Moving Towards Sustainable Development Goals and Agenda 2063

Ethical Considerations for Public Service M&E Practitioners

J R Kimaro and D Fourie
School of Public Management and Administration
University of Pretoria
South Africa

ABSTRACT

In 2015, the United Nations Sustainable Development Summit adopted the 2030 Agenda for Sustainable Development, listing the required Sustainable Development Goals (SDGs). The African Union endorsed the 2063 Agenda, the continent's shared strategic framework for inclusive growth and sustainable development. The public service in Africa, as globally, is under pressure to produce and show outcomes as a measure of government's effectiveness in meeting these goals. Genuine change requires critical self-reflection. Monitoring and evaluation (M&E) of government performance is essential to document and report on performance, promote learning and improvement. M&E is a mechanism to assess and analyse pre-determined levels of performance, and to report progress on the adoption of performance information. The National Monitoring and Evaluation Systems (NMES) contribute to the establishment of a continuous improvement culture in service delivery and feed information into SDG and Agenda 2063 implementation reports. M&E is an effective public administration tool to plan, coordinate, document and share results effectively and timeously, as translated into ministerial/departmental, and sectional units of project M&E systems and plans. The article argues that the capacity of public service human resources is key in the M&E function and agenda. Ethics in M&E processes enhance M&E systems to underpin national priorities and collect information that feeds into M&E of global strategies such as SDGs and Agenda 2063.

INTRODUCTION

The article commences with some background to monitoring and evaluation (M&E), some context and a definition. It then considers linkages between M&E and the Sustainable

Development Goals (SDGs) and the New Partnership for Africa's Development's (NEPAD's) Agenda 2063 (NEPAD n.d.) and how M&E can contribute to the achievement of these goals. Human resources play a key role in M&E, so their capacity and ethical practices may be crucial to the success of M&E. The article therefore discusses ethical practices by public service M&E practitioners and proposes key ethical principles for the field. The article concludes with recommendations on national and institutional M&E to address capacity and ethical challenges regarding M&E, in order to make a meaningful contribution to South Africa's and Africa's development agenda, SDGs and Agenda 2063.

THE EVOLUTION OF M&E IN PUBLIC ADMINISTRATION

M&E is linked to performance management in the sense that it measures performance, informs decision-making, determines resource allocation, facilitates human resources performance management, and recognises performance (Mngomezulu and Reddy 2013:96). Monitoring is a continuous function that involves systematically collecting data on specified indicators, showing the extent of progress or achievement by an institution, project or programme (Kusek and Rist 2004:12-13; Mngomezulu and Reddy 2013:94; United Republic of Tanzania 2014, p. v.; World Bank Institute 2009).

Evaluation is a systematic process or periodic assessment to measure the realisation of intended results, particularly regarding the relevance, efficiency, effectiveness, impact and sustainability of an activity or intervention (Mackay 2007: 12; Mngomezulu and Reddy 2013:96, United Republic of Tanzania 2014 p. iv; World Bank Institute 2009). Evaluation is also supposed to report performance results and determine information to be used in future decision-making processes (Kusek and Rist 2004:12; Mackay 2007:12; United Republic of Tanzania 2014, p. iv).

M&E is as old as the government itself. Since ancient times, citizens have entered into formal agreements with the state: citizens give loyalty, accord legitimacy and pay taxes, while states offer security and protection. Legitimacy is bestowed on the government based on whether it fulfils its expected duties and obligations. This translates into citizens' monitoring and evaluating government performance, albeit without formal, established structures to do so.

M&E developed and grew through various public administration paradigms or schools of thought, each contributing towards increased institutional or government efficiency. Frederick Taylor, one of the fathers of scientific management, contributed to our understanding of time, productivity and efficiency (Denhardt 2004:52). The *scientific management* approach emphasises the concept of planning, which is a prerequisite for establishing management strategies, and for making activities such as monitoring and evaluation meaningful processes in performance management (Goel 2008:262; Shafritz , Russel and Borick 2013:222). The *classical approach* describes the sole purpose of organisations as accomplishing production and economic goals (Shafritz, Russel and Borick 2013:10). This approach also proposes command and control in organisations by watching, monitoring and managing feedback. The *rational approach* defines what is "good" or "bad" in an organisation – the good leads to efficiency and the achievement of an organisation's purpose (Denhardt 2004:74). This approach claims that rationality leads to efficiency. These three approaches, together with

systems and human relations approaches, form the foundations of M&E. Lynn Jr (2006:232) present the *systems approach* as a complex set of dynamically intertwined and interconnected elements, including inputs, processes, outputs, feedback loops, and the environment in which it operates and with which it continuously interacts. The systems approach introduces a clear connection between planning, implementation, M&E and environment from which these interacts and produce performance results. A set of terminology related to M&E also developed in, and was built upon, these approaches. Some key terms are efficiency, accountability, planning, coordination, forecasting, and evidence-based decision-making.

Governments face external and internal demands for improvement and reform in public management (Kusek and Rist 2007:1). Economic liberalisation and free market economy ideologies have been adopted across the African continent since the 1980s, and economic and political reforms have redefined the role played by public administration in development. The rise of New Public Management (NPM) is a result of a series of economic crises that prompted governments to re-assess their role in development. NPM was adopted in both developed and developing countries to implement management ideas from the business and private sectors into the public service. NPM assumes that private sector management principles (efficiency, enhanced accountability, strategically focused planning and productivity) can be applied in the public sector. Fourie (2012:130) describes the centrality of the NPM paradigm, at the heart of which lie efficiency and effectiveness, and performance at the individual and organisational levels, but attached to incentives.

According to Pollitt and Bouckaert (2004:8; 2011:16), management reforms are deliberate changes, informed by sets of ideas or ideologies, to the structures or processes of public sector institutions, with the objective of getting them to perform better. Reforms bring about suggestions for making governments more effective and helping them to deliver quality services by introducing results-oriented approaches and using business approaches to running the affairs of state (Economic Commission of Africa n.d., p. 51). Public service reforms in Africa include calls for M&E.

LINKING M&E WITH SUSTAINABLE DEVELOPMENT GOALS AND AGENDA 2063

In Africa, governments acknowledge the need for robust M&E systems. The demand for M&E systems is growing, stemming from a desire to align institutions with evidence-based decision-making processes. However, African countries have varied levels of institutionalised M&E. The institutionalisation of M&E in governments can thus not be considered collectively across the continent, as the adoption of M&E differs amongst African governments. Studies on the M&E systems in African governments reveal that monitoring is often given preference over evaluation; few of these governments have established concrete M&E regulatory frameworks; there is limited HR capacity on M&E, and there is budgetary constraints on M&E (CLEAR 2013:9; 2014:13; Lahey 2015:3).

