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ANNEX 1

of the Commission Implementing Decision on the financing of the Annual Action Programme 2019 in favour of the Republic of South Africa

Action Document for ‘Enhancing Accountability Programme’

<u>ANNUAL PROGRAMME</u>	
This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.	

1. Title/basic act/ CRIS number	Enhancing Accountability Programme CRIS number: DCI/AFS/2019/041-756 financed under the Development Cooperation Instrument	
2. Zone benefiting from the action/ location	Southern Africa, South Africa The action shall be carried out at the following location: South Africa	
3. Programming document	Multi-Annual Indicative Programme (MIP) between the Republic of South Africa and the European Union for the period 2014-2020	
4. Sustainable Development Goals (SDGs)	SDG 16: Peace, Justice and Strong Institutions SDG 17: Partnerships for the Goals	
5. Sector of intervention/ thematic area	Building a capable and developmental State	DEV. Assistance: YES
6. Amounts concerned	Total estimated cost: EUR 12 300 000 Total amount of EU budget contribution: EUR 12 300 000	
7. Aid modality and implementation modality	Project Modality Direct management through: - Grants - Procurement	
8 a) DAC codes	15150 Democratic participation and civil society (20%); 15113 – anti-corruption organisations and institutions (20%); 15153 – media and free flow of information (20%); 15170 women’s equality organisations and institutions (20%); 15160 – human rights (20%).	
b) Main Delivery Channel	200000 – Non-Governmental Organisations (NGOs) and civil society	

9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and Women's and Girl's Empowerment	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
10. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			

SUMMARY

The attainment of South Africa's National Development Plan's (NDP) objective of building a capable and developmental state is hampered by weak accountability, an increase in corruption and the impact of state capture in past years. State capture and corruption have impacted equally on state and society, eroding good governance, economic growth and the fight against poverty, unemployment and inequality. Basic service delivery is impacted and all the spheres of government are affected. The overall objective of the programme is to improve public governance in South Africa. The specific objective is to reinforce the role of civil society, private sector and specific State institutions in enhancing accountability, democratic engagement and transparency in South Africa. The expected results are: 1) Reinforcement of the capacities of civil society organisations (CSOs) in enhancing accountability; 2) Increased opportunities for engagement between civil society, public and private sector; 3) Improved transparency in the public and private sectors. Complementing other programmes supporting the South African Government, this programme will aim to enhance the capacity of both civil society and specific independent State institutions such as those in Chapter 9 and Chapter 10 of the Constitution, to contribute to improved accountability. Civil society is critical in holding public and private actors to account, alongside the constitutionally-mandated oversight institutions. The programme will provide resources in the form of funding, skills, capacity and engagement opportunities to enable civil society and other eligible organisations to engage and demand answerability but also to collaborate with State institutions to enhance accountability in the public and private sector. The programme will be implemented by means of grants and a Capacity Building and Engagement Window.

1 CONTEXT ANALYSIS

1.1 Context Description

South Africa has shown a deterioration of 0.6 points in the 2018 Ibrahim Index of African Governance's overall 'governance indicator'. Specifically concerning is the measure of Transparency and Accountability, where South Africa was placed 7th in Africa in 2018 and lost 14.3 points, framing it as the most deteriorated country over the decade¹. The country has experienced constantly declining scores every year between 2008 and 2017, driven mostly by the indicators measuring Access to Records of State-owned Companies (-50.0), Anti-corruption Mechanisms (-23.4) and Absence of Corruption in the Private Sector (-23.3). On the positive side, South Africa's score for Civil Society participation has improved with 19.2 points. South Africa's vibrant civil society including the media plays a critical watchdog role by focussing attention on corruption and lack of accountability.

