


AFRICAN CHARTER ON VALUES AND PRINCIPLES OF PUBLIC SERVICE AND ADMINISTRATION: BRIEFING BY DPSA

Date of Meeting: 30 Jul 2014

Chairperson: Mr D Ximbi (ANC) (Acting)

DOCUMENTS HANDED OUT:

 **South Africa Accession to African Charter: by Department of Public Service and Administration (DPSA)**

 **African Union Decisions, Declarations and Resolutions**

 **Committee Report on African Charter on Values and Principles of Public Service and Administration**

 **Service Charter Booklet 2013**

 **African Charter on Values and Principles of Public Service and Administration**

AUDIO RECORDING OF THE MEETING:

SC Coop: African Charter on Values and Principles of Public Service and Administration: briefing by DPSA

SUMMARY:

The Department of Public Service and Administration (DPSA) briefed the Committee on the **African Charter on Values and Principles of Public Service and Administration**. Some of the Charter objectives are:

- Ensure quality and innovative service delivery that meets the requirements of all users;
- Encourage the efforts of member states in modernising administration and strengthening capacity for the improvement of public service;
- Encourage citizens and users of public services to actively and effectively participate in public administration processes;
- Improve the working conditions of public service agents and ensure the protection of their rights.

The origins of the Charter were traced to the Rabat Declaration in Morocco in 1998, which focused on professionalism and ethics in the African Public Service. The draft Charter was formally adopted at the 3rd Pan-African Conference of Ministers of Public Service in February 2001 in Windhoek, Namibia. Following the discussions on the draft Charter at the 5th Conference of Ministers of Public Service, the Executive

Council of the African Union asked members states to update the Charter by “going deeper” and enriching the review process by sharing national perspectives on the reform process. Finally, on 31 January 2011 in Ethiopia, the African Charter on Values and Principles of Public Administration was adopted.

DPSA requested that the Select Committee, in line with the Portfolio Committee approval, recommend that the National Council of Provinces grant its concurrence for South Africa to accede to the African Charter on Values and Principles of Public Services and Administration.

Some of the questions raised by Members were: How was the DPSA going to monitor the implementation of the Charter in all nine provinces? Have unions been consulted and included in the bargaining process? What was the DPSA’s national programme for the rollout to all the provinces? Why was the South African Public Service Charter not attached to the African Charter as an annexure? How much would it cost the state to implement the Charter? What was the difference between the African Charter and the Public Service Charter? What measures were in place to ensure that the broader public has been consulted, sensitized and mobilized? How many of the 32 African countries have already implemented the Charter and what were the punitive measures for those which had failed to implement it?

MINUTES:

The Committee Secretary relayed an apology from the Committee Chairperson whose flight was delayed and would be unable to attend the meeting. Mr D Ximbi (ANC; Western Cape) was nominated as Acting Chairperson and he welcomed the team from the Department of Public Service and Administration.

South Africa Accession to African Charter, Department of Public Service and Administration (DPSA)

Mr Mashwahle Diphofa, DPSA Director-General, indicated that the meeting would be about the African Charter, its content and the processes which have been followed. A request would be made to the Committee to approve the Charter.

Dr Mary Ledwaba, DPSA Deputy Director-General, explained that the Continental Governance and Public Administration programme was driven by the Conference of African Ministers for Public/Civil Service (CAMPS). The programme commenced in 1994 and has had eight conferences held bi-annually under the auspices of the African Union. Under South Africa’s leadership, seven thematic themes were agreed

upon and included in the African Charter at a conference held in Kenya between 2003 and 2008.

Some of the objectives of the Charter are:

- Ensure quality and innovative service delivery that meets the requirements of all users;
- Encourage the efforts of member states in modernising administration and strengthening capacity for the improvement of public service;
- Encourage citizens and users of public services to actively and effectively participate in public administration processes;
- Improve the working conditions of public service agents and ensure the protection of their rights.
- Strengthen cooperation among member states, regional economic communities and the international community for the improvement of public service and administration.

Dr Ledwaba explained the process leading up to the adoption of the Charter. The origins of the Charter were traced to the Rabat Declaration in Morocco in 1998, which focused on professionalism and ethics in the African Public Service. The draft Charter was formally adopted at the 3rd Pan-African Conference of Ministers of Public Service in February 2001 in Windhoek, Namibia. Following the discussions on the draft Charter at the 5th Conference of Ministers of Public Service, the Executive Council of the African Union asked member states to update the Charter by “going deeper” and enriching the review process by sharing national perspectives on the reform process. Finally, on 31 January 2011 in Ethiopia, the African Charter on Values and Principles of Public Administration was adopted.

A key principle in the review and update of the draft Charter was that of ensuring an inclusive and participatory approach throughout the process. The first consultative forum on the draft Charter was convened in Namibia 2005. South Africa convened the Southern African Development Community (SADC) consultative forum on the draft Charter in July 2007. As part of the consultation process, the Charter has been reviewed by both the Department of Justice and Constitutional Development and the Department of International Relations and Cooperation. The Charter was presented to and approved by Cabinet for presentation to Parliament in 2012. The Charter was presented to and its accession was approved by the Portfolio Committee in September 2013. At the 7th Minister’s Conference some countries signed an instrument to signify readiness and willingness to ratify the African Charter. Some of these countries are Algeria, Gabon, Swaziland, Tanzania, Uganda and South Africa; there are 33 countries in total.

