



DA Policy on Governance

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1. Introduction

Every effort of government must be focussed on improving the lives of South Africans.

As we continue to fight against the challenges of unemployment, poverty and inequality we need all spheres of government and all organs of the state to effectively deliver on their responsibilities to make South Africa a better place to live for all its people.

To achieve this, Section 41 (1) of the South African Constitution says that all spheres of government and all organs of state must provide “effective, transparent, accountable and coherent government for the Republic as a whole”.

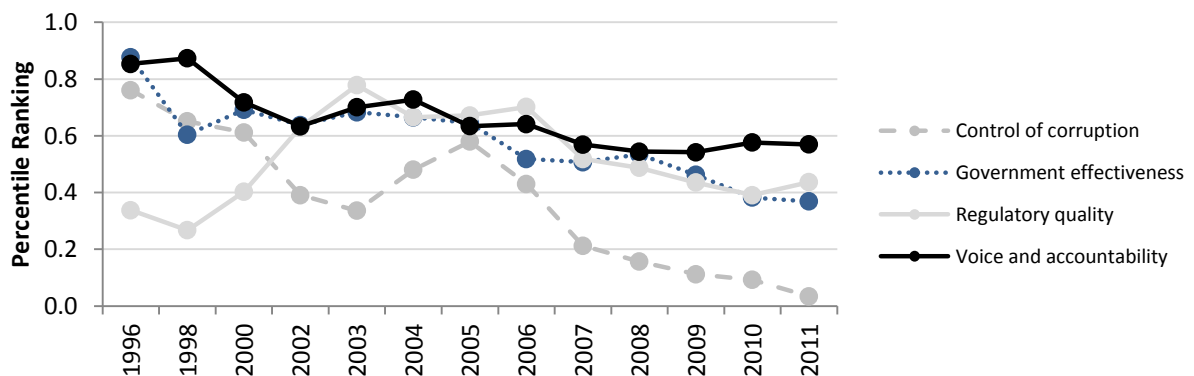
The National Development Plan rightly states that the “state provides the institutions and infrastructure that enable the economy and society to operate”, and that “in a society with deep social and economic divisions, neither social nor economic transformation is possible without a capable developmental state.”

An efficient public administration is a critical enabler for creating an Open Opportunity Society for All. It lays the foundation for a partnership approach between the government and South African citizens in which the government works to deliver opportunities and citizens take responsibility to use these opportunities to improve their own lives.

Two decades after South Africa’s first democratic election many South Africans do not believe that all government departments and state institutions are working to serve them. We have seen many of our democratic institutions abused by a ruling party that seems more focussed on serving its own interests than serving the people of South Africa.

In terms of World Bank Good Governance Indicators, South Africa’s percentile ranking in nearly all key indicators of good governance has declined.

World Bank Good Governance Indicators: South Africa



Source: World Bank, Good Governance Indicators.

The DA believes that governance and government in South Africa can be better. We believe government can be more responsive to the needs of the people, we believe it can be more

transparent and accountable to those it serves, and we believe that it can be more efficient in delivering services. We believe that government can do more to create an enabling environment for growth and development.

Where we govern, our service delivery records and governance outcomes show that we are committed to spending public money in the interest of the people and that we have the capacity to deliver. The “State of Management Practices in the Public Service 2012” report released by the Performance Monitoring and Evaluation Department confirmed that the DA-led Western Cape Government has the best public service management practices in the country.

This document summarises our analysis of some of the challenges faced in terms of good governance and building an efficient public administration in South Africa. We then go on to explain how we believe government and governance can be improved.

Our proposals to make government work better seek to:

- Limit political interference in the public administration;
- Strengthen accountability;
- Advance the fight against corruption and maladministration;
- Attract the brightest minds in the country to careers in the public administration;
- Establish mechanisms to ensure that best practice models are studied and replicated;
- Get different departments and spheres of government to work together;
- Streamline government and arrange state departments to serve the needs of the public, rather than creating new, unnecessary bureaucracies.
- Make sure that the good rules that we have are effectively implemented; and
- Clarify the role of traditional leaders.

2. Key challenges to good governance in South Africa

Public trust in state institutions give us an idea of whether South Africans believe that these state institutions have their best interests at heart and are capable of taking action to improve their lives.

Research by the Institute for Justice and Reconciliation (IJR) shows that South Africans do not have strong trust in government institutions, with confidence in national government, parliament and provincial government at respectively 65%, 62.9% and 61.2%. Confidence in local government is even lower, with only 49.8% of South Africans having confidence in local government institutions.

Of particular concern is the fact that South Africans do not trust the country’s leaders¹. Around 50% of South Africans believe that “leaders are not concerned with people like me”, that there is “no way to make disinterested public officials listen” and do not “trust leaders to do what is right”².

The IJR found that the lack of confidence in local government is driven by low confidence levels (43.3%) in the ability of local government to deliver services.

¹ Institute for Justice and Reconciliation. 2012. *SA Reconciliation Barometer 2012: Ticking time bomb or demographic dividend – youth and reconciliation in South Africa*. Cape Town: Institute for Justice and Reconciliation.

² Institute for Justice and Reconciliation, 2012.

Trust in government institutions is also undermined by perceptions of corruption. Only 38.5% of South Africans believe that the government is doing enough to combat corruption.

When we are talking about tackling the social and economic challenges South Africa faces, we simply must talk about how we can improve government institutions in order to regain the trust of the people and show them that government cares about their wellbeing.

2.1. Political interference

There is a natural tension between the need for an administration that is responsive to the priorities and policies of elected governments and the need for insulation from political pressure. Analysis by the Organisation for Economic Cooperation and Development (OECD) suggests that political non-partisanship can be operationally delivered by emphasising professionalism, merit and competence among public servants³.

In the National Development Plan (NDP), the National Planning Commission pointed out the fact that “at senior levels, reporting and recruitment structures have allowed for too much political interference in selecting and managing senior staff” with resulting “turbulence in senior posts, which has undermined the morale of public servants and citizen’s confidence in the state”⁴.

The conflation of party and state by the ruling party has led to the politicisation of the public sector and runs counter to the provision in chapter 10 of the Constitution that 'public administration must be accountable and transparent'. The politicisation of senior public sector appointments and political interference in the functioning of independent institutions undermines the constitutional provisions which speak to the creation of an impartial public service that should function 'without fear, favour or prejudice'.⁵

(Dinokeng Scenarios, 2009)

The DA agrees with the analysis in the NDP that “where public service is insufficiently insulated [from political pressures], standards can be undermined as public servants are recruited on the basis of political connections rather than skills and expertise”.