Corruption takes many forms and impacts all sectors of state and society. It tangibly impacts on the economy² and service delivery – from electricity shortages to lack of proper housing, inadequate health services and infrastructure. Corruption is not limited to the national level but also impacts on provinces and at local level, and has its severest impact on the most vulnerable and marginalised people in society. It impacts on, and contributes to, the low economic growth rate, the recession and the country being assigned junk status by several global rating agencies³. Falling into a recession almost immediately cuts more than 200 000 jobs⁴. While corruption affects both women and men, it disproportionately affects vulnerable populations and hits the poor hardest, especially women, who represent a higher share of South Africa's poorest.

Government, civil society and private sector collaboration is essential to address governance challenges, fight corruption, ensure accountability of public and private institutions and contribute to the achievement of the National Development Plan's (NDP) Vision 2030. Chapter 13 (Building a capable and development state) of the NDP requires measures to make it easier for citizens to hold public servants and politicians accountable, particularly for the quality of service delivery. Strong actors and institutions, in particular (socio-economic) governance institutions are needed to re-build the social compact called for by President Ramaphosa. The Constitution mandates the so-called Chapter 9 institutions to support constitutional democracy. The Auditor General (AG), Public Protector (PP), South African Human Rights Commission (SAHRC), and the Commission on Gender Equality (CGE) are independent, and subject only to the Constitution and the law. In addition, Chapter 10 makes provision for the Public Service Commission (PSC), with the responsibility to oversee, investigate and monitor the public service, and to contribute to the effective and efficient performance of the public service.

To enhance the mechanisms of accountability, increased participation of civil society and specific State institutions tasked with oversight and accountability should be strengthened through capacity building to this end. Civil society is vibrant and engaged but requires more skills, resources, mechanisms, networks, information, alliances and opportunities to be vigorous in their efforts to ensure answerability to citizens. Enhanced accountability in South Africa will contribute to addressing inequality, poverty, corruption, unemployment, uneven quality and performance of public service delivery and strengthen democracy. Improved accountability will also contribute to an improved business environment, economic growth and lead to a more stable investor climate.

¹ Transparency International's global Corruption Perception Index for 2018 places South Africa 73rd out of 180 countries, with a score of 43/100.

² According to the Council for the Advancement of the South African Constitutional (CASAC) South Africa loses an estimated 20% of GDP annually to corruption.

³ The Public Enterprises Minister, Pravin Gordhan testified at a Commission of Inquiry that the firing in 2015 of then Finance Minister for allegedly stopping corrupt actions cost the economy more than ZAR500bn.

⁴ Gumede, W. 2019. Policy Brief 33: Impact of corruption on democracy and development. Democracy Works Foundation. Available on: <https://democracyworks.org.za/policy-brief-33-impact-of-corruption-on-democracy-and-development/>

1.2 Policy Framework (Global, EU)

The United Nations 2030 Agenda for Sustainable Development includes SDG 16 Peace, Justice and Strong Institutions aimed at building effective, accountable and inclusive institutions at all levels (see sec 4.4). At the EU level, (1) theme Four (Peace) of the New European Consensus on Development⁵, emphasises the need for inclusive political processes to ensure that citizens can hold public officials to account at all levels; (2) the new Africa-Europe Alliance for Sustainable Investment and Jobs⁶ in its dimension of strengthening the business environment and investment climate; (3) EU Agenda for Action on Democracy Support in EU external relations; (4) the EU Action Plan on Human Rights and Democracy (2015-2019)⁷ as it focuses in particular on empowering local institutions and civil society organisations; and (5) the Communication on Europe's engagement with Civil Society⁸ aimed at CSOs' engagement to build stronger democratic processes and accountability systems and to achieve better development outcomes. The EU's gender-responsive rights-based approach, the Gender Action Plan (GAP II)⁹ as well as the policy on Digital4Development¹⁰ is relevant.