According to NEPAD (n.d., p. iii), Agenda 2063 builds on previous initiatives by generations of African leaders and their people, from the formation of the Organisation of African Unity (OAU), to the Monrovia Declaration (1979), the Lagos Plan of Action (1980) and the Abuja Treaty (1981), to the establishment of the African Union (AU) and NEPAD

(2001). Agenda 2063 has to work on applying the lessons learnt from previous strategies for Africa, in order to address the many challenges of and bottlenecks in the development of the continent. Countries are committing to work towards achieving the Sustainable Development Goals (SDGs), whose agenda it is to end poverty, fight inequality and injustice, and tackle climate change by the year 2030. African governments need to be positioned to make it possible to realise the aspirations stated in both Agenda 2063 and the SDGs.

To start with, NEPAD proposes that there can be an effective interface between Agenda 2063 and national plans, and regional/continent-wide development initiatives (NEPAD n.d., p. 20). This translates into establishing and strengthening national M&E systems, aligned with the continent's and global visions. Furthermore, NEPAD suggests making development planning mandatory. It also recommends that each national budget proposal (the short-term plan) should contain a Plan Compatibility Statement detailing deviations (if any) from the Agenda 2063 plan's policies and programmes, and justifying these (NEPAD n.d., p. 20). The Plan Compatibility Statement therefore becomes a control mechanism regarding the alignment, harmonisation, resource control and management of Agenda 2063 at the national level and at the level of the African continent.

Sanga (2011:108) has commented on the challenges of gathering M&E data and information related to the Millennium Development Goals. Sanga argues that meaningful M&E of global or continental strategies must happen at the national level, which translates into strengthening National Monitoring and Evaluation Systems (NMES), and requires documented and organised frameworks for monitoring performance at a national level. NMES are gauged under a particular ideological proposition, and should state purpose(s), structures, institutional arrangements, as well as national champions for pushing the M&E agenda forward. For NMES to be meaningful at a national level and to make a sound contribution to regional or global agendas, the M&E spectrum (at the micro, macro or meso levels) needs to be clearly defined. African governments' M&E systems can consider harmonising contextual and methodological differences related to their NMES. The broader challenge for African governments, apart from alignment with global and continental strategies or frameworks, is to design M&E systems that prioritise human resource capacity building and ethical M&E practices.

NATIONAL HR CAPACITIES AND ETHICAL CHALLENGES RELATED TO M&E

Caiden (1997, cited in the UN Evaluation Group 2005:15) argues that "[p]ublic servants need to apply their professional expertise and judgment to developing sensible, useful and truthful measures of performance to advance public purposes". The public service officials sit at both supply and demand side for M&E performance information. The government officials produce and utilise M&E information, therefore calling for adequate knowledge in order to effectively and efficiently operationalise M&E systems.

There is a high demand for skilled M&E professionals (Gorgens and Kusek 2009:6), and more so in evaluation than monitoring. Wong (2013:9) identifies staff capacity constraints as one of the main challenges in achieving changes in performance management and M&E culture. Such constraints affect the likelihood of being able to shift from an input-output

mentality to a results-focused one. Operationalisation of M&E in the public service requires considerable M&E capacity. Any analysis of an M&E system must assess human resource capacity to operationalise that system (Gorgens and Kusek 2009:7). Sanga (2011:106, 111) also argues that some of the greatest challenges related to M&E of the MDGs are inadequate human resources capacity and a lack of coordination among national data producers. These inadequacies contribute to challenges in reporting, and result in inconsistent or contradictory information.

The two human resource aspects discussed in this section of the article, namely HR capacity and ethics, are directly linked: poor HR practices can lead to unethical practices, knowingly or unknowingly. Smith (2002:202) argues that in M&E, making poor decisions is not unethical, but being professionally negligent is. Ethics deal with what is wrong or right, as defined by various institutions, for a particular purpose (Mafunisa 2000:25). Public service ethics are broad norms that delineate how public servants, as agents of the state, and, where applicable, as members of an established profession, should exercise their judgement and discretion in carrying out their official duties (UN 2000:5). Several studies have described or equated unethical behaviour with corruption. Regulatory frameworks and codes of ethics or codes of conduct are developed to address most issues related to corruption, and some other forms of unethical conduct and practices. The emphasis on corruption stems from the fact that corruption can be immediately related to a country's economic, social and political crises, unlike the effects of unethical M&E practices, which may only become evident over time. Corruption linked to unethical M&E practices is clearly another challenge that has to be addressed.

The African Evaluation Association (2006/7) has established a number of ethical principles in evaluation in order to increase the efficiency and utility of evaluation studies conducted in Africa. These standards and norms include the call to design studies to meet the needs of all target stakeholders efficiently, to make useful recommendations, and to comply with the rights, moral and physical integrity of stakeholders and their communities. The privacy of any personal data collected should be respected, and dignity and human value should be respected in interactions with people involved in the evaluation. Moreover, disputes over interests need to be settled in an objective manner so that they do not jeopardise the evaluation process and results (African Evaluation Association 2006/7).

M&E PRACTITIONERS' ETHICAL CHALLENGES

According to Smith (2002, 2005), not "knowing what constitutes best practice is incompetence. Knowing what best practice is, but not knowing how to achieve it, may be inexperience. Knowingly not following best practices, when one knows how to achieve it, is unethical".

Gorgens and Kusek (2009:6) argue that M&E systems can produce "trustworthy", "timely" and "relevant information" on government performance. This suggests that there is a possibility that the opposite may happen. The existence of unethical conduct in M&E is discussed by Patel (2013:2), who proposes adopting well-planned practices, anticipating the different positions of various interest groups. According to Patel (2013), some interest groups can attempt to curtail evaluation operations, or to prejudice or misapply the results in a given

institutional and national situation. Gorgens and Kusek (2009:374-375) suggest that ethical principles in monitoring and evaluation need to be based on truth and wisdom, and where these are absent, unethical practices may prevail. Truth in M&E implies honesty, integrity and objectivity, while wisdom requires confidentiality and legality.

M&E systems involve basic steps, namely planning and setting indicators, collecting data, analysing data, reporting and using performance information. Unethical practices can start with the initial steps of setting up M&E Systems (UN Evaluation Group 2005:15) and may occur in all stages, down to the use of performance information generated from the M&E systems. Kusek and Rist (2004:47) have described an environment found in public administration where M&E systems are designed to allow only politically popular or "politically correct" information.

The first ethical challenge identified Van Dooren, Bouckaert and Halligan (2015:197) is "gaming" performance information. The setting of realistic and credible indicators can be influenced by practitioners' competency or ethics. At the stage of indicator development, performance indicators are developed, and preference should be given to quantitative over qualitative indicators. Unethical M&E practitioners tend to develop indicators that are easy to achieve, and may ignore part(s) of the plan/programme, regardless of their importance or strategic contribution. The data collection processes carry a number of ethical challenges in the sampling stage, in the development of data collection protocols, and in the actual collection of information, its analysis and documenting. M&E practitioners can apply a particular type of sampling in order to target a particular type of result.

