is supported by content managers in every department to ensure that services offered to the public are fully and accurately reflected.

The Gateway Call Centre (1020) is also operational.

#### **Centre for Public Service Innovation (CPSI)**

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

The CPSI strives to create opportunities for enhancing access to government services through innovative means. In partnership with Sita, Government Communications, the Universal Service and Access Agency and the Department of Public Service and Administration, the CPSI is rolling out the General Services Counter (GSC) in Thusong Service Centres. As part of the mandate to improve service delivery, the CPSI and Sita piloted the CDW-Gateway Project that provides satellite-enabled laptops to CDWs for citizens to access the Batho Pele Gateway Portal for information and services.

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

#### **State Information Technology Agency**

Sita was established in 1999 to consolidate and coordinate the State's IT resources to save costs through scale, to increase delivery capabilities and to improve interoperability. Sita was established in terms of the Sita Act, 1998 (Act 88 of 1998), as amended by the Sita Amendment Act, Act 38 of 2002. Sita is funded from providing services as stipulated in the service-level agreements referred to in the legislation.

#### **International and African affairs**

The Ministry for Public Service and Administration is active in global organisations involved in public-administration issues and challenges. The minister actively participates in the Commonwealth Association of Public Administration and Management, in the International Institute for Administrative Sciences, and in the activities of the



United Nations (UN) pertaining to public administration. In addition, the ministry continues to conclude various information-sharing and capacity-development bilateral co-operative agreements with similar ministries and departments across the globe.

South Africa plays an influential role in the international and African governance and public-administration community.

The ministry continues to play an active role in the Pan-African Conference for Ministers of Public or Civil Service. Events and processes taking the agenda of this conference forward include the All Africa Public Sector Innovation Awards, which were expected to culminate in the first quarter of 2008, and efforts to strengthen the implementation of the African Public Service Charter across the continent.

Samdi is hosting and financially supporting the Secretariat of the African Management Development Institutes (MDIs) Network, a network that has as its key objective reinstating African MDIs as centres of excellence and worthy players in the effort to build public-sector capacity on the African continent.

### **African Peer Review Mechanism (APRM)**

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

President Thabo Mbeki met with his peers at the seventh Summit of the African Peer Review (APR) Forum in Accra, Ghana, in July 2007 to present South Africa's response to the APR Panel's *Country Review Report*.

The *Country Review Report* identified 18 South African best practices worthy of emulation. These included co-operative governance; popular participatory governance practices; Batho Pele; Thusong Service Centres; the highly consultative Budget Formulation Process; achievements of the South African Revenue Services (Sars); the JSE and Triple Bottom Line Reporting; the Mzansi Account for the unbanked; the Financial Service Charter; the King reports; self-reliance in development funding; provision of basic needs and socio-economic

rights; and the successful promotion of gender equality in the public sphere.

The APR member states strongly endorsed the process that South Africa undertook in completing the *Country Self-Assessment Report*. Member states agreed that South Africa's process was inclusive, participatory and innovative.

### **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 G&A Cluster; Social Cluster; Economic Cluster; Justice, Crime Prevention and Security Cluster; and International Relations, Peace and Security Cluster.

The G&A 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 G&A Cluster strives to improve the quality of life of the people by improving governance, the capacity and organisation of the State and its underlying systems. The cluster's priorities derive from government's commitment to improve its service to the people.

Following the January 2007 Cabinet Lekgotla and the President's State of the Nation Address on 9 February 2007, the Cluster developed a Programme of Action.

The cluster has four priorities:

- promoting good governance
- strengthening the capacity of the State
- achieving and maintaining the optimal organisation of the State
- developing and enhancing the State's transversal systems.

### **Public Service Commission**

The PSC derives its mandate from sections 195 and 196 of the Constitution. Section 195 sets out the following values and principles governing public administration that should be promoted by the commission, which are set out in the annual *State of the Public Service Report*:

- a high standard of professional ethics
- efficient, economic and effective use of resources
- a development-orientated public administration
- providing services in an impartial, fair and equitable way, without bias
- responding to people's needs and encouraging the public to participate in policy-making
- an accountable public administration

- fostering transparency
- cultivating 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, and in particular, adherence to the values and principles set out in Section 195, and public-service procedures
  - propose measures to ensure effective and efficient performance within the Public Service
  - give directives aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in Section 195
  - report on its activities and the performance of its functions
  - investigate and evaluate the application of personnel and public-administration practices, and report to the relevant executive authority and legislature
  - investigate grievances of employees in the Public Service concerning official acts or omissions, and recommend appropriate remedies
  - monitor and investigate adherence to applicable procedures in the Public Service
  - advise national and provincial organs of state regarding personnel practices in the Public Service.
- The PSC is supported by the Office of the Public Service Commission (OPSC), which implements the policy and programmes of the PSC. The commission comprises 14 commissioners and has regional offices in all nine provinces. The work of the PSC is structured around the following key performance areas:

#### **Labour-relations improvement**

During the 2006/07 financial year, the OPSC's Directorate: Labour Relations conducted a research project on the management of poor performance in

the Public Service and a study on annual grievance trends. During these processes, it became evident that departments, executing authorities and relevant stakeholders need to be sensitised about the reports on these activities.