1.3 Public Policy Analysis of the partner country/region

The project is in line with the MIP 2014-2020 Building a capable and developmental state focal sector¹¹, which reflects the priorities identified in the NDP¹². In addition to the National and Provincial Legislatures as oversight institutions, the Constitution makes provision for 'State Institutions Supporting Constitutional Democracy' as well as the PSC, established in Chapter 10, which has the responsibility of ensuring and overseeing an effective and efficient public administration with a high standard of professional ethics, and promoting the values and principles of public administration (outlined in sec 195)¹³. The country has ratified the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the OECD Anti-Bribery Convention. The country also has its own national legal framework on corruption, the Prevention and Combating of Corruption Activities Act (Act 12 of 2004). South Africa is also a member of the Open Government Partnership (OGP), established to support the implementation of the 2030 Agenda. The values of transparency, accountability and citizen participation are central and are reflected in the country's OGP commitments and 3rd Action Plan¹⁴. The Back to Basics (B2B) Strategy¹⁵ calls for more transparent, accountable, effective and efficient delivery of public services at local level. South Africa has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

1.4 Stakeholder analysis

The **final beneficiaries** of the Programme and right holders will be women and men living in South Africa, benefitting from a more capable and developmental state, which is more accountable to its citizens by better addressing their needs.

The **direct beneficiaries** of the programme as representatives of the right holders and duty bearers include: 1) State Institutions supporting Constitutional Democracy *inter alia* the Auditor General

⁵ OJ C 210 of 30.6.2017.

⁶ COM(2018) 643 final of 12.9.2018.

⁷ JOIN(2015)16 of 28.4.2015.

⁸ COM(2012)492 final of 12.9.2012

⁹ SWD(2015)182 final of 21.9.2015

¹⁰ SWD(2017) 157 final of 2.5.2017.

¹¹ Relevant MIP logframe objectives are: Overall Objective (O.O.) 3; Specific Objective (S.O.) 1: Result 1.1, 1.2, 1.3; S.O 4: Result 4.1, 4.2, 4.3, and 4.4.

¹² The Diagnostic Report of the National Planning Commission stated '*uneven performance of the public service results from the interplay between a complex set of factors, including tensions in the political/administrative interface, (...) the erosion of accountability and authority structures, etc.*'

¹³ The relevant principles include that: (e) the public must be encouraged to participate in policy-making; (f) public administration must be accountable; and (g) transparency in decision-making must be fostered by providing the public with timely, accessible and accurate information.

¹⁴ <https://www.opengovpartnership.org/documents/south-africas-third-national-action-plan-2016-2018>

¹⁵ Local Government Back to Basics Strategy, implemented by the Department of Cooperative Governance and Traditional Affairs.

(AG), Public Protector (PP), South Africa Human Rights Commission (SAHRC), and the Commission for Gender Equality (CGE), as well as the Public Service Commission (PSC); and

2) Civil society organisations, such as associations, non-governmental institutions, the media, think tanks, research institutions, universities, trade and labour associations, business associations, faith-based organisations, women's organisations, community-based organisations and citizen groups, with a special focus on CSOs that are representing the rights of people in vulnerable situations (such as persons with disabilities, indigenous peoples, other disadvantaged groups).

CSOs have demonstrated ownership with substantial participation in the formulation process and significant numbers of CSOs have the capacity to implement projects via grants as well as engage with State institutions to improve capacity of the latter. To ensure greater involvement by a variety of CSOs, consortia will be promoted. Civil society is very active in South Africa, ranging from national think tank type organisations to grass-roots community organisations. CSOs play an important role in lobbying and advocacy, engaging at policy level with Government, as well as providing services on behalf of Government in a wide variety of sectors. EU engagement with CSOs in the human rights and civil and political rights space is also well established. CSOs challenges, including varying capacity, funding and cooperation with each other, are often hampered by lack of resources.

Chapter 9 institutions have an important mandate, and enjoy independence; however they could play an even stronger watchdog role. Their resources are also limited – and controlled by the Executive. Chapter 9 and 10 institutions have indicated interest in, and foresee benefit from, involvement with CSO and through the Capacity Building and Engagement Window.

Other stakeholders include: Government departments including National Treasury; national, provincial, local government structures, private sector companies and business associations, regulatory authorities, state-owned enterprises, legislatures and the justice sector and EU institutions supporting accountability and related work, for example National Human Rights Institutions in the EU Member States, Ombudsperson institutions and European public administration institutions.