To ensure that a party of government is able to implement its policy framework and deliver on its promises to the electorate, there is scope for a narrow band of positions to be filled by persons selected by members of the executive to advise on policy matters and to provide strategic input on general or departmental matters. These positions must, however, be clearly ring-fenced, their roles must be clearly defined and their appointment must be based on fixed-term contracts tied to the tenure of the relevant executive.

³ Matheson, A. et al. (2007), "Study on the Political Involvement in Senior Staffing and on the Delineation of Responsibilities Between Ministers and Senior Civil Servants", *OECD Working Papers on Public Governance*, 2007/6, OECD Publishing.

⁴ National Planning Commission. 2012. *National Development Plan*. Chapter 13: Building a capable and developmental state. Available. [Online]: <http://www.npconline.co.za/> (September 2013).

⁵ Dinokeng Scenarios. 2009. 'Our Liabilities'. Available. [Online]: http://www.dinokengscenarios.co.za/sa_lia_political.php (September 2013).

2.2. Lack of accountability

Accountability refers to institutionalized practices of giving account of how assigned responsibilities are carried out and public resources used. In a democracy it is crucial for political leaders and public officials to account to the citizens for their actions.

(National Development Plan, 2012)

South Africa's democratic institutions include various platforms through which public servants should be held to account.

Chapter 9 and other institutions provided for in the Constitution, including the Auditor General, the Public Protector and the Public Service Commission (PSC), were designed to play a critical oversight role.

Elected representatives in parliament should ensure that legislation is designed and implemented, departments are managed and decisions are made in the best interest of the citizens of this country. In this, they must ensure that government institutions, actions and decisions adhere to the principles of the Constitution.

South Africa also has laws, like the Public Service Act, Public Finance Management Act and Municipal Finance Management Act which set certain parameters for the conduct of public servants in terms of which they can be held accountable through judicial processes.

The National Development Plan identifies the "erosion of accountability" as one of the key factors contributing to poor performance in various spheres of government⁶.

Accountability suffers when:

- Remuneration is disconnected from performance.
- Laws and regulations pertaining to management and conduct in the public administration are not enforced or implemented.
- The reports of oversight bodies like the Public Protector, PSC, Auditor General or Department of Performance Monitoring and Evaluation do not trigger interventions when evidence emerges that departments or municipalities fail to adhere to laws and regulations or to fulfil their mandates effectively.
- Senior officials are not suitably qualified or sufficiently informed to monitor the performance of those who report to them.
- The oversight role of parliament is undermined through (i) the failure of portfolio committees to keep track of their decisions and recommendations on reports from government departments, and how such decisions are implemented, (ii) the casual approach of Ministers and the President in terms of responding to both written and oral parliamentary questions, (iii) the disconnect between voters and members of parliament in the proportional representation system and the resultant political pressure that party bosses can put on members of parliament, and (iv) the apparent unwillingness of ANC members of parliament to critically engage with issues that may reflect negatively on their party.

⁶ National Planning Commission, 2012.

In designing interventions to improve governance in South Africa, there must be a focus on mechanisms to improve accountability.

2.3. Corruption and maladministration

South Africans rely on the government to use public money to pursue policies and implement programmes in service of the people. We rely on government to establish an efficient institutional framework for the roll-out of its services, to support our development goals through targeted spending and initiatives and to maintain efficient controls over where and how money is spent.

Corruption, wasteful expenditure and poor administration place enormous strain on the public purse. It represents lost opportunities to use public money to create an enabling environment for economic growth and job creation, to improve educational outcomes, to invest in the skills our people need to participate in the economy, to provide health, housing and basic services, and to fund and run protection services to keep our citizens safe.

Estimates of the economic impact of corruption vary, but it is believed that the government procurement budget loses between R25 billion and R30 billion per year to corruption and negligence⁷.

This can be attributed to poor financial management in the public administration (with the local government sphere being particularly problematic) the failure by provincial governments to monitor and oversee the performance of functions by municipalities, and the slow progress of the ANC government to adopt legislation to curb corruption and self-enriching activities in the public administration.

In its July 2013 report on the state of management practice in the public service, the Department for Performance Monitoring and Evaluation found that 76% of 156 national and provincial departments are non-compliant with ensuring that they had policies and systems in place to promote professional ethics, 64% of departments are non-compliant with the legal requirements for fraud prevention and overall 60% of departments were non-compliant with legal and regulatory requirements for governance and accountability⁸.

The Director General (DG) of the Public Service Commission, Prof Richard Levin, told parliament in 2012 that there is massive overlap between the official responsibilities and private business interests of senior managers in the public service (29% for Public Works, 28% for Transport, 28% for Human Settlements, and 24% in Cooperative Governance) and that this overlap contributed to dubious procurement practices.

⁷ Former head of the Special Investigating Unit, Willie Hofmeyer, gave this estimate to parliament in November 2011.

⁸ Department: Performance Monitoring and Evaluation. 2013. *State of management practices in the Public Service: Results of management performance assessments for the 2012/13 financial year*. Available. [Online]: <http://www.thepresidency-dpme.gov.za/dpmewebsite/Page.aspx?Id=184> (September 2013).

And yet little has been done to ensure appropriate disclosure and management of conflicts of interests in the public administration. The PSC reported that a third of public sector employees failed to disclose their financial interests in 2010/2011.

The PSC also reports that in the vast majority of cases (76%) no criminal action was taken against officials involved in financial misconduct.

Good governance will require a zero-tolerance approach to corruption, the political will to tackle the problem seriously and the strengthening of institutions charged with oversight.

2.4. Lack of capacity

The main challenge has been unevenness in capacity that leads to uneven performance in local, provincial and national government.

(National Development Plan, 2012)

Discourse on the reasons behind the poor performance of the public sector in South Africa often centres on the impact of cadre deployment, and the “organisational mould” that has allowed the ANC to “embed” its cadres in the public administration⁹.

Research from the Public Affairs Research Institute, however suggests that capacity constraints have increased as a result of the shift from a bureaucratic to a more management-driven approach to public administration that saw the creation of a growing number of senior management posts for which the scope is ill defined and the requirements present a blend of administrative, managerial and analytical skills that are rarely found in a single person¹⁰.

Capacity constraints are particularly visible in the local government sphere – where critical service delivery functions must be performed.

