Implementation of the African Charter on Values and Principles of the Public Service and Administration
PRESENTATION OUTLINE

What the Presentation is All About
- The African Charter as a Compendium of Values
- Evolution of the African Charter
- The Charter Implementation Context

African Charter Implementation Disciplines
- Selected Case Studies on the African Charter Implementation
- South Africa’s Domestication Experience
- Reporting & Assessment Instruments

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This presentation will show:

1. The Context within which the Charter was developed and is being implemented

2. The Charter implementation mechanisms.

3. Instruments for reporting on and assessment of implementation
According to Steffani Cameron “A charter is a formal document that is like a road map for what an organization, team or project is intended to be and accomplish.”
The Charter is a Value System in the Reform Discourse

- Many public organizations have acknowledged the importance of shared values to organizational success by developing a statement of their core values.
- These statements are a rich source of data on the values that these organizations deem to be most central to successful governance.
- Some experts argue that a focus on values is a preferable alternative both to restructuring an organization and to relying on rules for internal management (Kernighan 2008).

Four Notable Points:

First, the new values associated with the new model of public organization have rapidly permeated the value system of the public service.

Second, some of the new values reinforce some of the traditional ones.

Third, the emerging public service culture will contain a blend of old and new values.

Finally, three traditional values - integrity, accountability and fairness, equity — will occupy an especially prominent place in that emerging culture.
Among the values that keep resurfacing in the discourse on the morality of government and of its agencies are those of:

- Democratic Participation
- Transparency of Official Action
- Accountability to elected representatives and to watchdog bodies
- Responsiveness to popular concerns and demands
- Professionalism and Ethics
- Observance of the Rule of Law

The Charter Core Values?
The Evolution of the Africa Charter On Values and Principles And Administration Of Public Service
A lengthy and exciting journey

- 01/2011: ACVPPSA Adopted
- 07/2016: ACVPPSA comes into force
- 04/2018: Draft of reporting guidelines reviewed by SCT-8 Sub-Committee in Mombasa, Kenya
- 11/2018: Reporting guidelines adopted by CoM in Nairobi, Kenya
- 05/2020: Draft SPAT presented to the STC-8 Sub-Committee

Draft SPAT presented to the STC-8 Sub-Committee
African Charter Evolution Process

African Union
Ratification

Domestication
Capacity
Building
Interventions

Reporting, Peer
Review and
Learning
Disciplines

Conference of State
Parties Formation

Development Consensus
Building Process

Member State
Accession

UN DESA
The Charter implementation Context
The African Charter and the African Union Agenda 2063

- At its 16th Ordinary Session, the African Union ratified the African Charter
  - to improve public service delivery,
  - combat corruption,
  - protect the rights of citizens as users of public service as well as
  - promote good governance and
  - sustainable development on the Continent;

- Declared a decade of shared values

- Aspiration 7 of Agenda 2063 speaks of: An Africa that is self-confident in its:
  - identity,
  - heritage,
  - culture and shared values and
  - as a strong, united and influential partner on the global stage making its contribution to peace, human progress, peaceful co-existence and welfare.

- In short, a different and better Africa.
Mission Statement
- Who we are
- What we Value

Vision Statement
- What we want to becomes

Strategy
- How we will achieve our vision

Goals and Objectives
- How we Gauge our degree of success

The African Charter
- Values and Principles and Public Administration
- Domestication and Implementation
- The Reporting Guidelines and the SPAT
African Charter Interface with National Administrative Reforms Processes

Member State Domestication

Public Sector Administrative Reforms

African Charter
Charter

Implementation

Disciplines
Several Countries have benchmarked their reform on the African Charter.

These countries have identified improved customer service orientation as a core element of their civil service reform programmes (Bolugun, 2008).
Conceptual Framework for the Implementation of the African Charter

Institutional Mechanism
- Core Principles
  - Established institutional Framework
  - Monitoring and Reporting Systems

Standards
- Core Principles
  - Service Standards
  - Access to Services
  - Ethics and Values

Capacity
- Core Principles
  - Competency based HRM &D
  - Leadership
  - Organizational Management and Development

Accountability
- Core Principles
  - Results Oriented Planning
  - Code of Conduct
  - Evidence Based Policy and Management

Transparency
- Core Principles
  - Access to Information
  - E-Government
  - Inclusivity and Participation

Legislation
- Core Principles
  - Transformed Legal Framework
  - Legislated Charter Principles

Respect for Human Rights, Rule of Law, Access to Services, Efficiency and quality, Professionalism and Ethics

Pillars
- Institutional Mechanism
- Standards
- Capacity
- Accountability
- Transparency
- Legislation

2021/11/18
Selected Country Domestication of the African Charter
African Countries' Initiatives on the African Charter

**Ghana**
- Citizen's Charter System
- As way of improving the performance of public services in the sense of striving for the delivery of quality service within the shortest possible time.

