

Multi-stakeholder Dialogue on French and South Africa OGP Communities: Sharing Experiences and Best Practices on Co-creation with Civil Society



24 November 2016
Alliance Française, Pretoria

EXECUTIVE SUMMARY

On the 24th November 2016, the Southern African Liaison Office (SALO) hosted a Multi-Stakeholder Dialogue. The dialogue focused on the role of the French and South Africa Open Government Partnership (OGP) Communities. The theme of the dialogue sought to look at *Sharing Experiences and Best Practices on Co-creation with Civil Society*, and it followed these important questions:

- Does it represent opportunity to strengthen human rights?
- What has African Peer Review Mechanism (APRM) learned from OGP in term of co-creation with CSOs?

In his opening remarks, Dr. Showers Mawowa of SALO, and a member of the Steering Committee of the Independent Reporting Mechanism (IRM) for OGP, highlighted the importance of convening dialogues and building consensus among different stakeholders. He pointed out that as an international organ, OGP has a reporting mechanism called the Independent Reporting Mechanism (IRM). Its mandate is to monitor implementation of national action plans by member states. Dr. Mawowa concluded by pointing out that this reporting mechanism allows for accountability initiatives from the government side.

Speakers for this dialogue included; **Mr. Thokozani Thusi**, Chief Director of APRM, Public Participation and Social Dialogue at the Department of Public Service and Administration; **Alexandre Olmedo**, Political Counsellor, Foreign Policy and Multilateral Affairs: French Embassy; **Mukelani Dimba**, Executive Director, Open Democracy Advice Centre: South African Law Centre, and **Steve Letsike**, Founding Director of Access Chapter Two.

SUMMARY OF THE DISCUSSIONS

Mr. Thokozani Thusi, Chief Director, Public Participation and Social Dialogue, Department of Public Service and Administration (DPSA)

Mr. Thusi began by stating that both the OGP and APRM seek to empower African citizens to shape and determine their own future, by strengthening relations between communities and their governments. He indicated that Human Rights are set out within the founding documents of the OGP, which includes the United Nations Universal Declaration for Human Rights. Mr. Thusi noted that a challenge of the APRM is that for many participating countries, citizens are doubtful of government's human rights track record and the OGP legibility criteria aims to combat this.



Mr. Thusi noted that the South African Constitution emphasises both first and second-generation rights, including the need for a high standard of professional ethics when addressing citizen's needs. He thus emphasised commitment to:

- Providing excellent quality public service
- The economic development goal of the sustainable development goals (SDGs)
- Maintenance of transparency, accountability and openness

He then stressed that government wants to foster strong relationships with citizens to find solutions as well as to address the challenges facing the country. Through provision of information, citizens

can make informed choices about factors that concern their interests, he argued. Two points for consideration on the APRM and OGP that Mr. Thusi highlighted are:

- The value these programs have added to governance
- The positive and tangible results from participating in these programs.
- Thus, he argued that it is imperative to evaluate alternatives if current country plans cannot address society's concerns. Mr. Thusi stated that the intention of OGP is to:
- Improve government performance, encourage civic participation and help government responsiveness to citizen concerns.
- Encourage the co-creation process, creation of commitments that promote transparency, empower citizens, fight corruption and build modern technologies to strengthen government capacity.

Mr. Thusi indicated that the OGP is composed of a steering committee, inclusive of government and civil society, in equal membership. This makes a unique model for achieving civic participation on a national and regional level. He thus described the OGP as a *“unique opportunity to influence decision making”*. Mr. Thusi emphasised that countries should have legislation in accordance with OGP goals and values, which will in turn foster civic engagement and open governance. Mr. Thusi stated that in 2011, countries committed to:

- A declaration concerning a global culture of open governance, and open civic participation
- A commitment to the principals of the universal declaration for human rights (UNDHR)
- The UN convention against corruption and other international instruments related to the promotion of human rights and good governance.
- The Joint Declaration for Open Government for the Implementation of the 2030 Agenda for Sustainable Development; which is in support of the SDGs.