Another prominent M&E ethical challenge is that M&E information may be "doctored" to omit negative findings, hide underperformance, exaggerate success over failures, and favour a particular group of institutions or society (Van Dooren 2015:97; Gorgens and Kusek 2009:374-375; Ile, Eresia-Eke and Allen-Ile 2012:13-14). At the reporting of M&E information stage, common unethical practices relate to premature leaking of findings, breaching confidentiality, and complexity in information presentation. Some withhold data in what can be dubbed as a "mini-skirt" release of M&E information – releasing just enough information to raise audience interest while purposely hiding key findings. Another common unethical practice is that of withholding M&E information until it is no longer relevant, or recycling of M&E performance information to suit a particular purpose or audience.

CONCEPTUAL EXPOSITION FOR UNETHICAL PRACTICES

Public values

The sole purpose of establishing effective M&E systems is ensuring accountability (Ile, Eresia-Ike and Allen-Ile 2012:13). There has been a shift from NPM to New Public Governance (NPG). NPM has been criticised for omitting a common denominator such as profit, market share and other factors for comparison, among a wide range of criteria that build trust and legitimacy among citizens (Morgan and Cook 2014:3). The shift from NPM to NPG has broadened the objectives of performance measurement and management to include service outputs, satisfaction, and outcomes, and ultimately gain citizens' trust and achieve government legitimacy (Morgan and Cook 2014:5). Actions and reactions of

government institutions to M&E have moved from legalistic and structural (internal) action to a combination of internal and external accountability, which includes deepening trust and legitimacy.

The current trends in measuring public service performance have brought up a public value concept. The Agenda 2063 Framework acknowledges that culture and values play an important role in development. Peters (1995:46) adds that they influence public administration systems and conduct. Human beings and societies assign meaning to the world around them, determine ideas, ideologies, beliefs, perceptions and the interests of people (AU 2015:83). Jorgensen and Boseman (2002, cited in Van Dooren *et al.* 2015:28) list public values for consideration by M&E practitioners, such as facilitating the public service's contribution to society, the transformation of interests to decisions, the relationship between public administration and citizens, and the relationship between public administration and politicians.

Peters (1995:46) argues that societal, political and administrative culture influences public administration systems and conduct. Schein (1997, cited in Denhardt, Denhardt and Blanc 2014:307) describes the manifestation of organisational values as including the rules of the game – "the way we do things around here" – in which the failure to achieve the set goals is equivalent to political suicide, and which results in job insecurity for public officials. Values influence the reaction of the public, and politics within the public service (the demand and supply side of M&E), to the M&E information that is produced. Furthermore, values embedded in M&E may differ, depending on the sphere or level of government, or structures within an institution. Such differences explain the M&E diversity in African governments between spheres of government, across sectors or in specific public service institutions.

Systems theory

Systems theory identifies the interactions of various internal and external elements that impinge on organisational operations (Denhardt *et al.* 2014:141). The theory suggests that the internal and external environment influence the processing of intertwined and interconnected inputs, the processes needed to produce specific outputs and outcomes. There are two sides of the M&E ethical practices environment in the open and closed systems of public administration, namely demand and supply. The demand side is the ability of the public/citizenry to detect, register or put pressure on M&E ethical practices. If the demand side is aware and perceives M&E as important, the public will demand information, analyse the information and pick up unethical practices, if any, in M&E processes and performance information.

The ethical practices supply side refers to the positioning of the public officials to act ethically by providing them with the necessary M&E capacities, while ensuring that the structures and systems for acting ethically are functioning well. In South Africa, for example, the proliferation of ethical codes of conduct, public accountability, and the promulgation of a number of pieces of legislation are likely to fail to thwart unethical behaviour, unless the public and public officials are inculcated with particular dispositions, attitudes and virtues for guiding human conduct (Raga and Taylor 2005:22).

Guidelines on "Political Viability" and "Disclosure of Findings" found in the African Evaluation Guidelines are considered politically sensitive in some African countries (Patel

2013:2). Patel adds that these guidelines are stated and presented as a compromise between the proposals of countries with relatively open governments, a free press, and generally participative political processes, and those with relatively autocratic governments or military dictatorships. It is important to note that forces within institutions or government are powerful determiners of changes and can produce negative energy against a positive change. Painter and Peters (2010:10) wrote on unethical behaviour in M&E, and mention resistance to change as one of the factors that are particularly problematic in more legalistic and formalistic cultures.

Leadership

The UN (2005:6) argues that failure in leadership leads to unethical practices. Peters (1995:289) describes an inner sense of personal obligation in public service officials that should guide them in carrying out their duties within the parameters of prescribed ethical values and professional standards. However, Klijn (2008:314, cited in Cloete 2009:17) suggests that if events in a social system are seen as a range of mutually influencing interactions, where choices and events shape new situations, and the positions of actors (the fitness landscape), then the task of managers is to be aware of the opportunities in that landscape, as well as the positions of the actors, and to use them to realise interesting policy proposals, or adapt proposals and actor coalitions in such a way that they fit the landscape. Teisman and Klijn (2008:297, cited in Cloete 2009:18) explain that managers are not the rational beings presented in many managerial handbooks, and that they try to avoid choices or act according to the circumstances.

The complexity theory is supported by Peters (1995:289), who describes two schools of thought for accountability. The first assumes that values are not sufficient, hence, there must be punishment for behaviour that is not in accordance with the stated law and legislative intent. The complexity theory provides a different image of a manager as someone who tries to survive in the "fitness landscape" that he/she is creating jointly with other agents, by slightly adapting the conditions and using the moments and possibilities perceived to be useful. In other words, M&E practices, and the reports and information produced are likely to be used as a survival strategy by public officials – as Schein (1997, cited in Denhardt, Denhardt and Blanc 2014:307) has pointed out (see the section on public values above), job insecurity, especially in the public service, tends to influence the application of competencies and the observation of ethical practices by public service leadership.

ETHICS PRINCIPLES FOR THE PUBLIC SERVICE M&E PRACTITIONERS

The literature calls for ethical M&E practices as a duty to the public. The ultimate goal of M&E is to enhance accountability to achieve results which ultimately realise and feed into African and global initiatives such as Agenda 2063 and the SDGs. The national, regional and global development goals cannot be realised without sound M&E systems that uphold ethical professionalism. Table 1 below presents a guide for public service M&E practitioners and policy-makers on the observation of ethical practices in all M&E processes.

Table 1: Ethical principles for M&E practitioners and policy-makers

S/n	M&E process	Ethical principles for HR
1	General principles for all stages	• Be impartial. • Do not plagiarise (acknowledge sources of information). • Observe relevant laws and the institutional arrangements of the government. • Be fair.
2	Planning	• Link all performance measurement and management initiatives with a strategy/programme/project.
		• Exercise rational decisions. • Build M&E systems that are linked to global or national or institutional priorities.
3	Data collection and analysis – sampling, design of data collection protocol	• Design methodologically sound M&E processes.
		• Respect people's dignity and privacy. • Observe the Bill of Rights and the national Constitution
4	Reporting	• Be fair.
		• In presenting M&E information, observe the principles of simplicity and clarity.
		• Be honest in releasing M&E information.
		• Be timely in the release of M&E information
5	Use of performance information	• Be professional. • Be responsive towards recommendations presented by the produced M&E information.