According to the Financial and Fiscal Commission (FFC), “municipalities continue to be hindered by the quantity and quality of public officials available to deliver basic services effectively and ensure the smooth operation of municipal administration”¹¹. The FFC also argues that the struggle to attract experienced technical and professional skills is made worse by “weak linkages with tertiary educational facilities”.

In 2013, the Auditor General found that only 5% of local government entities obtained clean audits and that there was a 73% vacancy rate in key positions. Municipalities also incurred R9.78 billion in unauthorised expenditure, R9.82 billion in irregular expenditure and R568 million in fruitless and wasteful expenditure¹².

⁹ Chipkin, I. 2011. ‘Beyond the popular discourse Capacity constraints in the public sector’. *Public Affairs Research Institute*. Short Essays/ Number 3.

¹⁰ Chipkin, 2011.

¹¹ Financial and Fiscal Commission. 2012. ‘Lack of Capacity is Crippling Delivery of Services in Municipalities’. Policy Brief, 9/2012.

¹² Auditor General. 2013. ‘Consolidated General Report on the Audit Outcomes of Local Government: 2011/12’. Available. [Online]: <http://www.agsa.co.za> (August 2013).

Skills constraints in the public sector are creating a situation where the South African government does not currently have the capacity to deliver on the developmental role currently envisaged for the state¹³.

It is therefore particularly concerning to note that the Public Service Commission found that only 33% of municipalities sampled in a review of recruitment and selection processes actually subjected candidates to competency tests.

There is consensus that the Public Administration Leadership and Management Academy (PALAMA) did not deliver results. It offered generic management training rather than specialist public sector training, it was demand-driven (thus bizarrely expecting public sector personnel to have knowledge of that which they do not have knowledge of) and it had a strong focus on training personnel already in the public sector, rather than potential candidates. In a review by the Public Service Commission in 2011, 90% of sampled departments indicated that they did not utilise PALAMA to conduct training¹⁴.

2.5. Coordination between government structures

Societal problems are seldom simple and uni-faceted. They thus require an integrated response from a variety of role-players.

The efficacy of the public administration in responding to societal challenges is negatively affected by the lack of coordination and collaboration between government departments and between various spheres of government.

Despite the implementation of the cluster system and the more regular contact between national and provincial ministers who share mandates (through MINMEC platforms), coordination remains a key constraint to public sector efficiency – especially in areas where departments and various spheres of government must collaborate to respond comprehensively to a specific challenge.

In 2010, the Public Service Commission focussed its *State of the Public Service* report on the vertical and horizontal coordination and integration between government structures¹⁵. It found that:

- planning is not holistically structured around outcomes, but often still restricted to the mandates of functionally orientated departments;
- director-general clusters are not currently effective mechanisms for strengthening coordination – with only 32% of director generals participating in cluster meetings; and
- coordination is particularly complex in areas where different aspects of a service delivery process is assigned to various spheres of government and subject to funding from disparate grant mechanisms (e.g. land acquisition, township establishment, infrastructure provision and housing delivery).

¹³ Kenny, T. 2010. 'The non-developmental state'. Helen Suzman Foundation. Available. [Online]: <http://hsf.org.za/media/hsf-articles/the-non-developmental-state> (September 2013).

¹⁴ Public Service Commission. 2011. *Assessment of the Human Resource Practices in the Public Service*. Pretoria: Public Service Commission.

¹⁵ Public Service Commission. 2010. *State of the Public Service Report: Integration, Coordination and Effective Public Service Delivery*. Available. [Online]: <http://d2zmx6mlqh7g3a.cloudfront.net/cdn/farfuture/pzUiXAxekewihu3PtLxShJVWFvBdhgkIMTZMY1WM4IU/mtime:1298022706/files/docs/110216state.pdf> (September 2013).

When conflicts arise between government departments on how to address a particular service need or social or economic challenge, there is a need for strong leadership from the Presidency to resolve disputes. The Presidency has, however not taken this leadership role seriously and has instead opted to leave various interdepartmental misalignments (for example the contradictions between the New Growth Path pursued by the Economic Development Department and the National Development Plan punted by Treasury and the National Planning Commission) unchallenged. This could, in part, be attributed to attempts at quashing disputes within the ruling party, often related to factional clashes within the ANC.

Coordination – especially in terms of the dissemination of information – directly impacts on service delivery when local and provincial governments are not able to access information on earmarked funds and conditional transfers to promote delivery in specific service areas and are not empowered to develop and implement projects using earmarked funding. The same applies to international development funding.

2.6. Uncertainty about the role of traditional leadership

The South African Constitution recognises the status and role of traditional leadership and Section 212(1) allows for national legislation providing a role for traditional leadership in the local sphere on matters affecting local communities.

This role was legislated through various acts clarifying the role of traditional authorities, including the Traditional Leadership and Governance Framework Act (2003). This act allows “recognised traditional communities” to establish traditional councils, with 40% of members democratically elected of which at least one third must be women¹⁶. These councils are tasked with, among other things, administering the affairs of traditional communities in accordance with custom and tradition and supporting municipalities in identifying community needs. In certain provinces (e.g. Limpopo, KwaZulu-Natal and the Eastern Cape) this legislation is supplemented by provincial acts.

Other controversial legislation such as the Traditional Courts Bill and the Communal Land Rights Act attempted to give substance to the role of traditional leaders.

Important challenges have arisen with regard to the integration of traditional leaders in government structures. These include the following:

- Traditional leaders feel their participation on issues affecting traditional communities have not been formalised – particularly at a local level¹⁷.
- There is uncertainty around the role of traditional leaders in delivering services to communities.
- There are concerns about the lack of checks and balances on the exercise of power by traditional leaders¹⁸.

¹⁶ Sithole, P. 2009. ‘State democracy warming up to culture: an ambivalent integration of traditional leadership into the South African government system: 1994 – 2009’, in P. Jacson et al (eds). *South African Governance in Review Anti-corruption, Local Government, Traditional Leadership*. Cape Town: HSRC Press.

¹⁷ Sithole, 2009.

¹⁸ Goedgedacht Forum. 2012. ‘Traditional Leadership in South Africa: Facing the Contradictions and Embracing the Realities’. Report on discussion on 9-10 February 2012. Goedgedacht Farm.

- Security of tenure for persons living in communal areas is uncertain when traditional leaders control land use¹⁹.
- Initial drafts of the Traditional Courts Bill raised serious concerns around its possible impact on the rights of women as well as the constitutionality of a traditional court system that does not allow citizens to opt out of the traditional system or to have recourse to civil courts.
- The laws guiding the role of traditional leaders are not sufficiently responsive to changes in custom over time²⁰.
- Elections for traditional councils have been marred by irregularities and very low levels of participation²¹.