Mr. Thusi mentioned that in 2014 the OGP adopted a response policy titled, *“Upholding the Values and Principles of the OGP”* by the Open Government Declaration. This policy sought to address the shrinking civic space in some member countries, with an intention to assist towards re-establishing an environment for government and civil society collaboration. He expressed that the policy gives civil society the right to take member states of the OGP to the steering committee when the values of openness have been violated.

Mr. Thusi noted that literature shows that only 20% of OGP participating countries have structures for permanent partnership between government and civil society at a national level, as such, the country action plan aims to take this into account. He argued that South African government's commitment to the OGP is illustrated by the following commitments reached through consensus:

- The strengthening of citizen based monitoring to enhance accountability and performance, led by the Presidency and the Department of Planning Monitoring & Evaluation (DPME).

- An initiative called Open Budgeting that is led by National Treasury. It has Civil Society as partners, and this inclusion of civil society falls under the 'Back to Basics' programme that has been established by the Department of Cooperative Governance called Open Budgeting that is led by National Treasury.
- Lastly, there is a commitment that is led by the Department of Environmental Affairs (DEA), which aims at creating an integrated, publicly accessible portal for environmental management information. DEA wants to create community advice offices that will be formed through civil society network groups. The DEA would like to institutionalise these under the name of National Association for Development of Community Advice Offices (NADCAO).

These commitments show just how much government wants to integrate its work with that of civil society's role in informing policy issues. Mr. Thusi reiterated that one of the strengths of the OGP is the interface between national and multi-lateral level initiatives, as well as regional and national initiatives. Furthermore, it establishes clear links and acts as a bridge towards the development of an action plan.

Mr. Thusi emphasised that the aim of the APRM is to:

- Foster adoption policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through the sharing of experiences.
- Reinforce successful practices that include the identification of deficiencies and assesses the need for capacity building.
- Reflect good governance as an enabler for sustainable development, with a specific focus on democracy and political governance, economic governance and management, corporate governance and socio-economic development.

Mr. Thusi noted that South African government is currently working with Statistics SA to develop benchmarks for governance so that it can report on programs and ensure that this information and data can be validated globally. To ensure the APRM was an inclusive process, Mr. Thusi noted that government has used Community Service Work-Study (CSWS), ward committees and various other community level institutions. He acknowledged this process was not perfect, as noted by numerous studies that have noted that it is difficult to incorporate the principles enshrined in the founding documents of the OGP and APRM.

In strengthening these initiatives, a recommendation has been that the Minister should remain the national focal point. However, the chairperson of the National Governing Council (NGC) should be a member of civil society and government is considering this proposal. Mr. Thusi noted that it is important to recognise that some processes that aim for the inclusion of civil society can be limiting if other voices are not included.

Mr. Alexander Olmedo, Political Counsellor, International Affairs, Embassy of France in South Africa

Mr. Olmedo's presentation covered human rights and processes of co-creation. He stated that France's history in relation to human rights can be linked to the OGP, as it includes and prioritises the right for citizens to participate in politics.



Mr. Olmedo pointed out that there is an increased need for citizens to be associated with the creation of policies and to express their concerns to their respective governments.

In relation to the upcoming OGP summit, Mr. Olmedo emphasised the importance of pushing forward the OGP agenda in the face of future global challenges. He indicated that the aim is to create an OGP toolbox for open governance that includes digital platforms proposed by the government administration, civil society organisations and start-up initiatives. Mr. Olmedo pointed out that this toolbox will be made available in order to foster the culture of sharing and collaboration. In highlighting France's priorities during its OGP Presidency, Mr. Olmedo identified three main priorities:

- Climate change and sustainable development
- Transparency and the fight against corruption and upholding integrity
- Digital commerce, including engaging new constituencies, like the business sector.

Mr. Olmedo noted that the French National Action Plan is based on five major priorities that have 26 commitments:

1. Ensuring accountability to improve transparency in the country; commitments here focus on local finances, demands that business fight money laundering, and refer to tax evasion and corruption.
2. Developing open digital resources for economic and social innovation through sharing of data and calculation models, committing to transforming the states technological resources into an open platform.
3. Opening administration to favour citizens in supporting the public sector through schools; including supporting civil servants through the digital transition.
4. Focus on climate change and sustainable development.