Source: Compiled from Gorgens and Kusek (2009:6, 374-375), Denhardt *et al.* (2014:123), Van Dooren *et al.* (2015:20, 82, 197), Ile *et al.* (2012:13–14), Smith (2002:199-205) and the UN Evaluation Group (2005:8-10)

CONCLUSION AND RECOMMENDATIONS FOR PROMOTING ETHICS IN M&E PRACTICES IN ORDER TO SUPPORT COUNTRIES' DEVELOPMENT AGENDAS

As shown in this article, M&E plays an important role in fostering development. Sound M&E systems act as feeders into the overall continental and international M&E systems, measuring implementation of regional and international strategies such as Agenda 2063 and the SDGs. Africa's strategies and global strategies need to be developed together with comprehensive M&E frameworks, specifying the various roles and responsibilities at the national, regional and international levels. Governments should develop sound regulatory frameworks that implement and underpin M&E and its systems, designed to feed into the international or regional strategies and support accountability for results. Every government's commitment to the use of M&E performance information is of profound importance in enhancing accountability.

As stated above, the human resources capacity to undertake M&E leaves a lot to be desired. Therefore considerable capacity building measures are needed to address the human resource challenges. Governments should also focus on creating an environment that is conducive to M&E, and should train public servants to observe high standards of conduct (UN 2000:6).

Efforts to strengthen a government's M&E systems must therefore include setting up regulatory frameworks and capacity building measures to address these challenges.

Initiatives for promoting ethics include the addition of special measures to enforce the appropriate laws by focusing on preventing, detecting and reporting, investigating and prosecuting misconduct, ranging from unethical to criminal acts (UN 2000:6). Unethical practices can go undetected in an environment where there is insufficient capacity on the supply and demand sides' accountability and M&E. Governments, regional and global bodies need to invest in building capacity to demand, analyse and question performance information by governments, and the conduct of M&E practitioners. It is suggested that M&E regulatory frameworks for Africa's public service include a code of ethics for M&E practitioners in order to guide and govern the profession. Such frameworks should state the key qualifications required for both the public service and non-public service M&E practitioners. Van Dooren *et al.* (2015:121) also suggest the establishment of rewards and sanctions based on the information produced by M&E. Furthermore, the UN (2000:18) suggests rewards for good ethical behaviour.

Leaders are advised to create an environment where an M&E culture will grow. Countries need to set up institutional arrangements and structures for M&E, that is, champion institutions and individuals. Leaders must advance the need for setting a performance management system, and as Denhardt *et al.* (2014:123) suggest, champion creation of linkages between planning, implementation and evaluation. A pertinent question for further research is M&E on national vision or development plans, such as the alignment of Rwanda Vision 2020 and/or Tanzania Vision 2020 with the SDGs and Agenda 2063.

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Monitoring Legislative Oversight and Accountability for Sector Based Transformation in South Africa

A Petroleum Downstream Perspective

I U Ile and M Makiva
School of Government
University of the Western Cape
Bellville
South Africa

ABSTRACT

Parliamentary Portfolio Committees are engine rooms in legislatures, as their key role includes ensuring policy objectives are met through effective implementation by the executive branch and State owned Enterprises (SoEs), quality oversight and enforced accountability. In South Africa, transformation targeted at Historically Disadvantaged South Africans (HDSA) has been a government mandate since the dawn of democracy in 1994, given the dispossession and disempowerment that disadvantaged South Africans suffered under the Apartheid government.

In this article, an empirical investigation to evaluate effectiveness of legislative oversight and accountability towards ensuring transformation targeted at HDSAs in the petroleum downstream industry is conducted. The research relied on qualitative-triangulation research paradigm; gathering information through observations, document analysis and interviews with relevant committees. The Parliamentary Portfolio Committee on Energy (PPCE), which oversees the petroleum industry, among other sectors, was the major focus of the investigation. The PPCE conduct numerous activities such as 'questioning, committee hearings, legislation processing, and site visits' in order to ensure that government departments and relevant SoEs are up to date on implementation of policy. From these activities, researchers analysed the quality and focus of 'questioning' conducted by parliamentarians in the period 2009 to 2014. Research revealed that PPCE questions for instance were insufficiently linked to HDSA transformation in the petroleum industry and for which oversight is sought.

Acronyms: SOE (State owed Enterprises), PPCE (Parliamentary Portfolio Committee on Energy), HDSA (Historically Disadvantaged South Africans).

INTRODUCTION

This article assesses the effectiveness of legislative oversight and accountability in the petroleum industry of South Africa. This assessment of oversight and accountability effectiveness in this article is with regards to the policy objective, which is to ensure that 25% of transformation towards HDSAs is attained within ten years of Petroleum Liquid Fuels Charter (2003) (PLFC) enactment. The role played by PPCE in terms of providing legislative oversight and accountability towards ensuring HDSA transformation, forms the basis of this article. By overseeing the actions of government, Parliament is able to ensure that service delivery takes place as visualised. The article reviews literature on oversight and accountability. This is followed by data analysis in relation to the outcome of selected activities conducted by PPCE in ensuring the implementation of the HDSA transformation agenda.

RESEARCH METHODS AND INSTRUMENTS FOR COLLECTING DATA

A qualitative-triangulation research paradigm was designed for this study. This triangulation consists of documentary analysis, interviews and observation. In terms of documentary analysis, archived empirical documents with rich history and facts on the phenomena being studied were collected and analysed. The main area studied in this regard was to understand alignment of PPCE activities with the policy objective of ensuring HDSA transformation is achieved, to which its direct implementation is done by the Executive branch and other stakeholders. Of interest particularly was to assess robustness of *ex ante* and *ex post* mechanism used by PPCE over this policy imperative and alignment thereof. To this end, some participants were interviewed where issues of clarity were required.

Lastly, observation was deployed to enable study of a natural setting involving human interaction as social constructs (Silverman 2000; Golafshani 2003; Wiersma 1986; Tuckman 1999; Ile 2007). The setting of observation was in Parliament of South Africa where Portfolio Committee meetings are held. There were no encountered major challenges in collating information since Parliamentary Portfolio Committee meetings are open to the public. This technique involves the direct observation of phenomena in their natural setting where what one is trying to uncover are the norms, values, and shared meanings of those being observed (Ile 2007; Fox 1998:3)

Qualitative-triangulation research paradigm suited the empirical research undertaken as it provides best mechanism for obtaining various forms of data in enhancing validity and reliability of the study.

DEFINING KEY CONCEPTS

Authors adopt a view that "Oversight detects and prevents abuse, arbitrary behaviour or illegal and unconstitutional conduct on the part of the government and public agencies" (www.gov.za). Oversight entails the ability to monitor implementing institutions in ensuring that programmes/projects are aligned with government objectives. Accountability, according

to Day and Klein (1987:1) "Is for relevant persons to give an explanation of what they do, to those to whom they are responsible and whose authority empowers them or gives them the right to demand such an explanation". Various authors explicated these concepts separately for the purposes of ensuring that each receives its measurement. Researchers in this article however marry these concepts because Parliamentarians are Principals who conduct both oversight and accountability.