Without clarity on the roles and responsibilities of traditional councils and their relationship with local government, questions will be raised about the continued relevance of these structures in a system of representative democracy.

2.7. A ballooning bureaucracy

South Africa's public administration continues to grow and is now the biggest employer in the country.

Public service employment has grown from 11% of total employment in 1970 to more than 22% today and now accounts for more than 14% of Gross Domestic Product²².

In a reply to a parliamentary question, Public Service Minister Lindiwe Sisulu confirmed that South Africa has 34 ministers, 33 deputy ministers, 159 directors general, 642 deputy directors general, 2501 chief directors and 7782 directors²³. Since 1994, 10 ministerial positions have been added to the cabinet²⁴.

Our public administration seems to be becoming increasingly top-heavy.

Whilst we must ensure that our departments and state institutions are appropriately capacitated to deliver on their respective mandates, South Africa cannot afford a public sector that continues to grow without concurrent improvements in its service delivery capacity.

A more streamlined public administration in which every employee is appropriately trained and empowered to fulfil their roles, in which non-core services are outsourced, and in which decisions can be made and implemented faster will be able to serve the needs of the public more efficiently. A more minimal government is likely to be more optimal.

¹⁹ Jara, M. 2012. Presentation at the discussion on Traditional Leadership facilitated by the Goedgeacht Forum.

²⁰ Jara, 2012.

²¹ Tolsi, N. 2012. 'Rural leadership elections in chaos', in *Mail & Guardian*. Available. [Online]: <http://mg.co.za/article/2012-02-24-rural-leadership-elections-in-chaos> (September 2013).

²² Shüssler in *The Sowetan*. 'SA's sizeable and costly public sector'. Available. [Online]: <http://www.sowetanlive.co.za/news/2012/05/08/sa-s-sizeable-and-costly-public-sector> (September 2013).

²³ Mulder, C. 2013. 'Public Service has ballooned under the ANC'. Available. [Online]: <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=374943&sn=Detail&pid=71616> (September 2013).

²⁴ South African Reserve Bank. 2013. 'Government Finance Statistics of South Africa: 1994–2012'. Available. [Online]: <http://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/5664/March%202013%20Supplement.pdf> (September 2013).

A streamlined, effective government can establish an enabling environment for growth in which the creativity and entrepreneurial spirit of South Africans can be harnessed to make the private sector the most important job creator in the country.

3. The DA approach to governance

3.1. Limit political interference

There must be a clear separation between the state and the ruling party in all spheres of government.

To limit political interference in appointments in the public sector, the DA supports initiatives to:

- Strengthen the role of the Public Service Commission to determine norms and standards for recruitment and appointments and to monitor recruitment processes (as proposed in the National Development Plan);
- Allow the PSC to approve selection panels for heads and deputy heads of departments;
- Allow selection panels approved by the PSC to propose a shortlist of candidates for senior positions to relevant political principals – from which they can then select a candidate; and
- Encouraging political principals to delegate human resource functions to their director general or head of department (as provided for in the Public Service Act).

We also strongly support the provisions in the Municipal Systems Amendment Act (2011) which determines that municipal managers and senior managers reporting directly to municipal managers cannot hold political office in a political party. We would like to see similar legislation enacted on a national level.

The DA recognises the need for a narrow band of political appointees to assist the executive in delivering on the mandate of governing parties. Our position in this regard is that:

- There should be a limited number of political appointments in all spheres of government;
- Political appointments must be ring-fenced and their roles clearly defined;
- These appointments must be based on fixed-term contracts tied to the tenure of the relevant executive.

We unequivocally reject the style of cadre-deployment (as espoused by the ANC its Strategy & Tactics documents) and that is evident from the ANC government's decisions on and influence over key appointments in government, civil society, academia and other important institutions of our democracy. To deliver on its vision of a "national democratic revolution", the ANC believes that all "levers of power" in legislatures, the executive, the public administration, the security forces, the judiciary, parastatals, the public broadcaster and others must be controlled by the party.

The DA will continue to fight for a clear separation of powers between ruling parties and the state, will advocate for greater parliamentary oversight over key appointments (e.g. the National Police Commissioner, the National Director of Public Prosecutions and the head of the Special Investigating

Unit), and will remain committed to ensuring that appointment decisions are based on the capacity of a person to deliver on the duties of her or his office.

3.2. Improve accountability

3.2.1. Holding public servants legally accountable for their actions

Accountability in the public administration is undermined when there are no parameters for acceptable conduct and ethics, or where the available mechanisms to ensure that public servants operate within those parameters are not vigorously applied.

The Public Service Charter is a good initiative to set out a code of conduct for those in the public service, but it does not provide for implementation mechanisms or any institutional arrangements to allow managers to hold staff to account for their adherence to the charter. The Charter lacks compliance measures and clear guidelines on the consequences for non-compliance.

Public servants and public representatives are custodians of public resources and should manage such resources in service of citizens and in adherence to the laws and regulations that set out how the affairs of government should be managed. Where they fail to do so, they must be held legally accountable in their individual capacity.

3.2.2. The continuation of disciplinary proceedings

Delays in the finalisation of disciplinary proceedings can result in a situation where a public employee can resign and be appointed to another public institution or department before a final decision is taken on the guilt or innocence of the employee and the appropriate action against him/ her.

This can be used as a way to avoid the finalisation of proceedings which could result in a misconduct charge which should rightfully preclude the person(s) involved from immediate re-employment in the public service.

The new Public Service Management Bill does suggest that the new employer must continue proceedings against an employee if requested to do so by the state employer where the alleged misconduct occurred.

This provision should be strengthened to make the continuation of proceedings mandatory. In the absence of such an obligation there will be too much opportunity for lackadaisical oversight and processes could falter if there is no political will to maintain accountability.

In addition, employers who choose not to take disciplinary steps against employees where misconduct has been identified by oversight bodies must account to councils (in the case of local government), provincial legislatures (in the case of provincial departments) or parliament (in the case of national departments) for their reasons for choosing not to take action.

3.2.3. Maintain effective parliamentary oversight

Parliament must be a critical arena in which elected public representatives can hold the executive to account.