1.5 Problem analysis/priority areas for support

In principle, South Africa has the necessary legislation, policies, institutions, rules, watchdogs and enforcement agencies to ensure accountability. However, in many cases the integrity of the institutions and processes can be compromised by individuals' or elites' interests, by weak enforcement capacity, gaps in legislation, discretionary powers of public officials and selective enforcement of rules.

President Ramaphosa, in his 2019 State of the Nation address (SoNA), stated that the greatest efforts to end poverty, unemployment and inequality will achieve little unless state capture and corruption in all its manifestations and in all areas of public life, is tackled. The President highlighted five immediate tasks in the SoNA address, one being to step up the fight against corruption and state capture. This is in line with the NDP, which has identified promoting accountability and fighting corruption as a central challenge to fighting poverty and inequality and to improving public service delivery. Corruption at national level has led to weak accountability at the level of entities such as state-owned enterprises, the National Prosecuting Authority and the South African Revenue Service¹⁶. At local level, corruption has a detrimental effect on service delivery and meeting the obligations of Government.

Recently, a vibrant and vocal civil society and independent and investigative media - together with some of the public accountability institutions - contributed to exposing the deep-seated problems of corruption and state capture, thereby significantly contributing to the resilience of the democratic State. During the formulation of the programme, CSOs and Chapters 9 and 10 institutions identified that reforms to address inadequate legislation, procedures, processes, frameworks and regulations, and improved enforcement of adequate measures where they do exist, may be achieved in a number of inter-connected and complementary ways, including greater access to information and improved institutional transparency, improved democratic engagement of citizens and civil society with the public and private sector, and improved accountability in public and private institutions. CSOs have,

¹⁶ Addressed in the 2019 presidential SoNA speech.

during several group consultations, expressed the need for resources, knowledge, skills and opportunities to improve their capacity. Enhanced accountability can however not be achieved by civil society alone, and hence the Chapter 9 and 10 institutions are also recognised as critical change-agents to enhance accountability and some have indicated, during consultations, the willingness and the need to engage with CSOs, other public and Government institutions and other stakeholders, including European peers as appropriate, as a way to improve Government accountability.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Weakening of Government's commitment to fight corruption and state capture.	Medium	CSO actions on enhancing accountability has continued in the past under state capture conditions and CSOs will be supported to continue their actions via the grants and the Capacity Building and Engagement Window.
Lack of interest in or support from State Institutions to make use of the opportunities to collaborate with key role players through the Capacity Building and Engagement Window.	Low	Ongoing engagement with State Institutions to inform them of opportunities and offer support in areas of interest. Engagement through the Human Rights dialogue. Potential involvement by a variety of institutions that may benefit from or provide support and engagement.
Lack of interest from the private sector to engage in actions to enhance accountability.	Medium	Dialogue and continued engagement through Advisory body and engagements and dialogues of sufficient profile to interest and engage the private sector.
Insufficient absorption capacity by CSOs and a limited number of key actors in the field that have capacity to apply.	Low	More than one Call for Proposals will be launched and communication activities and information sessions will be used to inform a wide range of CSOs of the opportunities application priorities and procedures. Special attention will be paid to reaching different CSOs including those representing women and rights of people living in vulnerable/marginalised situations. The duration of the project (60 months) will enable projects with varying duration. International organisations with expertise in this area will also be eligible for grants, in collaboration with South African CSOs.
Assumptions		
The current Government will continue its efforts to enhance accountability as it is an objective of the NDP. CSOs will continue to engage in activities to enhance accountability. The private sector will adhere to the UN Guiding Principles on Business and Human Rights.		