To improve and enhance labour relations, the unit was expected to host round-table discussions on the issues that were raised and identified as being of concern by the delegates at the first biennial Labour Relations Conference for the Public Service held in March 2007. The conference was co-hosted by the PSC and the PSCBC.

The component continues to enhance sound labour-relations policies and good HRM to maximise human potential and ensure the effective use of all the resources necessary to promote an acceptable and transparent public administration.

The following are activities used by the OPSC's Labour Relations Improvement component to address these challenges:

- investigate grievances and complaints lodged with the PSC and make recommendations to executing authorities
- investigate, monitor and evaluate labour-relations policies and trends in the Public Service and make recommendations in that regard
- monitor and evaluate the capacity and ability of departments to implement recommendations made, and monitor compliance with grievance rules in general.

The number of grievances handled by the PSC increased from 486 in 2006 to 641 in the year until March 2007. This may be attributed to the fact that the grievance rules are now translated into all official languages and made available on the website ([www.psc.gov.za](http://www.psc.gov.za)). The PSC also enforces stringent time frames for departments to adhere to prescribed periods. Grievances should be lodged within 90 days from the date an employee became aware of the omission or act that caused the dissatisfaction.

The departments then have 30 days in which to deal with grievances (although this period may be extended if agreed to by the aggrieved party). If a grievance is not resolved to the satisfaction of the aggrieved party, he or she may request that it be referred to the PSC.

During 2007/08, the component envisaged undertaking an investigation aimed at determining the root causes of the top five natures of grievances in the Public Service. The unit also evaluated the consistency of sanctions imposed on public servants.

### Public-administration investigations

In terms of its investigative tenet, the PSC has created the Chief Directorate: Public Administration Investigations as its chief steward for investigations relating to public-administration practices. Its main purpose is to undertake audits and investigations. The measurable objectives of the chief directorate are to:

- investigate public-administration practices and to make recommendations to departments
- undertake forensic audits and investigations into public-administration practices
- monitor and evaluate financial misconduct cases and maintain a database.

The unit also manages complaints emanating from the NACH, which relate to standards of service delivery, behaviour, competency and attitude of staff.

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

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

### Professional ethics and human-resource reviews

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

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

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

- providing anti-corruption training
- providing secretariat services to the NACF
- launching a generic professional ethics statement to inculcate and maintain a culture of integrity and ethos within the Public Service

- implementing the National Anti-Corruption Programme (NACP) of the NACF
- establishing the toll-free, 24-hour NACH facility (0800 701 701) to which fraud and corruption can be reported.

The NACH is an important mechanism for the Public Service in its fight against corruption.

Up to the end of March 2007, the NACH had generated a total of 4 726 cases since its inception in September 2004. Of these, 2 689 related to corruption (bribery, embezzlement, fraud, favouritism and nepotism, conflict of interest, maladministration and abuse of government equipment).

A total of 168 cases fell outside the jurisdiction of the Public Service, while 515 were frivolous cases. A total of 155 calls related to additional information to the original report by whistle blowers, while 1 199 related to service delivery (i.e. cases, that on closer scrutiny turned out to be lack of service delivery). Service-delivery cases were not anticipated, resulting in a substantial increase in the number of investigations. The PSC's activities in respect of HRM and development mainly focus on:

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

The PSC continuously conducts reviews to ensure that it promotes good HR strategies, practices and principles.

One of the pillars the PSC uses is the *White Paper on Transformation of the Public Service*, which states that each department at national and provincial level is required to draw up HR strategies designed to meet the specific needs of public servants.

Departments are expected to be in line with HR policy objectives or legislative frameworks as may be required by the PSC, the Department of Public Service and Administration and other stakeholders.

### Gender mainstreaming

The PSC has completed research on gender-mainstreaming initiatives in the Public Service. The report aims to highlight strides that have been achieved, and to identify and make recommendations for areas which need attention to advance gender mainstreaming in the Public Service.

### Evaluation of employee assistance

The PSC has completed the *Report on the Evaluation of Employee-Assistance Programmes in the Public Service*. The report identifies some of the best practices that can be used to strengthen ineffective employee-assistance programmes. This report is significant as there is a clear need to address the increasing number of employee problems and the mounting impact of HIV- and AIDS-related problems in the workplace.

### Leadership and performance improvement

The OPSC's Directorate: Leadership and Performance Improvement is tasked with facilitating the performance management of heads of national and provincial departments, monitoring practices affecting public-service leadership, and assessing the performance of government departments.