5. Fostering consultations, debates and co-creation of public action.

In relation to the fifth priority, Mr. Olmedo, identified three examples of co-construction processes between civil society and government that were covered in the French National Action Plan, which are:

1. Including citizens when identifying problems that need to be resolved; the French government has introduced a '*fix my neighbourhood project*' that aims to create platforms for citizens to report problems evident in daily life by improving how municipalities work.
2. Building infrastructure on topics related to society and economy, with the help of civil society. There is a project titled '*Future's Public Programs*', which aims to enable experimentation and innovative solutions to the challenges of public services.
3. Facilitating law making processes based on innovative tools and applications. There is '*Open Law Program*', which aims to open legal resources and foster collaboration with civil society in terms of openness surrounding the law. Thus, citizens are directly involved in the law-making process.

Mr. Mukelani Dimba, Executive Director, Open Democracy Advice Centre (ODAC)

Mr. Dimba directed his discussion on the reflection of OGP's work and shared some developments from South Africa regarding its process on establishing a strategic plan for OGP. In addition to this, he reflected on the strategy dialogues that were conducted where the OGP steering committee engaged stakeholder group reflections. From these conversations, Mr. Dimba noted three main outcomes:

1. The dialogues highlighted a strong focus by governments which have adopted the OGP, in terms of advocating for commitment to improve government efficiencies through the adoption of open data portals or access to information laws, but there remains no clarity or similar commitment in relation to human rights.
2. The threshold for qualifying to join the OGP is too low; some OGP members are found to be shrinking the space for participation for certain groups, especially the minorities within these countries.
3. The rules of the game for the OGP need to change; it is critical to broaden government and civil society engagement; commitments that are national priorities for advancing openness and accountability need to be developed jointly by government and civil society.



In concluding, Mr. Dimba highlighted that subnational engagement that focuses on both national and provincial governments could be an important development for OGP initiative in South Africa. This, as he argued, can encourage a diverse range of voices to participate in the OGP initiative. On a final note, he reiterated the importance of National Action Plans that consider ground level issues.

Steve Letsike: Founding Director of Access Chapter Two and Deputy Chairperson, South African National Aids Council (SANAC)

Steve began by outlining the role of Access Chapter Two and its mandate in terms of the promotion and protection of the rights of LGBTI persons as well as women. He noted that within Africa, 33 out of 54 countries still criminalise homosexual acts. In a recent vote for the establishment of an Independent Expert to address violence based on sexual orientation and gender identity at UN level, DIRCO abstained from this vote. Steve, highlighted this as an example of why civil society must place pressure on government.



Steve noted that the constitution is meant to protect the marginalised LGBTI community. In addition, he highlighted the Yogyakarta principles and various other global conventions that promote the value for open governance and the protection of LGBTI interests. Steve stated that these must be unpacked and negotiated in order to fit within the broader issues that the Constitution seeks to address.

Data from a committee established after a petition to the Minister of Justice on hate crimes in South Africa, stated that this situation had worsened. Therefore, in their assessment, it became essential that task teams are multi-sectoral, with participation from government, civil society, and chapter 9 institutions. Steve argued that the aim of having these different stakeholders is to find solutions in response to issues affecting the LGBTI community. He noted that discussions of LGBTI rights on the African continent are steeped with emotions due to factors of class, race and geographical location. Thus, he stressed the importance of intersecting issues of access to education, housing and various others that hamper the quality of life for LGBTI people.

Steve argued that in addition to the implications of corrective rape and how it entrenches vulnerabilities and inequalities, access to protection services remains a challenge. Human rights violations, socio-economic and societal issues continue to contribute towards the suffering of the LGBTI community. Thus, Steve stressed the importance of conversation among different stakeholders in society and the necessity to appreciate that change is not instantaneous.

In relation to finding common ground and moving policy towards action, Steve argued that programmes must be implemented and allocated a budget by government. The treaties passed by the global community must be ratified, and a reporting mechanism must be put in place in order to

monitor progress. On open governance as a platform, Steve stated that the root causes of the continuing LGBTI rights violations needed to be addressed. The South African government must promote equality amongst the existing diverse communities, races, genders and classes in this country.