3 LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons learnt

The action is informed by the EU's long time engagement with CSOs in South Africa. Various evaluations concluded that the EU has supported policy innovation through innovative government programmes involving CSOs which enables an inclusive approach to service delivery as well as an adequate level of advocacy and watchdogging *vis-à-vis* government action¹⁷. The Civil Society Advocacy Programme in the mid-2000s provided support to the SAHRC, CGE and PP, but it experienced management and procurement difficulties and hence direct financial support is not

¹⁷ South Africa - EU Country Roadmap for engagement with Civil Society 2014 – 2017.

recommended. The South Africa CSO Roadmap recommends expanding engagements with CSOs in the economic space, including trade unions, cooperatives or employers' federations. An independent source of funding for CSOs in the democracy and good governance sector is also critically needed¹⁸. In 2015, the South Africa Roadmap Facility recommended strengthening the capacity of CSOs in relation to the public policy cycle. The design of the Capacity Building and Engagement Window in this Action has considered the recommendations of the 2017 EU-funded South Africa Mapping study of CSOs in the human rights and social justice sectors. Ongoing EU support to CSOs to engage with legislatures has demonstrated the need for continued involvement, but also expanding it to other actors involved in enhancing accountability.

3.2 Complementarity, synergy and donor coordination

Donor Coordination: EU Donor coordination takes place through the monthly EU Development Cooperation Counsellor's meetings, and through a broader donor working group on governance currently co-chaired by Germany and Canada. The EU also holds *ad hoc* meetings where support to civil society engagement and capacities are discussed, be it with EU Member States, non-EU Member States and private partners (such as foundations). These different platforms could serve as opportunities to share on the implementation of this project, looking at complementarities and synergies with similar actions funded by other institutional or private partners.

Complementarity and synergy: This programme will be complementary to other areas of action of the MIP 2014-2020 and especially Sector 3, 'Building a capable and developmental State' including measures in favour of civil society¹⁹. The Action will also be complementary to the European Instrument for Democracy and Human Rights (EIDHR) MIP 2018-2020, Objective 3 – Support to Democracy at thematic level and CSO Thematic support. The EIDHR can also provide support to human rights defenders in cases where this may be required. Institutional exchanges can be facilitated through Technical Assistance and Information Exchange instrument (TAIEX). At bilateral level Germany is engaged in a programme in two provinces, Mpumalanga and Eastern Cape (Strengthening Local Service Delivery in South Africa) to provide technical assistance to municipalities to assist with improving service delivery. Canada implemented in 2013-2018 a 'Building a Capable State project' to improve capacity, performance, and service delivery in Government.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs and indicative activities

The overall objective is to improve public governance in South Africa.

The specific objective is to reinforce the role of civil society, private sector and specific State institutions in enhancing accountability, democratic engagement and transparency in South Africa.

Expected results are²⁰:

1. Reinforcement of the capacities of CSOs in enhancing accountability...
2. Increased opportunities for engagement between civil society, public and private sector.
3. Improved transparency in the public and private sectors.

The activities foreseen in the Action are:

Component A - Grants to Civil Society Organisations, and

Component B - Capacity Building and Engagement Window

¹⁸ This approach supports the EU engagement with CSOs, articulated in the "Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations" Communication.

¹⁹ The proposed Action is complementary with the following ongoing or upcoming EU funded programmes: 1) Enhancing Legislature Oversight Programme; 2) Enhancing CSO Participation in Legislatures' Oversight and Participation Processes; 3) Public Financial Management Capacity Development Programme for Improved Service Delivery, including a direct grant to the International Budget Partnership 4) Public Service Training and Capacity Building Programme, 5) Socio-economic Justice for All, 6) EU-SA Dialogue Facility, and 7) Gender Equality and Women Empowerment in South Africa programme.

²⁰ All results should consider the implications of accountability, transparency, democratic engagement on women relative to men.

Grants to CSOs (and other eligible organisations) will build their capacity to enhance accountability in the public and private sphere. Special attention will be paid to rights, participation and non-discrimination of women, girls and people living in vulnerable situations (such as persons with disabilities, indigenous peoples, and other disadvantaged groups). Exact activities will be determined by the grantees but, in line with Official Development Assistance (ODA) policy in South Africa, actions should favour pilot, innovation and risk taking actions.