In this regard, the PSC has developed a head of department (HoD) evaluation framework for assessing HoDs at the end of each financial year. Their performance agreements are filed with the commission for quality and compliance-control purposes.

A pilot project to measure the performance of departments through the Organisational Performance Assessment template was also initiated.

### Service delivery and quality assurance

The Chief Directorate: Service Delivery and Quality Assurance promotes improved service delivery

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

During 2006/07, two evaluations on the implementation of the Batho Pele principles of value for money and consultation were undertaken.

A citizen satisfaction survey was conducted in the departments of home affairs and of trade and industry, and on the provincial transport services.

A framework of conducting inspections was developed and piloted at national and provincial level. Two national departments and two provincial departments were sampled during the pilot process.

Reports with findings and recommendations emanating from the pilot were compiled and sent to the respective ministers, MECs, directors-general and HoDs.

### Governance monitoring

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

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

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

The sixth annual edition of the *State of the Public Service Report* was published in May 2007. In this edition, the PSC provided an analysis of the role played by the Public Service in promoting growth and development.



Government launched a website (<http://sa2010.gov.za>) in June 2007 to provide information on government preparations for the World Cup. It provides information about the country and the continent in the context of the first African World Cup. This is one of government's initiatives to take advantage of the 2010 World Cup communication opportunity for the benefit of the country and continent.

The site provides comprehensive information on government's 2010-related programmes, including those related to economic opportunities.

It also provides information about South Africa, as millions of people focus on the country in the run-up to the tournament.

The PSC continues to contribute to M&E at an international level. In October 2006, the PSC participated in the Sussex Development Evaluation Seminar and the joint United Kingdom/European evaluation society conferences.

At a continental level, the PSC continues to play a crucial role and participated in the fourth African M&E Association Conference held in January 2007 in Niamey, Niger.

At national level, the commission co-hosted the inaugural conference of the South African M&E Association held in Johannesburg in March 2007. The theme of the conference was *Evaluation in Action*.

### South African Management Development Institute

Samdi is responsible for:

- Creating a public sector that understands and encourages the concept of lifelong learning as an investment in human capital.
- Shaping a public-sector learning framework to address the needs of the two economies through sustained development in a wide range of skills, particularly in scarce skills areas such as financial and project management.
- Supporting the activities of the Governance and Administration Cluster by providing transversal HRD programmes aimed at enhancing the capacity of the State to deliver services to its citizens.
- Developing the potential of public-service officials through relevant, practical and targeted skills development and training interventions that are primarily aimed at reducing service-delivery blockages.
- Participating in a structure within which MDIs across the continent can contribute to the upliftment and growth of African nations, particularly those undertaking post-conflict reconstruction processes. Samdi has been working closely with the Democratic Republic of Congo (DRC), Burundi and Sudan in strengthening their post-conflict development processes.

While reconstituting itself into an academy as per the mandate of Cabinet, Samdi is embarking on facilitating the provision of training interventions on a large scale, given the huge numbers of the public-sector staff complement (about 1,3 million).

In this massification drive, specific focus on rolling out the Induction Training Programme to junior, middle and senior management will be made. The massification strategy will further see

Samdi collaborating more closely with other of training providers, such as universities, private providers and individuals to ensure that comprehensive rather than selective training is offered in the public sector.

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

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

The first three programmes are accredited through tertiary institutions, while the fourth is a skills programme at National Qualifications Framework (NQF) Level 4.

Samdi introduced the Foundation Management Programme to ensure that there is a sustainable pool of potential management candidates upon which government can draw to implement its programmes and activities.

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

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



Government launched the *Business Survey Against Corruption* in June 2007. The survey forms part of the longitudinal study that focuses on corruption and anti-corruption measures within the private sector over time. The Country Corruption Assessment (CCA) was the first assessment of its kind in South Africa and represented the most comprehensive picture of the state of corruption and anti-corruption measures in the country. Similarly, the CCA provided a baseline against which progress would be assessed in the future.

The study was aimed at enhancing the understanding of corruption and corporate-governance measures within the private sector, and assessing compliance with legislative requirements under the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004).

## Home affairs

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

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

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

Statutory bodies falling under the department are the:

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

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

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

In 2006/07, government allocated R212 000 to the GPW, which has extended its services throughout the region and continent. Early in 2007, the GPW won the contract to provide the AU with diplomatic and service passports, which were delivered on Africa Day on 25 May 2007. In May, the GPW also printed examination papers for Malawi.

The GPW was expected to establish a forensic-laboratory capability to analyse passports, identity documents (IDs), visa labels or any other high-security face-value documents to complement other law-enforcement agencies in the fight against identity fraud.