LITERATURE REVIEW ON OVERSIGHT AND ACCOUNTABILITY

Accountability and oversight are complicated concepts in literature discourse because of various divergent dichotomies. Achen and Bartels (2002); Healy and Malhotra (2010); Lenz (2012); Lupia and McCubbins (1998) in Bovens (2010:1) provide an understanding of the public accountability function. They present it as the capability of principals to judge the performance of their agents. According to Bolton and Dewatripont (2005:535), this is a core ingredient of principal-agent theory, which further provides power to the principal to make decisions that affect the incentives of the agent when effecting various possible actions. Analysis and evaluation of accountability as applied in the petroleum industry requires a specification of who is supposed to be accountable, to whom and for what.

Among the philosophies behind oversight functions is to ensure that policies enacted and authorised by Parliament are delivered timeously as envisaged. South Africa employs Oversight and Accountability model as a guide for Parliamentarian activities. In the South African context, oversight is a constitutionally mandated function of Legislative organs of state to scrutinize and oversee Executive action and any organ of state (Oversight and Accountability Model 2013). In this regard, the Parliamentary Portfolio Committees (PPCs) wields oversight and holds the Executive branch accountable for performance (or lack thereof). As constitutionally expected, the Portfolio Committees also wields oversight and accountability over the State organs, mainly those that are regulated under the Public Finance Management Act No (1) of 1999. In the pursuit of oversight and accountability, mixed goals are not always achieved by state agencies like the Petroleum, Oil and Gas Corporation of South Africa (PetroSA), as government may have an objective of transformation as in this case, while the sector may have other pressing priorities such as ensuring security of liquid fuels for the country (Energy Security Master Plan – Liquid Fuels 2007). Whether or not both objectives are seamlessly aligned and achieved is a matter for the PPCE to work through. Where performance is less than satisfactory in terms of broader goal of transformation, the question to ponder is who must be held accountable for this poor performance?

It is important to note two predominantly known components of accountability studied by scholars, thus there are those who present accountability as *active* and there are those who observe accountability to be *passive* (Bovens 2010:1). In the former case, accountability is used primarily as a normative concept such as a set of standards for the evaluation of the behaviour of public actors (Bovens 2010:1). In the latter case, accountability is used in a narrower, descriptive sense as it is seen as an institutional relation or arrangement in which an actor can be held to account by a forum (Bovens 2010:1). According to Frink and Klimosky (2004:3) "social systems in general can be defined in terms of common sets of

shared expectations for behaviour". They go on arguing that, accountability, then, could be seen as the 'glue' that binds social systems together (Frink and Klimosky 2004:3).

However, accountability has a potential to pose challenges when it comes to its measurements due to the fact that the concept has various overlapping dichotomies. The dichotomies of accountability are explained in the extensive work done by Blind (2011:3-23). As espoused by Blind (2011:3), the 'dichotomies of accountability can be explained along the prescriptive, descriptive, operational versus longitudinal, political versus legal/judicial, institutional versus social accountability', among others, even though these categories are neither thorough nor mutually exclusive. The institutional versus social accountability divide which has some relevance on this research article is given many more terminologies, thus it is also called "the supply-driven versus the demand-led or top-down versus bottom-up accountability" (Blind 2011:8). Institutional versus social accountability is seen to be more recent. According to Ackerman (2005:16) the institutions of accountability are the parliament, electoral system, the judiciary and the myriad audit organisations, among others. Social accountability, on the other hand is made up of ad hoc initiatives of direct and indirect civil society and citizen engagement in public affairs with the purpose to wield accountability (Ackerman 2005:16).

Supporting this claim is Dowdle (2006:178-9) as make reference to newly edited volume on accountability, which portrays differing conceptualisations and frames for studying accountability. Hence Dowdle (2006) further state that even when scholars notice this crisis they make no attempt to provide a consistent analytical framework. As such, literature show researchers giving different definitions of accountability and addressing very different accountability dilemmas, practices, and potential crises. However, even though this uncoordinated theoretical understanding of accountability causes confusion it does provide base information for research commencement. This fragmented analogy of accountability was useful in the enhancement of cognitive knowledge around the topic of accountability so that the phenomenon of this article is understood better. Mosher (1979:236) accent to this assertion stating that, accountability is essentially an informing function which also entices the questions of who is accountable to whom, for what are they accountable, what are the means or processes.

It is paramount to note that accountability and oversight are inseparable concepts especially when put into context. This means that researchers combined these concepts when collecting and analysing data. The rationale for combining findings on oversight and accountability is that these are blood sisters one cannot separate. The researchers adopt an approach where institutions of accountability and oversight are viewed in collaboration in order to defuse the notion that certain institutions play a particular role. While there are institutions that play a particular role, they are also not immune to accountability and oversight. The argument that researchers bring forth is that these two variables coexist because it is a relationship between the principal and the agent in any societal setting. Agents also do conduct oversight on their subjects, and this chain goes on-and-on. There is therefore a very thin-line between the two concepts. Furthermore, this relationship happens horizontally, vertically and diagonally along the petroleum value-chain.

At the apex, oversight and accountability is conducted by Parliamentarians over the Executive body in order to hold the government answerable for how taxpayers' money is spent. Oversight and accountability also entails that Parliamentarians hold the petroleum

industry to account for performance. It is important to mention three core main functions of Parliament conducting oversight and accountability, namely that they represent constituent interests, legislation, and overseeing the Executive branch and state-owned Companies for performance (World Resources Institute 2009:8). The focus of the research is therefore on the latter. However, PPCs are confined to particular activities in subjecting the executive branch and industry to answerability on issues of performance and maladministration. Pertaining to this the 'questioning' activity is the only one assessed and analysed in this article. The procedure of putting questions to the Executive in South Africa is one of the ways in which Parliament holds the Executive to account. Parliament holds the Executive to account by questioning and challenging the Executive's policies and actions, and requiring Ministers and senior government officials, company Chief Executive Officers overseeing state-owned Companies in the petroleum industry, in person, to account publicly for their decisions. The Accountability and Oversight Model (2013), explains that questions can either be put for oral or written reply to the President, the Deputy President and the Cabinet Ministers on matters for which they are responsible for as well. Also during this time the legislature would set aside time for Parliamentarians to question Ministers on issues of clarity, government projects in their constituencies, the performance of Ministries and policy implementation progress. Question time could lead to debates on certain burning issues that need expeditious and collective attention (World Resources Institute 2009:8). These debates provide maximum opportunity for learning and sharing, which in turn could hone Parliamentarian's oversight and accountability activities.