Activities that could be included in grant projects potentially include: public interest litigation; civil case litigation; lobbying for and contributing to law reform (with particular focus on non-discrimination and equality); action research; campaigns and advocacy; preparing submissions; budget analysis including gender-sensitive budget analysis and contributing to budget processes; procurement monitoring; facilitating national task teams; investigative journalism; establishing information repositories; monitoring of service delivery and scorecards; municipal forums; scrutiny in appointment of key positions in Chapter 9 Institutions, state-owned enterprises, law enforcement agencies and regulatory bodies; developing community media; social audits or other citizen-based monitoring processes; development of tools (online, mobile, etc.) and alliance building amongst CSOs. Applicants will be encouraged to utilise information and communication technologies to contribute to enhancing accountability. CSOs may also benefit from the Capacity Building and Engagement Window.

The Capacity Building and Engagement Window is envisioned as a rights-based responsive mechanism which can provide resources, support and opportunities for state and non-state actors to engage and collaborate to enhance participation, accountability and non-discrimination and transparency in the public and private sphere in South Africa. The Window will make resources available for: 1) Exchange of Experiences potentially between State Institutions supporting Constitutional Democracy; the PSC; regulatory bodies; state-owned enterprises; legislatures; private sector companies and representative bodies; national, provincial and local government structures; EU and EU Member States actors; CSOs and other relevant institutions; 2) Mobilisation of experts; 3) Research and studies; 4) Training and capacity building activities including short term exchanges upon request; 5) Conferences, seminars and workshops including events, capacity building, and expertise in gender-responsive RBA working principles (participation, non-discrimination, accountability, transparency applying to all rights), gender equality and human rights. In order to support and enhance the capacity of civil society and the state to improve accountability in the public and private sphere, both CSOs and State institutions such as Chapter 9 and 10 bodies, can request support to address specific aspects. The Window will also provide a platform for knowledge sharing, peer evaluation, thematic dialogues, and sector coordination and dialogue in a sustainable way.

4.2 Intervention Logic

The project aims to contribute to a capable and developmental state by enhancing the capacity of CSOs and specific independent State institutions to enhance accountability of public and private institutions. Assumptions underpinning the project are that the current Government will continue its efforts to enhance accountability as it is an objective of the NDP and that CSOs will continue to engage in activities to enhance accountability. Change in three related and critical areas can contribute to achieving these objectives i.e.: improved accountability of public and private institutions; enhancing access to information and improved public transparency; and deepening citizens' democratic engagement with the public and private institutions. Civil society has already played an important role in highlighting the erosion of accountability, state-capture, corruption and poor service delivery. Sustainable change can be attained by strengthening the capacity of both civil society and State institutions tasked with oversight and accountability, to be better equipped to ensure accountability. The project will provide resources (funding, skills, capacity building and engagement opportunities) to enable civil society – including organisations working at community and local levels - to engage and demand accountability but also to collaborate with State institutions to enhance accountability in the public and private sector. This may be attained in a number of ways, including contributing to strengthen existing frameworks, legislation, requirements and processes, or to help with the establishment of new vehicles to allow for greater transparency, access to information, monitor policy implementation, opportunities for engagement, and responsiveness by the public sector and private sector. More than one call for proposals (and potentially direct awards) for CSOs and other eligible

organisations will be launched and the exact nature of the interventions will be determined by the organisations while promoting pilot, innovation and risk taking actions. However, to support the CSO activities, but also to enable State institutions to engage with civil society, the public sector, and local and European expertise, the Capacity Building and Engagement Window will be established to respond to needs and to enable engagement, cross-fertilisation between the different stakeholders. It is expected that an increased critical mass of CSOs advocating for, and engaging in, initiatives to improve accountability and the opportunities for networking and interplay with other independent State Institutions and State and private stakeholders, and international partners will help to achieve systematic reforms, change and higher impact.