**Namibia**
- Institutionalised into a Customer Service Charter
- Objective is to provide a framework for defining service delivery standards, the rights of customers, and how complaints from customers will be handled.

**Nigeria**
- Civil Service entered into Service Compact with all Nigerians
- The Compact's Core provision says: “We dedicate ourselves to providing the basic services to which each citizen is entitled, in a timely, fairly, honestly, effectively and transparently manner”

**Kenya**
- Code of conduct for Public Servants
- Enshrined in the Public Service Code of Conduct and Ethics Act 2016

**South Africa**
- Code of conduct for Public Servants
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- Charter articles a replica of Batho Bele value statement
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SOUTH AFRICA’S IMPLEMENTATION MATRIX
The Service Charter: Resolution 1 of 2013

- The Constitution of RSA, 1996
- Employment of Educators Act (55 of 1998)
- Police Act (68 of 1995)
- Health Act, 2004
- Correctional Services Act (111 of 1998)
- Labour Relations Act, 1995
- Public Service Act, 1994 (as amended)
STATE AFRICA’S INSTITUTIONALIZATION OF THE CHARTER

Purpose:
✓ Defines the services offered by the state to citizens
✓ Outlines the service standards
✓ Registers the commitments by the state as the employer towards public servants
✓ Specifies commitments by public servants towards citizens
✓ Improvement of service delivery by the State to the citizens

The Employer
As employed by the state (permanent or not) and partners in the implementation of the public Service Charter

The Public Service Coordinating Bargaining Council (PSCBC)

State

Public Servants

Labour

The Employer

As employed by the state (permanent or not) and partners in the implementation of the public Service Charter

The Public Service Coordinating Bargaining Council (PSCBC)
Relationships in a Citizen Charter

- **CUSTOMER**
  - Customer Service Pledge: Prompt, efficient, effective and courteous delivery of service. Constant improvements in cost, time, performance and quality

- **TAX PAYER/CITIZEN**
  - Citizen Charter: Observance of good governance principles (Rule of law, justice, fairness, equity, accountability, probity, transparency, value-for-money)

- **GOVERNMENT**
  - Leadership Code:
    - Honesty, selflessness, Integrity, Objectivity, Accountability, Openness, Leadership-by-example, Vision

- **CIVIL SERVANT**
  - Public Service Professional Code of conduct: Impartiality, transparency, non-partisanship, avoidance of conflict of interest situations, rejection of bribes and gratification, non-betrayal of trust/confidence, security of assets and privileged information, Accountability and Responsiveness, Integrity, declaration of assets and interests, Customer Satisfaction Pledge
REPORTING AND IMPLEMENTATION ASSESSMENT INSTRUMENTS
Basis for the Reporting Guidelines – Article 24.1

State Parties to provide biennial reports on legislative or other measures taken to implement provisions of the Chart. AUC prepares a synthesis report for submission to the Assembly through the Executive Council and the Conference of State Parties. Appropriate action taken to address any issues raised in the report.
Necessity for Reporting Guidelines

• Diverse sources of information
  ➢ Different countries and jurisdictions
  ➢ Different forms of government and
  ➢ Different institutional and administrative arrangements

• Reporting guidelines facilitate the provision of relevant and meaningful information from state parties
Rationale for states reporting on charters

Charter is only a beginning – reports document implementation

- achievements made
- extent of compliance

- Channel for constructive dialogue between the states and the AUC
  - AU Organs
  - Institutions and RECs
  - Other national stakeholders

- Facilitate evaluation on compliance
Objectives of reporting guidelines

- Framework for SPs to prepare and submit reports -
- Article 24 of the Charter
- Provide structure, scope and methodology for
  - Preparation
  - Submission
  - Review
  - Follow up of implementation in State Parties
SPAT looks at indicators of compliance

- **Ch. II**
  - Articles 4-8
  - Duties of the public service and administration

- **Ch. III**
  - Articles 9-13
  - Code of conduct for public service agents

- **Ch. VI**
  - Articles 14-18
  - Rights of public service agents

- **Ch. V**
  - Articles 19-22
  - Management and development of human resources

- **Gen.**
  - Articles 2 & 23
  - Legal, regulatory and incidental aspects.
SPAT scoring scale

Basis of scoring
Specified indicators – Constitutional provisions, national laws, institutions, polices and procedures, court decisions, independent professional reports, etc.