The oversight role of parliament can be strengthened by:

- Developing appropriate mechanisms and systems to track the extent to which the decisions and recommendations of parliament are acted upon.
- Instituting appropriate disciplinary action or penalties for non-compliance with decisions and recommendations of parliament.
- Requiring Ministers and the President to answer all oral questions in the sessions provided – thus encouraging more concise answers and earnest engagement with the questions posed.
- Reforming the South African electoral system to combine proportional representation with a constituency-based system that would ensure greater accountability to the electorate (rather than just the authority of party bosses).
- The more effective use of scheduling of the parliamentary programme in favour of debates of national importance and constructive deliberations on critical legislation.

In the local government sphere, there is no distinction between the executive and legislative powers of a municipality – both of which are situated in the council. On this level, citizens must be encouraged to engage with their local governments in an organised manner to ensure that accountability is maintained between elections.

3.2.4. Effective oversight committees

Public Account Committees in national, provincial and local governments must also play a stronger role in improving governance.

To ensure more effective oversight through the National and Provincial Standing Committees on Public Accounts (SCOPAs) and Municipal Public Account Committees (MPACs) in the local sphere, these committees must be strengthened through the following:

- Receiving regular feedback from implementing departments and municipal entities experiencing high levels of corruption and fruitless and wasteful expenditure on charges laid against officials in terms of the Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA);
- Executive accountability to SCOPAs or MPACs in which Ministers or Mayors are ready and able to answer for governance failures in their areas of responsibility;
- An escalation model through which SCOPAs or MPACs are able to report under-performing Ministers, MECs or Mayors to the Minister of Cooperative Governance and Traditional Affairs or the Presidency via the Minister of Performance Monitoring and Evaluation, Collins Chabane;
- The consideration of Ministers' and Mayors' engagement with SCOPAs and MPACs in their performance evaluations and;

- Guidelines in terms of circumstances under which breakdowns in financial management identified by SCOPAs can be referred to the President for either obtaining a directive for investigations by the SIU, or action to be taken against the relevant Minister/ MEC.

3.2.5. *Performance contracts*

The public sector is the largest employer and lies at the heart of service delivery. Its labour regime has to be conducive to service-delivery and developmental objectives.

(National Development Plan, 2012)

Performance assessments and performance contracts provide measurable assessments of the performance of senior members of the public service in accordance with agreed criteria. They are a crucial accountability tool in a system in which the PFMA moved responsibility for financial accounting, outputs and implementation to senior officials (away from the Minister).

A DA government would ensure that every senior official has a performance contract with clear key results areas which can be used as the basis for constructive performance evaluations. Key performance areas must be clear and measurable and should include service delivery targets. Performance evaluations must inform decisions on bonuses and increases in remuneration. The first evaluation of an official can take place one year after his/ her initial appointment (to allow them to find their feet). Thereafter, evaluations should take place every six months.

The use of performance contracts should gradually be extended to other levels of the public administration system to achieve efficient delivery and increased accountability.

Poor governance and consistent under-delivery should impact on the performance assessments of public servants and must have implications for their salaries and performance bonuses.

For public service employees who engage directly with the public, a commitment to excellence in service delivery and a customer-oriented approach must form part of their performance evaluations.

3.2.6. *Make sure that there is a positive feedback loop with regard to M&E*

The monitoring and evaluation (M&E) of the public service can only be effective if there is a positive feedback loop ensuring that observations are used to improve the decisions, processes and actions in all spheres of government.

There are various bodies conducting analyses or investigating public sector governance and performance, including the Public Service Commission, the Auditor General, the Department of Performance Monitoring and Evaluation and the Public Protector.

A DA government would ensure that the findings and recommendations of these institutions are used to inform improvements in the manner in which departments are managed and will require senior managers to give feedback on how recommendations have been implemented.

Evaluations must provide information to allow:

- rewards for excellence;
- appropriate actions to be taken where transgressions of laws or good governance principles have occurred; and
- the effective design of interventions to improve performance (e.g. to address training gaps where a lack of training contributes to poor governance and delivery).

3.2.7. Empowering elected officials for oversight

In all spheres of government, elected officials play an essential oversight role.

Elected officials can only be effective in performing this role if they have the necessary skills and experience and are willing and able to put the needs of citizens above party-political considerations.

The DA commits to maintaining rigorous internal processes to ensure that we recruit and develop public representatives who are committed to the mandate of their respective offices and are sufficiently capacitated to fulfil their oversight functions.

3.2.8. Transparency in decision-making

Wherever possible, DA governments would make meetings of government open to the public. This will include meetings of national and provincial parliaments, parliamentary portfolio committees, council meetings, ward committee meetings and tender committees. Transparency can promote trust in democratic institutions and in the processes of government.

In addition we will ensure that all public servants that are required to do so by law disclose their financial interests and that those who fail to comply with the legal requirements in this regard face disciplinary action.

3.3. Take a stand against corruption and maladministration

Public money should be used in the public interest and within the competence of the relevant public body as provided for by legislation.

A DA government would ensure that we curb corruption through effective financial management, limiting opportunities for corrupt procurement practices by preventing public servants from doing business with the state, and tightening the belt around perks for politicians.

3.3.1. Public servants should not do business with the state

In the DA-run Western Cape, legislation to prevent public servants from doing business with our provincial government was adopted in December 2010. This legislation outlines strict guidelines for financial disclosures and prohibits Western Cape government employees and their families from directly or indirectly holding more than 5% of shares, stock, membership or other interests in an entity that does business with the provincial government.

Similar legislation should be applied in all three spheres of government and should be extended to political office bearers and their families who are in a position to influence decisions on tenders, contracts and general procurement.

We will implement such legislation everywhere we govern.

3.3.2. Don't re-employ corrupt officials

The Public Service Act determines that public servants who have been dismissed for misconduct may not be re-employed by the State within a prescribed period. A similar time-bound restriction of re-employment was provided for in the Public Administration Management Bill (2013).

The DA believes that in cases where misconduct was related to corruption, the prohibition on re-employment by the state should be permanent.

A register with black-listed persons must be established by an independent body (the PSC may be best placed to administer such a list).

There is no reason why we should allow corrupt officials back into the system to continue diverting money away from service delivery.

3.3.3. Don't spend the public's money on perks for politicians

Government excesses are often justified on the basis that it is allowed in terms of the Ministerial Handbook - which outlines the rights, privileges and perks for national ministers. Following public outcry around the cost of ministerial cars in July 2009, President Zuma promised a review of the Ministerial Handbook. No new handbook has been published yet.

The Western Cape has adopted a "no frills" handbook with more strict rules on (among other things) flights, hotel stays and cars.