He urged that there is a need to promote, protect and fulfil human rights commitments made in global institutions. In addition to this, Steve identified that shared responsibility is essential and that it is not only government's responsibility, but that of civil society and other development partners to ensure that the existing challenges faced by the LGBTI people are addressed. He encouraged participation from the LGBTI and other minority groups in an attempt to challenge the current state of things. However, he argued, this process requires leadership and accountability, if there is no leadership, there can be no movement forward.

In his concluding remarks, Steve argued that open governance, like the National Task Team, require an effective service response to the existing challenges. He further pointed out that civil society needs a partnership approach in responding to these issues. He stressed the importance of seeing projects through, as this would create a more effective and meaningful response. He argued that language and a comprehensive and integrated approach are critical in any attempt of addressing the challenges faced by the LGBTI community.

RESPONSES TO QUESTIONS AND CLOSING REMARKS

Mr. Thokozani Thusi admitted that the major concern would be around resources and structure. He suggested an annual program of activities aimed at combating challenges and ensuring that the APRM becomes a compliance tool rather than a mainstreamed programme. On the question on community engagement, Mr. Thusi stated that the conversation needs to be broadened to include diverse voices. He acknowledged that citizens are unaware of the existing programmes aimed at addressing issues of open governance and accountability mechanisms. In response to a concern raised around socio-economic rights as part of co-creation, Mr. Thusi noted the need for more innovative commitments that reflect the needs of the people. He reiterated the need to use both programs, the APRM and the OGP, as transformative tools. He indicated that democratic society needs advocacy and alternative strategies to push for legislation in transformation and change.

In response to how countries qualify to join the OGP, **Mr. Mukeleni Dimba** highlighted four criteria: access to information, budget transparency framework, civil engagement systems that are in place and assets disclosure. Based on meeting these four criteria, countries are allocated specific points, of which they need to score 16. Some are restricted because of technical reasons. However, Mr. Dimba highlighted political reasons, that the OGP has transformed into a global initiative, therefore, on the African continent there are problems surrounding the OGP. He argued that African countries see it as framed in a Western manner. Therefore, this poses a challenge to finding home grown solutions and also effects the attractiveness of the OGP for those who do qualify. On the same point, Mr. Dimba stated that through working with the DPSA and the Deputy Minister, they have been able to show that these two initiatives are not contradictory and he expressed his hope that, based on this, the numbers of active members will increase. However, he warned that “better

fewer, but better"; in terms of ensuring that the current OGP members are fulfilling their obligations, before a full-scale recruitment process takes place.

Mr. Alexander Olmedo stated that based on an OGP summit, Burkina Faso and Morocco are likely to join the OGP and that the French government is engaging other African countries, Francophone, Anglophone or other languages to join this initiative.

CONCLUSION

In summation, Mr. Thusi reiterated government's commitment to the SDGs and highlighted the opportunities that OGP can provide. He stressed the use of this opportunity to build global partnerships, improve service delivery and foster exchange. Mr. Thusi stated that it cannot fall on government alone to promote OGP related initiatives. He also noted that the development of outreach communication strategies will remain on paper as policy documents rather than implemented solutions, if government does not cascade the OGP down to a sub national level.

Mr. Thusi noted a recommendation made on the structure and inclusion of organisations focused on key causes, there must be representation of disabled people; there is a draft rule in place for this. Mr. Thusi reiterated the need to broaden participation of the OGP, as well as the development of meaningful and representative strategies.

The analysis and recommendations included in this Policy Dialogue Report do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

□

SALO would like to thank
(in alphabetical order) the Department of International Relations and Cooperation (DIRCO), the European Union; Friedrich-Ebert-Stiftung (FES); Irish Aid and the Embassy of Ireland, Pretoria; the Embassy of the Kingdom of the Netherlands in South Africa; The Olof Palme International Centre; Open Society Foundation and the Southern African Trust, among others, for their ongoing support of our Policy Dialogue Series.



international relations
& cooperation
Department:
International Relations and Cooperation
REPUBLIC OF SOUTH AFRICA



FRIEDRICH
EBERT
STIFTUNG
South Africa Office

 Irish Aid
Department of Foreign Affairs
An Roinn Gnóthaí Eachtracha



Kingdom of the Netherlands



 OPEN SOCIETY FOUNDATION
FOR SOUTH AFRICA

 Southern
AfricaTrust
Influencing Policies To End Poverty