0 = There is no evidence of any efforts or intent to support the attainment of the indicator

1 = There is partial evidence of efforts and actions being taken (draft documents, legislative bills, etc.) towards attainment of the indicator

2 = There is adequate and/or satisfactory evidence that the State Party has attained or achieved the indicator

Composition of SPAT Team
Relevant government MDIs, public service commission, trade unions, national human rights institutions, NGOs, the private sector, relevant institutions and other stakeholders
Training & sensitization

Self-assessment & report

Facilitated assessment & report

Final SPA reports to AUC organs

SPA Teams
AUC to facilitate initial training on purpose, uses and application of the SPAT

SPA independent validation
AUC to select (randomly or using defined criteria) countries for externally facilitated validation

Independent self-assessment
National MDIs, PSC, trade unions, civil society, NGOs, the private sector, etc.

All reports (validated or not)
Submit SPA reports to AUC for action as envisaged under Article 24.1 of the Charter
Explanatory Note

The Framework is based on a platform of citizen-centred public service with six (6) Pillars that promote the aspirational achievements identified before. The Pillars are:

- Institutionalization
- Standards
- Capacity
- Accountability
- Transparency
- Legislation
### Standards
Standards are those set out in the African Charter and approved by African countries, individually or collectively, with regard to ‘how’ they transform the public service and administration.

State Parties will not be marked against whether they adhere to these or not

- the purpose being to ascertain their familiarity with these standards and codes and the extent of their application

### Questions
Questions serve to focus on what the country has done with regard to the objectives and standards,

- how the country has implemented the standard and with what results

### Indicators
Indicators are the type of evidence that is expected in the responses of countries

- serve to highlight aspects of the objective and standard that are generally recognized as measures of performance and results
STANDARD: Institutional Framework

QUESTIONS: What Institutional Framework is in place to domesticate and implement the Charter?

INDICATORS: Institutionalization through:

1. Legislative Provisions
2. Policy Stipulation
3. Frameworks
4. Demand side capacity measures
STANDARD:
ACCESS TO INFORMATION

QUESTIONS:
Is there legislation or policy instrument on Access to Information?

INDICATORS:
Evidence of:

2. Legislative Provisions.
3. Policy Stipulations,
4. Court Decisions reinforcing the right to access to information.
STANDARD: Preventing and Combating Corruption

INDICATORS:
Evidence of:
1. Signatory to:
   a) UN Convention on Anti-Corruption
   b) AU Convention on Anti-Corruption
   c) REC Convention on Anti-Corruption
2. Legislative Stipulation
3. Policy measures
5. Integrity Systems
6. Independent Law Enforcement Institutions
7. Asset Forfeiture Instruments
8. Successful Convictions on Mega corruption Cases

QUESTIONS:
What legal, policy and mechanisms are in place for fighting corruption?
**STANDARD:**
Declaration of Assets

**QUESTIONS:**
Is there legal and/or Policy obligation to declare assets?

**INDICATORS:**
Evidence of:
1. Legislative Stipulation
2. Policy measures
3. Register for Declaration of Assets
4. Monitoring and Reporting Systems
5. Consequent management measures
Several potential applications and uses

- Current proposal to initially use progressive developmental purposes – capacity development focus
- Could be used to produce country performance rankings and indexes such as TI CPI, WB Doing Business Report
- Can be used as an online tool for completion by state parties and submitted to AUC for processing and archiving.
- Could be the standard template for all Charter reporting for AU and other international organisations
SEQUENCE OF CHANGE

PREPARATION FOR CHANGE
- To develop the sense of need
- ...and the vision

INITIATION OF CHANGE
- Launching of change
- Capacity development
- ...and strengthening change

INSTITUTIONALIZATION OF CHANGE
- Consolidation of change

DEFROST
- Weaken old attitudes, principles and behaviors

CHANGE
- Introduce transformation and develop new guidelines for procedures

REFROST
- Stabilize change through formal and informal tools
A great deal of effort should be focused on building consensus for change, as part of the Charter process.

Citizens must hold departments accountable for Charter implementation. The feedback system is essential for the accountability process.

Charters and value systems are veritable catalysts for administrative Reform Programmes.

Charters and Value Statements can and should be used to ensure higher levels of accountability. Often this needs to be coupled with changes in mind-sets.

The APRM process provides an opportunity to domesticate and assess implementation of the Charter at national level.