We will curb spending on perks for politicians everywhere we govern.

3.3.4. A cooling-off period for public servants

The DA fully supports the introduction of a cooling-off period for movements from the public to the private sector for those involved in the awarding of contracts to specific service providers – as proposed in the Public Administration Management Bill (2013).

The bill proposed that a public servant may not be appointed as an employee or board member with a service provider, or receive any payments or benefits from such a service provider, if the public employee was involved in awarding work to the service provider within the last 12 months.

We believe that this can help to reduce public sector graft and will rigorously enforce this provision in our governments.

3.3.5. Strengthen anti-corruption institutions

The Public Service Management Bill proposes the establishment of an anti-corruption bureau within the public administration.

Whilst the DA supports strong anti-corruption institutions, there are serious concerns about the independence of the proposed anti-corruption bureau, including: (i) the power of the Minister in appointing officials to the bureau (ii) the fact that cases can only be investigated if referred to the bureau by the executive authority of a public service employer and (iii) the fact that investigation reports only have to be made available to the Minister (who is seemingly under no obligation to make reports public or refer them to parliament).

Instead of creating an additional institution to combat corruption, the DA supports the strengthening of current anti-corruption institutions, and in particular the institutions supporting democracy as provided for in Chapter 9 of the Constitution (including the Public Protector and the Auditor General) and the Public Service Commission that is established as an independent oversight mechanism over the public service in Chapter 10 of the Constitution.

In national government we would prioritise a review of the role and mandate of all anti-corruption bodies with a view to clarifying their responsibilities in the fight against corruption and to strengthen their implementation capacity where necessary.

These institutions already have extensive oversight powers, but lack authority to ensure that their recommendations are implemented.

In national government the DA would strengthen the investigative capacity of the Public Protector and Public Service Commission and ensure that the Auditor General is sufficiently staffed and funded to continue fulfilling its role in monitoring financial governance in the public sector.

We would also establish clear mechanisms for ensuring that the findings and recommendations of these institutions are acted upon. This could include:

- Requiring formal responses from entities and departments to relevant local, provincial or parliamentary structures to set out how recommendations were/ are being implemented.
- Requiring National and Provincial Departments and Municipalities to report on the implementation of recommendations from oversight bodies in their Annual Reports.
- Requiring the reports of the Auditor General on audit outcomes in various spheres of government as well as the reports of the Public Service Commission to be debated in parliament.
- Establishing an escalation model for anti-corruption institutions through which non-compliance with its recommendations can be reported. This should include escalation to executive authorities (e.g. Mayors, Premiers or Ministers) and oversight bodies like provincial and national parliaments.

3.3.6. *A multi-disciplinary corruption busting unit*

The Directorate of Special Operations (the Scorpions) established in 2001 was a multi-disciplinary anti-corruption unit, able to investigate and prosecute both private and public sector corruption and organised crime. It was able to provide exactly the specialised investigative and prosecutorial capacity that we need. This unit has since been replaced by the Hawks.

The DA believes that the Hawks unit does not currently satisfy the requirements of:

- adequate specialisation and training;
- independence from political influence and interference;
- guaranteed resources; and
- security of tenure for the unit's officials.

In national government, the DA will establish an independent, effective and highly specialised, prosecution-driven anti-corruption unit to combat the scourge of corruption. The unit will be sufficiently capacitated to both investigate and prosecute cases of corruption and organised crime. It will be independently funded and the appointment of its office-bearers will be subjected to parliamentary scrutiny.

3.3.7. *Lifestyle audits*

The government must use lifestyle audits as an oversight mechanism to make sure that public officials are able to account for the sources of their wealth.

We support the lifestyle audits conducted by the South African Revenue Service (SARS) that are triggered by risk-profiling which assist in identifying inconsistencies between income declared by a taxpayer and their known income and assets.

We believe that lifestyle audits can also be used to ensure that public servants do not benefit inappropriately from their positions. This could be managed by SARS in cooperation with the PSC, with the PSC being allowed to request a lifestyle audit when public servants fail to declare their financial interests or where its investigations reveal suspicious conduct by public servants.

SARS should also be given access to information on corrupt activities by public officials that are reported to the anti-corruption hotline.

3.4. Our best people should be working in public sector

3.4.1. *Graduate recruitment*

The DA will create work experience opportunities for young people through a formal *graduate recruitment programme for the public sector*, featuring skills programmes for senior management, technical professionals and local government staff components.

The programme will require an entrance examination to ensure that public officials possess basic competencies.

In addition, we will pilot a high-performance ‘fast stream’ recruitment initiative modelled on the UK system to attract talented individuals from the best universities.

3.4.2. Bursaries for relevant studies at tertiary institutions

A national DA government would provide merit-based bursaries for studies at tertiary institutions that prepare students for careers in the public sector. Bursary beneficiaries can be required to spend a minimum period in public employment upon graduation.

This should include bursaries for technical skills required by the public administration – including: engineering, town planning and financial management.

Funding should also be available for studies at Further Education and Training Colleges that can prepare students for blue collar jobs in the public administration.

Government departments and municipalities must be much more pro-active in offering branded scholarships to students in fields where they require skills and must participate in career-days and recruitment drives at higher- and further education institutions.

3.4.3. Training

To ensure that talented young people are attracted to public administration and that public servants in the system have the necessary skills to perform their roles effectively, the DA supports:

- The national roll-out of a *formal graduate recruitment scheme* for the public administration system. Potential candidates should be subjected to rigorous entrance exams, interviews and group exercises and selection should be based on merit. The graduate programme should combine effective mentoring with exposure to different areas of the public administration and immersion in best practice models in successful structures in different spheres of government. Pilot programmes should be used to refine the model for the broader roll-out of the scheme.
- The *appointment of senior managers based on experience and technical skills*. This can also help in reducing the current need for high spending on consultants who do not necessarily transfer skills to the departments and government structures with which they are involved. We cannot afford to employ persons who are not able to perform the duties of a particular job and then pay consultants to perform those functions.
- The establishment of a *central agency* to identify skills and training needs in various spheres of government and state institutions and evaluate the current training offering of education institutions. This agency should engage with government structures in all spheres and oversight institutions (including the Public Service Commission, the Auditor General, the Public Protector and parliamentary portfolio committees) to identify training and skills gaps.
- *Cooperation with established universities and Further Education and Training Colleges* to offer specialised training for careers in the public sector. The DA favours this model above the creation

of a separate school of government. Programmes should incorporate learning from international, national and local best practice and involve experienced public managers where possible.