Of note, question time in this article is analysed based on the policy objective that the petroleum industry sought to achieve thus, transformation geared towards HDSA. It is paramount to understand the type of questions put by Parliamentarians (MPs) and whether they encourage a culture of high performance. In doing so researchers compiled all questions enquired by PPCE to be answered by the Executive, as part of conducting oversight and accountability activities to understand their relevance to transformation by HDSA. The period assessed is from 2010 to 2014 before the national elections. The rationale for selecting this time period is that it marks two decades since democracy was conceived in South Africa and MPs are expected to have learnt more about oversight and accountability at this stage, especially for the industry under scrutiny. It is only reasonable to examine oversight activities for the past five years, in order to manage the research.

RESEARCH FINDINGS ON QUESTIONING REGARDING TRANFORMATION BY HDSAS

Question period

The number of questions enquired by National Assembly to the Minister of Energy and the Department are shown in Table 1.

Table 1 demonstrates that forty questions were put by the Parliamentarians in 2010. The questions were broadly related to progress made on policy implementation. Of the forty questions, thirty-eight were enquired by the opposition parties, in which two questions were directed to the focus of this study – which is progress made regarding HDSA transformation.

Table 1: Total number of questions relating to petroleum sector in the period from 2010–2014

| 2010	2011	2012	2013	2014
40	79	98	47	41

Two other related questions were from the ruling party, which forms the majority in Parliament. Of these two questions from the ruling party (African National Congress), one is related to progress made regarding policy implementation and one is with regard to electricity (which is not the focus of this article). Thus, of a total of 40 sector related questions in 2010, only three could be linked to the issue of HDSA and industry transformation.

The researchers observe that there was very limited monitoring of the transformation objective (or agenda), as Parliamentarians during this period placed more focus on overseeing the electricity sector. Furthermore, there were no specific questions enquired on progress made in awarding licenses to prospective or aspiring business people (from the HDSA group), despite the fact that one of the DoE's key sub-programmes focused on that. The researchers believe that focus should have been heavily placed on tracking progress relating to this component. Thus, failure to observe implementation of policy objectives by the PPCE suggests that no one will account for poor performance.

Focus of PPCE /Member of Parliament (MP) questions in 2010

The Figure 1 below illustrates this point, portraying that 92% of questions asked in 2010 focused more on electricity, an area that the Department of Energy shares with the

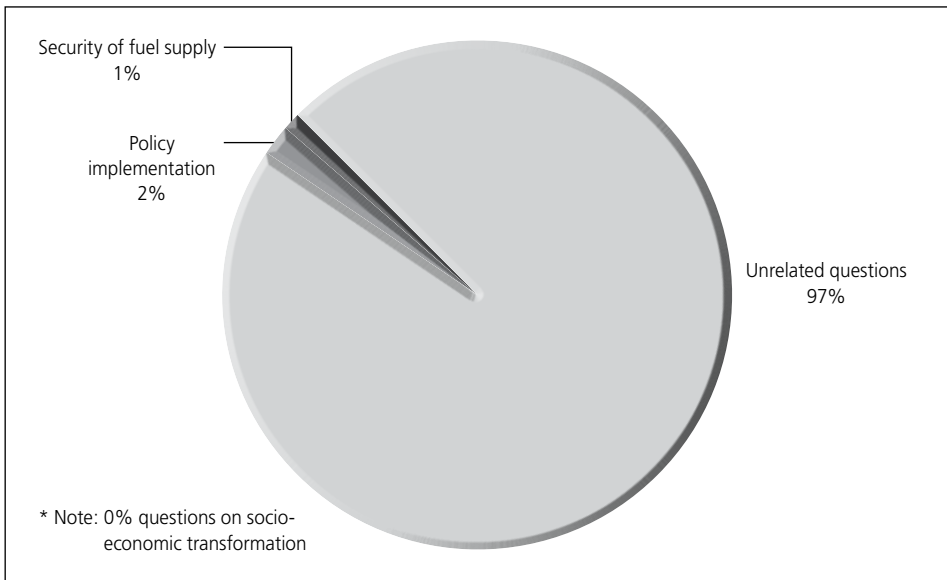**Figure 1:** Questions asked by MPs in 2010
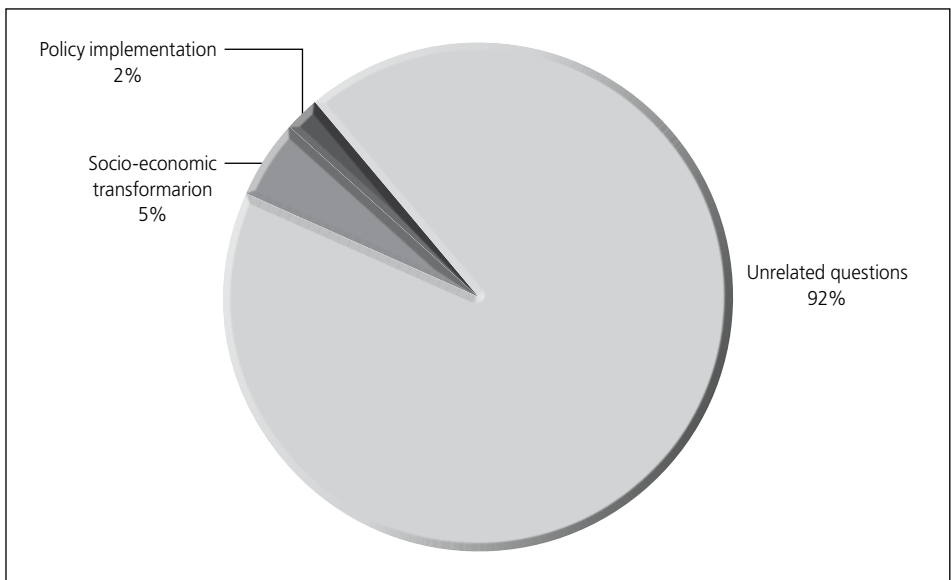
Department of Public Enterprise where Eskom reports. The reason for this skewness in focus may have been as a result of electricity shortages hindered by numerous load-shedding episodes during this time. As Figure 1 displays below, 5% of questions were related to socio-economic transformation and 2% of questions related to progress made on policy implementation in relation to what the Department of Energy is tasked to do.

Focus of PPCE /Member of Parliament (MP) questions in 2011

In 2011 the number of questions increased significantly to seventy-nine. While the increase is welcomed, the focus again was skewed as seventy-seven questions were on electricity. However, two questions that were asked by opposition parties related to Progress made on Project Mthombo and the reasons for not delivering. Another enquiry was related to the amount of fuel imported from 2010 to 2011, and whether there is compliance around fuel specification. It is paramount to note that this question is in-line with the activities that the Executive conducts in the petroleum sector; however, it does not address the transformation objective.

The percentages depicted in Figure 2 suggest that non-related questions to the research increased from 92% to 97%, making it an increase of 5%. This further suggests that in 2011, the PPCE spent much more time on electricity related issues and less on socio-economic transformation. Progress on policy implementation suggests that enquiries remained few at 2%, similarly to the previous year. However, there were **no** questions on socio-economic transformation during this year and neither was there questions pertaining to the status of licensing. None of the questions sought to understand progress made by those entrepreneurs, who are already awarded licenses, so that a determination can be made much earlier, whether these licenses are translated into visible transformation.