Dr Ledwana concluded with a request that the Select Committee, in line with the

Portfolio Committee approval, recommend that the National Council of Provinces grant its concurrence for South Africa to accede to the African Charter on Values and Principles of Public Services and Administration.

DISCUSSION

Ms T Wana (ANC; Eastern Cape) thanked DPSA for the presentation. How was the DPSA going to monitor the implementation of the Charter in all nine provinces? Have unions been consulted and included in the bargaining process?

Mr M Mhlanga (ANC; Mpumalanga) asked what was the DPSA's national programme for the rollout of the Charter to all the provinces?

Ms Wana reminded Members that the public sector employees could not conduct business with government. Have senior management within departments made their declarations of interest and have these been verified?

Dr Ledwaba responded that the African Charter was an instrument for all member states. Each state had their own service charter for public service. South Africa has adopted its Public Service Charter and the unions and all relevant stakeholders have been consulted throughout the process. It includes all the principles contained in the African Charter. At the African Union level, the purpose was to assist countries which were not up to standard with regard to their public service and administration. It would have to be implemented in all provinces, and all programmes would be monitored.

Ms Wana raised a concern that the South African Charter should have been included as an annexure to the African Charter so that Members could compare the two Charters.

Mr Diphofa responded that once ratification had been obtained, a programme would be rolled out to popularise the Charter among the general public. Provincial management would also be consulted, through the provincial Directors General. The rollout of the programme would mean the DPSA would go to the individual provinces directly. South Africa, in comparison to other African countries, was already at a more advanced stage with regard to its public service and administration. Most of the principles outlined in the African Charter mirrored those in Chapter 10 of the South African Constitution. It therefore was easier to tailor programmes to speak to what the Charter said. With regard to organized labour, negotiations were around what the DPSA, together with the state, needed to do to collectively see the efficient

realisation of the Charter. The African Charter however was broader because it needed to accommodate the different needs of each country.

Ms Wana asked if DPSA was lobbying other African countries so that the Charter could be implemented uniformly.

Mr G Michalakis (DA; Free State) asked how much would it cost the state to implement the Charter. What was the difference between the African Charter and the Public Service Charter?

Mr M Chetty (DA; KwaZulu Natal) asked how many of the 32 African countries had already implemented the Charter and what were the punitive measures for those which failed to implement it?

Mr S Thobejane (ANC; Limpopo) asked what measures were in place to ensure that the broader public has been consulted, sensitized and mobilized?

Mr Mhlanga asked what measures were in place to monitor the implementation of the Charter at provincial level. What were the outcomes of the engagements the DPSA had had with provincial government leadership?

Mr Diphofa replied that it was a matter of significance that the DPSA worked with structures outside the DPSA as well; this meant that other countries were also encouraged to come on board. A National Governing Council had been established for civil society and government to work together in pushing forward the good governance agenda. Monitoring was done by DPSA and a programme was in place to collate the necessary information. Article 6 of the Charter also advocated for access to information. In addition, departments were required by law to report to the South African Human Rights Commission on a regular basis and this was another platform to monitor the implementation of the Charter. Chapter 10 of the Constitution also stipulated the role of the Public Service Commission. The DPSA would therefore be identifying and making use of monitoring structures which were already in place, where gaps were identified, the DPSA would go directly to the provinces.

On the cost to implement the Charter, he said it would not cost anything. The only costs involved would be around capacity building and combating corruption. As stated in the presentation, there were seven African countries which had already ratified it; South Africa had expressed an initial intention of support but had still had to go through their own internal accession process. The difference between the Service Charter and the African Charter was that the latter was broader whereas the Service Charter was tailored for a country's specific need.

Mr Zamokwakhe Somhlaba, Deputy Director for African Affairs, DPSA, explained that African leaders understood that the 53 countries were at different stages of development. An agreement was therefore reached that a broader framework needed to be developed. South Africa, as previously indicated was already at a more developed stage unlike most African countries. It already had some of the policy and legislation which was stipulated in the African Charter such as combating corruption. With regard to lobbying, the African Union member states all agreed to adopt the Charter, no country had resisted. However each accession process within each country was different; some countries moved faster than others. On monitoring and evaluation, the National School of Government was tasked with the responsibility of looking at the state of the public service throughout the country. Upon completion of the process, it would report back to the DPSA. Popularisation of the Charter was very important. Ordinary people needed to know about the Charter and how DPSA would be implementing it.

The Chairperson thanked Members and the DPSA for their engagements and proposed that the Charter be adopted in the next meeting.

Mr Nzimande proposed that the Charter be endorsed before the end of this meeting. The Charter was a continental instrument and a great accountability tool for the country.

Ms Wana agreed with Mr Nzimande that the Charter be adopted.

The Committee adopted the Charter.

The Chairperson read out the Committee Report on the African Charter in which the Committee recommended the ratification of the Charter by the NCOP.

Mr Chetty reminded the DPSA that his earlier question on punitive measures for countries which failed to adopt the Charter had not been responded to.

Mr Diphofa replied that punitive measures were dealt with at national level and not at continental level. The approach which member states took was not a punitive one but rather one which looked for collaboration to ensure that all countries were encouraging each other in the proper implementation of the Charter.

Mr Nzimande reiterated that the nature of Charter was not to implement punitive measures but was rather voluntary. Countries could not be sanctioned.

The Chairperson thanked the Director General and the DPSA team for the engagement with the Committee.

The meeting was adjourned.