- Skills development systems that allow both individual public servants and their managers to *request or recommend training*. These recommendations should form part of a broader performance management framework.
- Using *retired professionals* to assist with in-house training in areas where specific skills will be lost if institutional memory is not protected.
- Re-invigorating the role of the public administration as an employer of choice for artisans who are completing *apprenticeships*.

3.4.4. *Don't use a "one size fits all" approach to salaries*

Both the desirability of careers in the public sector and the management of performance in the sector can be improved by doing away with the current "one size fits all" approach to salaries resulting from the role of the Public Service Bargaining Council.

The National Development Plan acknowledges that the "bargaining council represents different occupations and skills levels, leading to conflation of priorities and bargaining position"²⁵.

As an interim step, the DA would break the council into separate chambers based on the occupations and skills levels in public administration – as recommended by the National Planning Commission.

In the longer term, we believe that departments should be allowed to negotiate directly with employee organisations on terms which meet the needs of the particular portfolio.

This will allow for performance to become a more important determinant in pay decisions and allow departments more latitude in rewarding scarce skills.

In national government, the DA would also consider an incentive scheme for skilled, qualified managers to serve in remote rural areas.

3.4.5. *Improving recruitment and selection*

More must be done to ensure that only suitably qualified individuals with the necessary skills and experience to perform allocated tasks are attracted to the public sector.

The DA supports:

- Greater clarity on the specific skills and experience required for advertised roles;
- Competency testing as part of the selection process for public sector employees (especially on a senior management level);
- Thorough reference checking before appointments are made;

²⁵ National Planning Commission. 2012. 'National Development Plan: Chapter 3 – Economy and Employment'. Available. [Online]: <http://www.npconline.co.za/MediaLib/Downloads/Home/Tabs/NDP%202030-CH3-Economy%20and%20employment.pdf> (September 2013).

- More rigorous enforcement of the requirement that members of selection committees should declare any potential conflicts of interest (including personal connections with a potential candidate);
- The capacitation of local, provincial and national government institutions to fill vacancies more quickly; and
- Measures to advance the goal of equality and the reflection of the full diversity of our society in terms of 'race', ethnicity, sex, belief, culture and able-bodiedness. This implies a commitment to:
 - The promotion of broad representation and diversity through a balanced, *qualitative* approach to employment equity, rather than the pursuit of narrow demographic representivity through a rigid *quantitative* approach.
 - The extension of *opportunities* and provision of *support* in the workplace to *all suitably qualified individuals, especially those from designated groups* in terms of the Employment Equity Act, rather than the manipulation of *outcomes* for political ends to the benefit of a select few.
 - The prioritisation of redress measures that broaden opportunities and provide support through education, training, mentoring and skills development.

3.5. Do more of the things that work

3.5.1. Build models for sharing best practice

There are many success stories of excellent models for service delivery. The Impumelelo Social Innovation Awards, for example, highlight great examples of service delivery successes in South Africa – many of which go on to win accolades at the United Nations Public Service Awards²⁶.

The public sector must develop mechanisms to ensure that best practice models are shared and duplicated where they can contribute to service delivery improvement.

A national DA government would work with partners in civil society to:

- Identify best practice models on local, provincial and national government level;
- Study those models as case studies to develop recommendations for service delivery roll-out;
- Encourage peer-based training where good managers share their best practice ideas with colleagues in other municipalities, provinces or departments; and
- Reward public institutions that develop innovative responses to societal challenges.

3.5.2. Outsource services

Government departments and officials should focus their energy on providing leadership and delivering services in their portfolio areas.

Private providers are often able to provide services at a more affordable cost.

²⁶ Impumelelo. 2013. 'Impumelelo Social Innovation Centre: Building capacity for service delivery'. Available. [Online]: <http://impumelelo.org.za/> (September 2013).

Where possible, DA governments will outsource non-core functions to private service providers and enter into public private partnerships (PPPs) to improve the quality and efficiency of service delivery. This could lower costs, enhance innovation and increase savings.

Where PPPs are used to fulfil public mandates, clear service level agreements must be in place in which the role and deliverables of private partners are clearly stipulated, agreements must be carefully monitored and delivery must be subject to public oversight.

3.6. Improve participation and cooperation

3.6.1. Use one-stop shops where people can do all their government business at one place

The lack of cooperation and coordination frustrates citizens on a very practical level when they are unable to conduct all of their business with government and obtain information on government services with ease in one place.

The DA will make use of one-stop shops, where clients can do all their government business and access information on services under one roof, instead of travelling (for some at great expense, time and effort) from one building to another.

This will expand on the Thusong Service Centre model, which is currently primarily aimed at rural areas.

Where permanent centres are not viable, mobile service centres can be used.

Accessibility will also be improved by making information on government services available online and allowing as many payments as possible to be made through the internet. Targets for eGovernment would form part of the performance assessments of senior officials.

3.6.2. Public participation

In a democratic dispensation, effective, accountable government on all levels is reliant on active participation by citizens in the processes of democracy.

To promote accountability and cooperation between the government and the people of South Africa, the DA would:

- Actively encourage voter registration and participation in all national, provincial and local government elections;
- Ensure that all meetings of national and provincial parliament, parliamentary portfolio committees, local councils and council committee meetings are open to the public;
- Ensure that there is a proper ward committee system in place with membership that is truly representative of the local community;
- Make all relevant government information available online in an accessible format and at public libraries and municipal information centres;

- Aim to make as many government services as possible available online and to facilitate interaction with government through online platforms;
- Use both traditional and social media to foster participation by the public and civil society in the decisions and processes of government – e.g. through comment on policy green papers and bills, input at portfolio committee meetings and input into Integrated Development Plans on local government level.

3.6.3. Appropriate devolution of responsibilities

The DA supports the appropriate devolution of responsibilities to bring public authority as close as possible to the communities that it serves.

Whilst we recognise that there is a need for improved coordination between various spheres of government and uniformity in management practice, we strongly oppose any measures to undermine the authority and powers of local and provincial governments where they are delivering effectively on their constitutional mandates.

We therefore strongly oppose provisions in the Public Administration Management Bill published for comment in May 2013 which allows the Minister of Public Service to transfer the functions of provincial institutions to other provinces or another organ of state without mandatory consultation with provincial premiers.

In deliberations on this bill, we will also ensure that its provisions do not give the national minister undue influence over recruitment and human resource management in provincial and local government – particularly the capacity to move staff between different spheres of government.