Figure 2: Questions asked by MPs in 2011

Security of fuel supply
1%

Policy
implementation
2%

Unrelated questions
97%

* Note: 0% questions on socio-
economic transformation

Figure 3: Questions asked by MPs in 2012
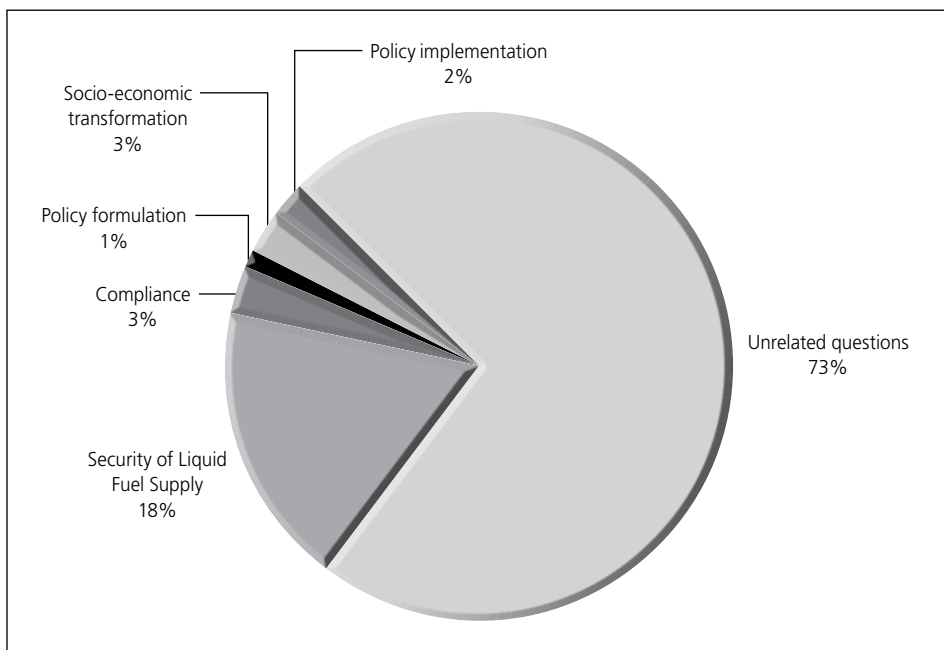
## Focus of PPCE/Member of Parliament (MP) questions in 2012

2012 saw a decrease in the number of unrelated questions put to the Minister of Energy and the Department. Ninety-eight questions in total were asked by the Parliamentarians. From these, 72.4% of the questions were not related to focus of this research as they focused on electricity. 17.3% were with regards to security of liquid fuel supply, and enquiries increased significantly more than the previous years. The increase in focus on liquid fuel supply was instigated by a number of international and local factors, which among others include sanctions imposed by the European Union on Iran, a major source of oil imports for South Africa and also as a result of the scheduled shutdown of local oil refineries. This oversight could be argued to be impulsive as it is prompted by exogenous and endogenous shocks. Therefore should there be no such shocks at all, Parliamentarians may have kept mum on monitoring the policy objective that government must achieve with regards to the industry being examined.

Furthermore, Figure 3 below exhibits Parliamentarians also focusing on general compliance enforcement at 3%. This is a move in the right direction for oversight as there is somewhat attempt at ensuring obedience to policy specifications by implementers. Of note is that 1% of question put was related to progress made on policy formulation. It is paramount to note that these two variables did not appear in the years analysed already. It appears that as Parliamentarians assess compliance enforcement; they are also aligning themselves to one of the activities placed in the hands of the Executive (DOE) towards ensuring HDSA inclusion by license holders. However, Figure 3 suggests a 2% decline in the targeted focus on oversight of socio-economic transformation, as compared to 2010. Probe on progress made on policy implementation in this area remains at 2%, respectively.

Focus of PPCE/Member of Parliament (MP) questions in 2013

In 2013 however, there is a significant decline in the number of questions enquired by Parliamentarians to the Minister of Energy. This is the time when the Portfolio Committee on Energy had full capacity: report writers, the researcher and content adviser. Forty-seven questions were put in total during this year. However there was still an increase in the number of questions unrelated to this research article, a total of 38% of questions focused mainly on electricity. 30% of questions sought to harness transparency which did not appear in all the years previously discussed. It is paramount to note that a focus on transparency was prompted by a number of poor corporate governance issues related to tender irregularities in the petroleum industry around this time. This also shows the reactive nature of oversight and accountability which seeks to manage challenges after the effect. Of importance, transparency is one principal component that heightens confidence and ensures that service delivery is done evenly. This exercise should have been done from the outset. As the reader may observe, there is also increasing progress in monitoring policy implementation. Policy implementation monitoring scored a significant 15% of all questions from Parliamentarians in 2013, while enquiries on security of liquid fuels supply declined. One may wonder why monitoring policy implementation progress increased during this year. The researchers are of the view that increasing pressure in following up on policy implementation progress may have been induced by up-coming national elections, in which Parliamentarians must demonstrate progress made on service delivery to South African voters. This pressure is important because it means that Parliamentarians are obliged to answer to South African citizens who placed them in positions of power, and that they are aware they could be

Figure 4: Questions Asked by MPs in 2013
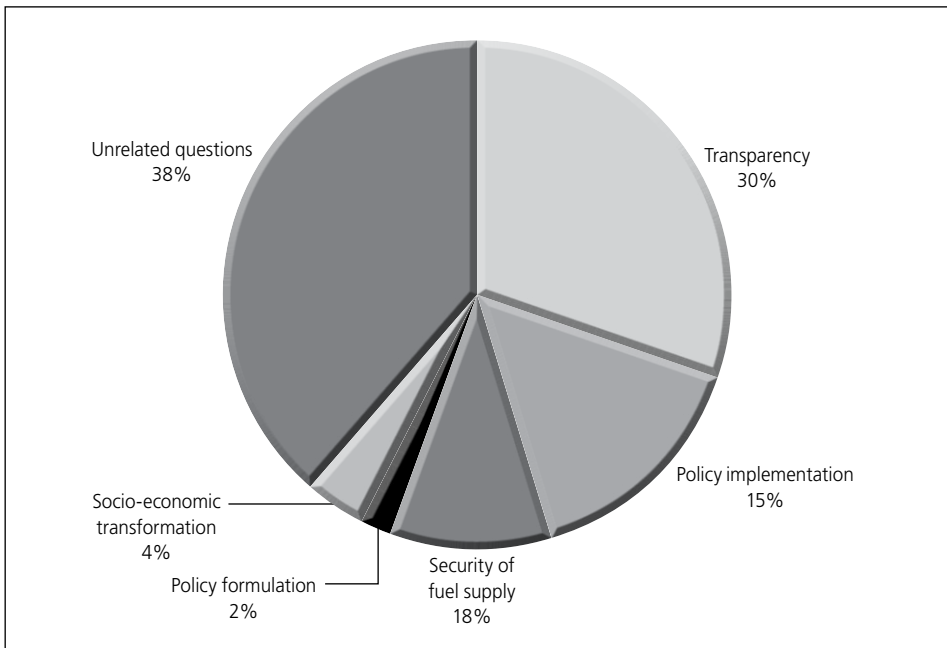
Source: Makiva (2015)

removed easily by way of voting. Service delivery on policy objectives (political ideas) is what prompted votes in the first place, and therefore obtaining more votes is contingent on delivering the promises. Enquiries on socio-economic transformation and policy formulation also grew by 1%, as compared to the previous year. On this front, in 2013 socio-economic transformation enquiries was at 4%, while policy formulation was at 2%. The latter owes to stagnant policy formulation progress by the Executive (DoE) as there were no policies forth coming to the National Assembly during this time.