4.3 Mainstreaming

Gender, human rights and a focus on vulnerable and marginalised people, will be mainstreamed in the Action. CSO projects will be required to address these aspects, with a specific focus on gender, including gender budgeting and analysis, women's democratic engagement, and enhancing the capacity of women to be active citizens. EU-South Africa Human Rights dialogue will focus on issues of relevance, including gender-responsive rights-based approach working principles participation, non-discrimination, accountability and transparency applying to all rights. The Action will reflect the EU's rights-based approach, in particular focusing on the aspects of participation as a right and the basis for active citizenship, non-discrimination and equal access; accountability and access to the rule of law and transparency and access to information. The UN Guiding Principles on Business and Human Rights framework should be applied by beneficiaries participating in the action. Environment and climate change may be addressed by CSO projects in relations to Government's accountability to instruments such as the Paris Agreement on Climate Change.

4.4 Contribution to Sustainable Development Goals (SDGs)

This intervention is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDGs 16 and 17. Primary SDG: 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels which aims to build effective, accountable and inclusive institutions at all levels. Relevant indicators include 16.5 - Substantially reduce corruption and bribery in all their forms; 16.6 - Develop effective, accountable and transparent institutions at all levels; 16.7 - Ensure responsive, inclusive, participatory and representative decision-making at all levels; and 16.10 - Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. Secondary SDGs: Strengthen the means of implementation and revitalise the global partnership for sustainable development. Indicator 17.17 – Encourage public, public-private and civil society partnerships.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Implementation of the budget support component

N/A

5.4 Implementation modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures²¹.

5.4.1 Grants: (direct management).

(a) Purpose of the grant(s)

The purpose of the grants will be to provide funding to CSOs or other eligible organisations to contribute towards: 1) Reinforcement of the capacities of CSOs in enhancing accountability; 2) Increased opportunities for engagement between civil society, public and private sector; and 3) Improved transparency in the public and private sectors.

(b) Type of applicants targeted

To be eligible for a grant, the applicant must:

- (i) be a legal person and
- (ii) be non-profit-making and
- (iii) be a specific type of organisations such as: non-governmental organisations, citizens' groups, organisations representing economic and social interests, community organisations, advocacy organisations, women's and youth organisations, research organisations, academic institutes, think tanks, education institutions, independent foundations, public bodies, media groups and international (inter-governmental) organisations. However, in case of a multi-beneficiary grant, an international organisation, a public sector operator, or a local authority cannot be the lead applicant.
- (iv) be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary, and
- (v) be able to demonstrate to have carried out activities in the field covered by the Call in the past three years.

5.4.2 Procurement (direct management)

Subject	Indicative type (works, supplies, services)	Indicative trimester of launch of the procedure
Result 1 – 3: Enabling and building the capacity of civil society and specific state institutions to contribute to enhanced accountability in South Africa	Services (one or more contracts)	3 rd trimester of 2020

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

²¹ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

5.6 Indicative budget

	EU contribution (in EUR)
5.4.1 Direct Management - Grants	9 800 000
5.4.2 Direct Management - Procurement	2 000 000
5.9 Evaluation, 5.10 Audit	250 000
5.11 Communication and visibility	50 000
Contingencies	200 000
Total	12 300 000

5.7 Organisational set-up and responsibilities

An Advisory Committee consisting of the EU Delegation and National Treasury, other participating institutions and/or experts, potentially including one or more EU Member States and other relevant development partners will supervise the two programme components.

Component A: Two or more calls for proposals will be prepared, launched and managed by the EU. The first call will be launched indicatively in February 2020 under a suspensive clause prior to the signature of the financing agreement.

Component B: The Advisory Committee will advise on applications to the Capacity Building and Engagement Window. Requests for capacity building and engagement activities will be reviewed on a quarterly basis, based upon expressions of interest. The criteria for approval will be agreed by the Advisory Committee.