3.6.4. Help our provinces and municipalities to access earmarked funds

Senior officials in DA-run provinces and municipalities have noted that whilst equitable share transfers do not increase significantly over time, the funding model for service delivery in specific areas increasingly relies on earmarked funding (for example the Rural Household Infrastructure Grant, the Municipal Infrastructure Grant and conditional grants for Further Education and Training Colleges).

There is also significant funding available from international donor organisations (such as the UN), private foundations and corporate social investment which can be used to roll out services to more South Africans.

To ensure that we leverage all available resources to improve service delivery to our citizens, the DA will ensure that officials on all levels receive information about available grant and support programmes and are capacitated both to apply for funding or support and to roll out funded programmes effectively.

In national government, we will develop a central repository of information on all available grants and conditional funding to all spheres of government.

In national government, the DA would consider a system of providing additional grants to municipalities who spend 90% or more of their capital budgets. Our provincial and local governments will continue to lobby for this with the National Treasury.

3.6.5. Implement legislation in support of strong intergovernmental relations

In terms of the Constitution an act of parliament must provide for structures and institutions to promote and facilitate intergovernmental relations. The Intergovernmental Relations (IGR) Framework Act (Act 13 of 2005) was developed for this reason.

To ensure effective coordination between the various spheres of government as well as the settlement of disputes when they occur, the structures envisaged in the IGR Framework must be established and there must be political will to ensure that they are fully operational. These include the President's Coordinating Council, MINMEC forums (where national ministers and members of the executive committees on provincial level who share portfolios, can discuss policy implementation and share ideas), the Forum of South African Directors-General, Premiers Coordinating forums and District Intergovernmental Forums.

3.6.6. Streamlining government

The DA believes that government departments could be streamlined to contain public spending and promote efficient government. Departments should be designed to serve a public purpose, not create new, expensive multi-layered bureaucracies.

In national government we would:

- Scrap the National Department of Public Works and fulfil its property management functions on provincial government level and through various line departments;
- Scrap the inefficient Department of Women, Children and People with Disabilities and mainstream the interests of marginalised groups in relevant government departments;
- Scrap the Department of Economic Development which currently duplicates functions performed by the Department of Trade and Industry and the National Planning Commission; and
- Establish an integrated Department of Post-School Education and Research, which will combine the functions of the Department of Higher Education and the Department of Science and Technology.

3.7. Implement the rules that we have

3.7.1. Do Regulatory Impact Assessments

It is imperative that we fully understand the impact of new laws and regulations and that the impact of policy interventions can be quantified to strengthen monitoring and evaluation.

In national government the DA would establish a fully-fledged Regulatory Impact Assessment (RIA) Unit in the Presidency that will oversee the comprehensive adoption of RIA procedures by

government departments and agencies. Assessments will examine the likely costs, benefits and risks to be incurred by all new legislation and regulations and, where necessary, conduct reviews of existing policies and laws.

Assessments will include estimates of the cost of compliance and its impact on relevant role-players.

3.7.2. Implementing the PFMA and MFMA

Corrupt actions and negligent management will only be deterred if those involved know that they will be caught and that their actions will have consequences. We would therefore increase the penalties for corruption, and specifically for violations of the Public Finance Management Act (PFMA) and Municipal Finance Management Act (MFMA), and take appropriate legal action against officials involved in financial misconduct. In particular, we would ensure that corrupt officials are removed from public administration, and not simply transferred elsewhere to repeat their offences.

The DA also supports the more rigorous application of measures in the MFMA and PFMA allowing for civil litigation to recover monies lost.

In addition, consideration should be given to routine audits to ensure that large tenders delivered value for money.

Tender fraud can also be combatted by, wherever possible, making the bid evaluation and adjudication processes open to the public.

3.7.3. Stop central funding to corrupt provincial and local administrations

Section 216(2) of the South African Constitution allows National Treasury to enforce compliance with good governance principles and to “stop the transfer of funds to an organ of state if that organ of state commits a serious or persistent material breach of those measures.”

In national government, we will make more active use of interventions in terms of section 216(2) of the Constitution in cases where provincial and local governments consistently abuse public funding.

3.8. Clarity on the role for traditional leaders

It is important to acknowledge that traditional leaders connect with many South Africans on a community level and can be partners in engaging with communities and enhancing service delivery in traditional communities.

Their role must, however, be clearly defined and the national government must ensure that the powers awarded to traditional leaders do not relegate some citizens of South Africa to subjects within undemocratic fiefdoms.

To this end, the DA supports:

- Greater transparency around, and the more efficient management of, elections for elected members of traditional councils.
- A formalised role for traditional councils in informing Integrated Development Plans in municipalities that include recognised traditional communities.
- Collaboration with traditional leaders and councils in delivering services to communities, and the use of clear service level agreements with traditional leaders and communities where they are directly involved in delivering such services (e.g. where traditional councils are given responsibility for public engagement on specific service roll-outs, or where traditional leaders are assisting in ensuring that traditional healers are appropriately trained to perform circumcisions in initiation ceremonies).
- A clear distinction between the administrative duties of tribal chiefs (as recognised in the Traditional Leadership and Governance Framework Act of 2003) and their role in allocating land use rights in communal land areas.
- Strong “opt-in and opt-out” clauses, the guarantee of legal recourse in the formal court system and appropriate mechanisms to protect the rights of women and children in any legislation formalising the role of traditional courts.
- Performance agreements between the national Department of Cooperative Governance and Traditional Affairs, and traditional leaders and traditional councils to ensure that they are held accountable for the roles they are expected to perform.
- The development of a Code of Conduct for traditional leaders and councils to ensure that their decisions and activities adhere to constitutional principles.
- A requirement for traditional leaders and members of traditional councils to publicly declare their business and financial interests.

4. Conclusion

We face enormous development and service delivery challenges as a country. These challenges can only be addressed by a government with the necessary political will to ensure that all its resources are used in service of the people of South Africa and with the necessary systems, capacity and skills to deliver service effectively.

Good governments are also able to provide an enabling environment for private sector activity in support of growth and development.

Where we govern, we work to ensure that we continue to deliver on the DA’s promise of an *Open Opportunity Society for All*, founded on transparency, clean government and respect for rule of law and a clear commitment to ensuring that every citizen enjoys the freedoms guaranteed in the Constitution.

Effective governance and government can improve the lives of all South Africa’s people. Our decisions and actions in government must be aimed at delivering these improvements to all South Africans.