Focus of PPCE/Member of Parliament (MP) questions in 2014

The declining number of questions raised by MPs to the Minister of Energy continues to persist in the year 2014 as well. Forty-one questions were raised, in which 54% were unrelated to the current study as they focused on electricity. 7% were enquiries on policy implementation progress, while 2% of question was with regards to beefing-up human capital. The reader must bear in mind that human capacity is one crucial input that assists in achieving policy target. Human capacity also entails bridging the gender imbalance wherein race and disadvantaged people as stipulated in the Affirmative Action Act and in the BEE Code of Good Practice, must benefit in the industry. Seemingly, it was emerging that the DoE was experiencing human capital shortages; hence some of the targets were not fulfilled during this year. In the 2014 period only 2% of question thus far is raised on security of liquid fuel supply, dropping significantly from the previous year. Enquiries related to transparency increased by 4% as compared to the previous year. Over, the entire five-year period, oversight and accountability on selected policy objectives of ensuring HDSA transformation has been very minimal.

Figure 5: Questions asked by MPs in 2014
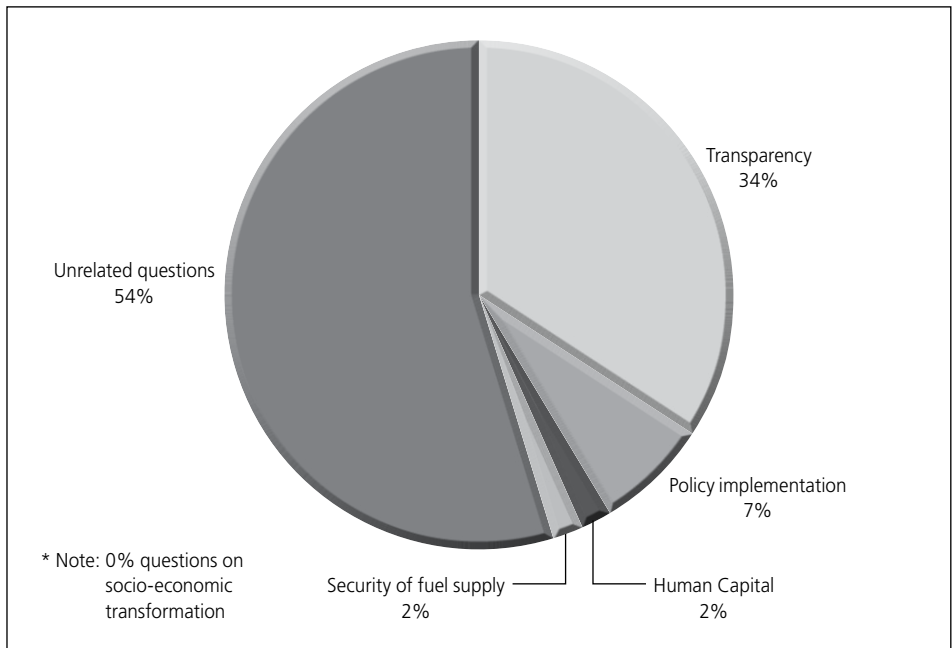
Source: Makiva (2015)

When it comes to question period, the PPCE placed more focus on electricity, and less on oversight over the petroleum industry. Figure 1 confirms this claim as 92% of questions placed more focus on electricity. As such, most of the questions related to electricity that were directed to the Minister of Energy were referred back to the Ministry of Public Enterprise for answering. In this regard, the PPCE lacked a clear framework to give effect to policy objectives and its implementation regarding HDSA transformation. There was little emphasis on questions related to this. This means that there is a huge disjuncture between the activities that the Executive branch conducts when it comes to HDSA transformation and the questions posed by Parliamentarians. Furthermore, follow-up questions on licensing, as an engine to ensure transformation, are very seldom throughout the years. The Report of Portfolio Committee on Energy on its activities undertaken during the 4th Parliament (2009-2014:7) agrees as it points to low rate of inputs on members' statements and motions except for the moderate number of questions to Ministers, which still had a low through-put on energy-specific questions.

CONCLUSION

The issue is that the PPCE lacked the ability to compare apples with apples in order to improve institutional performance during its question time. Thus, if there are agreed upon performance measures and targets between the Executive and the Legislative branch, question time should be guided by this in order to exhume relevant questions. It is clear that the PPCE was faintly aware that the DoE must issue manufacturing, retail and site licensing towards ensuring transformation by HDSAs. Lack of robustness by PPCE in questioning and holding the Executive branch to account for poor performance cast doubt whether there was deep knowledge around the sub-programme pursued by the Executive branch. Furthermore, it is also evident that there is little alignment of PPCE questioning activity with the sub-programme mainly that seeks to address HDSA transformation. The PPCE failed to determine whether from those who obtained licenses to operate, how many of them have put these into practical use and how many entrepreneurs are, as such, generated in the downstream sector as a result of licensing. Questions around the challenges faced by emerging entrepreneurs were hardly raised by PPCE. By ignoring these questions could imply that the PPCE failed the public it represents dismally. Issues underlined show that oversight and accountability, in terms of questioning, is minimally felt, especially for the performance of petroleum industry in terms of ensuring HDSA transformation.

- However, the PPCE may consider the following additional questions in order to achieve alignment with this policy imperative:
- Is petroleum licensing progressing as envisaged? (because it is the assumption of DoE that the more these are rolled out the more transformation is achieved)
- Does the Executive branch conduct compliance monitoring and enforcement effectively, where PLFC is concerned? (this would fast-track compliance enforcement to standard rules set in the PLFC)
- Does the Executive branch conduct stakeholder awareness workshops around use of licenses obtained? (This would ensure general awareness is obtained by stakeholders regarding all of the above)

- Track and report in the Annual Report the number of HDSAs who turned entrepreneurs in the downstream petroleum as a result of obtaining manufacturing, retail and site licenses. (Once these figures are known yearly, then the PPCE may understand the impact of its role and in South Africa at large).

Therefore by focusing on these indicators would mean that the Portfolio Committee on Energy is in-line with the sub-programmes that the Executive forges towards ensuring HDSA transformation, mainly that which is driven through licensing.

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