## Civic services

The Branch: Civic Services is mainly responsible for population registration and civic services. Population registration entails recording personal particulars in the Population Register with a view to issuing IDs; identification by means of fingerprints and photographs; and dealing with matters

pertaining to the status of persons, such as births, marriages and deaths.

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

## Citizenship matters

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

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

## Population Register

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

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

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

fingerprint system, information sourcing from the electronic document-management system, an electronic web-based query system, and interrogation from the different deconsole units.

By June 2007, the Hanis disaster-recovery site had been fully implemented.

Some R207 million was spent to create the disaster-recovery system at a secure location, which backs up all home affairs records every 15 minutes on a continual basis.

By June 2007, the digitisation of about 29 million sets of fingerprints had been completed, which were backed up as an essential part of the Hanis. Progress is also being made in digitally capturing the birth, marriage and death records of citizens under the Electronic Data-Management System, through which a total of 57 million records had been scanned. A further R167 million will be spent on expanding this project.

## 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 Immigration Act, 2002 was amended in 2006 to clarify and revise immigration and permit procedures to facilitate skills in line with the Accelerated and Shared Growth Initiative for South Africa and the Joint Initiative for Priority Skills Acquisition.

- The department works closely with the South 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 foreign direct investment in South Africa
- attract scarce skills required by the economy in accordance with the 2014 vision of eradicating poverty and underdevelopment.

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

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

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

These units advise refugee-reception offices on policy-related matters and on the background information of an applicant's country of origin. After

being recognised, refugees are issued with refugee IDs, which give them access to the basic services in South Africa, including basic healthcare, education and employment.

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

This directorate seeks to professionalise the functioning of the refugee regime in preparation for mass influxes in the future, the main focus as a measurement point being the 2010 Soccer World Cup. The department also seeks to assist those who wish to return to their countries of origin after changes in the circumstances that led to their forced migration, by engaging in campaigns of voluntary repatriation jointly with the UN High Commissioner for Refugees, and later declaration and application of cessation clauses, e.g. the Angolan Repatriation Programme.

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

The directorate's main objectives are to:

- establish an information repository, which acts on risks and urgent immigration matters
  - ensure dynamic real-time support on tactical and legal matters to immigration officers globally.
- By mid-2007, a turnaround project for immigration control was being implemented. It includes:
- establishing an integrated refugee-information system
  - developing a draft protocol on the smuggling of human beings
  - ratifying an SADC protocol on free movement of people
  - developing a new secure passport system
  - capacitating the Department of Home Affairs' immigration branch, as part of the department's turnaround strategy.

### Visas

Foreigners who wish to enter South Africa must be in possession of valid and acceptable travel documents. They must have valid visas, except in the

case of certain countries whose citizens are exempt from visa control. Such exemptions are normally limited to permits, which are issued for 90 days or less at the ports of entry. The visa system is aimed at facilitating the admission of acceptable foreigners at ports of entry. The visa becomes a permit upon entry, therefore no additional permit will be issued.

### Control of travellers

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

### Control of sojourn

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

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

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

### Permanent residence

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

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



The department is not directly involved in an active immigration drive. In categories where shortages exist, the normal procedure is for employers to recruit abroad independently, and in most cases, initially apply for temporary work permits.

The department considers the applications for immigration permits of prospective immigrants who wish to settle in the relevant provinces. In terms of new regulations, regions will be responsible for issuing permits previously issued by the regional committees in respect of permanent residence. They will also do so in respect of temporary residence. Enquiries in this regard may be made to the nearest office of the Department of Home Affairs in South Africa, to missions abroad, or to the Director-General of Home Affairs for the attention of the Directorate: Permitting in Pretoria.

### Temporary residence

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

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

In terms of Section 11, a visitor's permit may be issued to a person who intends to enter South Africa for less than 90 days for the purpose of tourism, business, education or medical treatment.

Foreigners who are exempt from visa requirements, or who are citizens of countries that are exempt from visa requirements for 90 days, may therefore proceed to a port of entry where visitors' permits for the mentioned period will be issued, provided such persons can produce evidence to prove their bona fides.

Foreigners who are citizens of countries that are exempted from visa requirements for less than 90 days may likewise obtain visitors' permits at a

port of entry. Such foreigners enjoy exemption for the period only. Foreigners who require a visa prior to proceeding to South Africa, or who intend to enter South Africa for any period longer than the period for which they are exempt from the visa requirement, must apply for and obtain a visa prior to proceeding to the country.

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

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

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

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

### Removal of undesirable persons

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

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

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

## Acknowledgements

BuaNews

BuaBriefs

Department of Home Affairs

Department of Provincial and Local Government

Department of Public Service and Administration

*Estimates of National Expenditure 2007*, published by National Treasury

Government Communication and Information System

International Marketing Council

Office of the Public Service Commission

South African Management Development Institute

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