5.8 Performance and Results monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of projects resulting from a call for proposals will be a continuous process and part of the implementing partners' responsibilities. To this aim, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Any monitoring and evaluation should be gender-sensitive, assess gender equality results and implementation of rights-based approach working method principles (participation, non-discrimination, accountability and transparency) in terms of implementation of the project and project outcomes. Monitoring and evaluation should be based on indicators that are disaggregated by a minimum sex and age and even further when appropriate (disability, race/ethnicity, etc.). Key stakeholders will participate in the monitoring process. The Technical Assistants responsible for the Capacity Building and Engagement Window will track indicators and progress against the logframe.

Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

Reports shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final reports, narrative and financial, will cover the entire period of the actions' implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that civil society and state institutions' capacity need to be enhanced to contribute to enhanced accountability in the public and private sector. Collaboration between civil society, the public sector and the private sector is critical to this action and needs to be evaluated.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

5.10 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

It is foreseen that audit services may be contracted under a framework contract.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

The communication and visibility budget will be included as part of the service contract/s, plus an additional amount to be managed by the EU Delegation and it will be implemented by way of procurement to be indicatively launched in trimester 2 of Y1. The communication and visibility budget of this Financing Agreement may be pooled with the respective budgets of other Financing Agreements in the context of a larger communication programme.

It is foreseen that a contract for communication and visibility may be contracted under a framework contract.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY)

	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Sources of data	Assumptions
Impact (Overall Objective)	OO: To improve public governance in South Africa	<p>1. Overall Governance</p> <p>2. Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or was asked for a bribe by those public officials during the previous 12 months</p>	<p>1. Ibrahim Index of African Governance (IAAG) Overall Governance Indicator</p> <p>2. Country report on SSDGs (indicator 16.5.2)</p>	<i>Not applicable</i>
Outcome(s) (Specific Objectives(s))	SO 1: 1. Reinforcement of the capacities of CSOs in enhancing accountability.	1.1 Civil society participation in political processes.	1.1 IIAG Report	<p>Government will continue its efforts to fight state capture and enhance accountability.</p> <p>CSOs will continue to engage in activities to enhance accountability</p>
	SO 2: Increased opportunities for engagement between civil society, public and private sector.	<p>2.1 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group (race/ethnicity).</p> <p>2.2 The degree to which the government provides opportunities for the public to engage in budget processes.</p>	<p>2.1 Country report on SDGs (indicator 16.7.2)</p> <p>2.2 Annual Open Budget Survey</p>	
	SO 3: Improved transparency in the public and private sectors.	3.1 Proportion of enquiries seeking access to public information and government data that were received and addressed.	3.1 IIAG Report	

Outputs	O1. Improved accountability of public and private institutions.	1.1.1 Number of State institutions benefitting from actions to strengthening accountability of state institutions towards citizens.	1.1.1 Project reports and Capacity Building and Engagement Window reports	State institutions will make use of the opportunity to strengthen accountability
		1.1.2 Number of regulations, legislation, public policy documents or guidelines targeted to change / improve.	1.1.2 Projects reports and media reports	Government will be committed to change regulations etc. where it requires improvement.
	O2. Increased democratic engagement between civil society, public and private sectors.	2.1.1 Number of citizens (sex-disaggregated) benefitting from project actions.	2.1.1 Project reports and measure of actions facilitated by the Capacity Building and Engagement Window	Citizens want to increase their participation.
		2.1.2 Number of civil society organisations benefitting from project actions.	2.3.1 Project reports and measure of actions facilitated by the Capacity Building and Engagement Window	Civil society organisations will want to increase their interactions with the public and private sectors.
	O3. Enhanced transparency in the public and private sectors.	3.1.1 Number of public sector institutions that develop processes to improve public access to Government information/data.	3.1.1 Projects reports and media reports	The public sector will be committed to improve transparency.
		3.1.2 Number of civil society organisations that benefit from actions supporting enhanced transparency.	3.2.2 Project reports and measure of actions facilitated by the Capacity Building and Engagement Window	