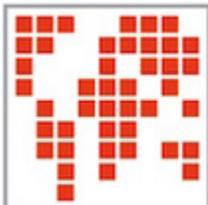


Revisiting Assumptions About Technology

A Case Story from the Democratic
Governance and Rights Unit (DGRU)
in South Africa



GLOBAL INTEGRITY

Data, Learning & Action for Open Governance

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MAKING ALL
VOICES COUNT

A GRAND CHALLENGE
FOR DEVELOPMENT

About Making All Voices Count

Making All Voices Count is a programme working towards a world in which open, effective and participatory governance is the norm and not the exception. It focuses global attention on creative and cutting-edge solutions to transform the relationship between citizens and their governments. The programme is inspired by and supports the goals of the Open Government Partnership.

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Democratic Governance and Rights Unit (DGRU)

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Setting the scene

In May 2016, South Africa launched its third OGP National Action Plan with eight commitments in total. Commitment 5 aims to extend access to justice, promote constitutional rights and improve public services especially in marginalized communities. The community advice sector, which comprises more than 300 Community Advice Offices (CAOs) located in communities across South Africa, is envisioned to play a key role in achieving the commitment. In an effort to improve access to justice for the poor, CAOs recruit volunteer and paid paralegals that offer advice on legal matters and social justice concerns. The matters include labor disputes, domestic violence interdicts, inheritance rights, pension and social grants, and farmworker issues. CAOs are often the first port of call for vulnerable communities to receive advice on their rights.

The National Alliance for the Development of Community Advice Offices (NADCAO), with the assistance of the Association of Community Advice Offices of South Africa (ACAOSA), facilitated the adoption of Commitment 5 as an OGP commitment in South Africa. NADCAO and ACAOSA aimed to ensure that the excellent work of CAOs received official recognition by the government and the private sector in the form of standardized incorporation into the national legal practice framework. Such recognition is essential to ensuring support for the sector's long-term sustainability through capacity building, institutionalization and access to finances. This project, implemented by the Democratic Governance and Rights Unit (DGRU), sought to complement NADCAO's role in championing the implementation of Commitment 5.

However, at the project outset, we noted two challenges. First, the implementation of Commitment 5 requires CAO paralegals to be able to offer competent legal advice, which requires that they have access to accurate legal information, as well as the necessary infrastructure to provide accessible and quality services to communities. However, many CAOs lack access to critical legal and public service information to fulfill this role



effectively. Thus, the inability of CAOs to access such information hinders the achievement of Commitment 5.

Second, the OGP context in South Africa faces institutional and leadership challenges, which may have limited the scale of the project's success. Civil society actors expressed concerns that the government had excluded its input in the crafting and implementation of South Africa's first two National Action Plans. These concerns persisted over time, undermining the principle of inclusivity. Lately, these concerns have resurfaced with threats by some CSOs to withdraw participation from the third National Action Plan. The government's failure to address the concerns undermines the mutual trust that is the basis of stakeholder mobilization and collaboration on the plan's implementation. These challenges resulted in poor OGP ratings for South Africa.

Despite the challenges noted above, Commitment 5 has the potential to change the paradigm through a common front that unites government and civil society stakeholders on a social justice issue. At DGRU, we saw an opportunity for access to legal information to become a tool for increasing access to justice.

Our theory of change¹

In our theory of change, we sought to meet the legal information needs of CAOs, and thus, we hoped to bring together government and civil society stakeholders to improve access to justice. On the one hand, we set out to investigate how CAOs could use technology to access and disseminate legal information, thereby increasing their capacity to facilitate access to justice. On the other hand, by engaging with government officials, we intended to gain an understanding of how South Africa's OGP operates, noting the roles of various actors and their impact on OGP.

With minimal infrastructure, and paralegals equipped with basic skills and tools, CAOs provide legal information to community members. Although such information was already available on digital platforms, such as websites and databases, it was not accessed because CAO staff were either unaware of its existence, did not have the training and infrastructure to access it, or were resigned to accessing information through traditional paper-based mediums. We initially planned to investigate how technology could aid CAO staff in disseminating legal information. We wanted to know whether the offices could benefit from the introduction of new technology—namely, digital resource manuals installed on a computer or a cellphone

¹ [See a copy here.](#)



application, and if so, how they could use this technology in different settings (urban and rural areas). We also wanted to assess the impact of such technology on service quality, scale, and efficiency.

The project's success, however, depended on broad civil society and government buy-in, which required us to engage with relevant stakeholders. These engagements revealed relational dynamics across a broad political spectrum on the implementation of an OGP commitment. The process of rolling out the technology also highlighted the roles played by various stakeholders, including NADCAO, ACAOSA, the Department of Public Service and Administration (DPSA)—South Africa's OGP coordinating ministry, the Department of Justice, the Office of the Chief Justice, and Parliament in implementing Commitment 5. Through facilitating engagement in the form of roundtable discussions, we hoped to create opportunities for stakeholders to collaborate and document lessons learned in order to lay the groundwork for future OGP processes in South Africa.

In summary, the proposed project outcomes included: (1) to provide a digital version of "Pocket Law," a legal information resource, to CAOs to use in their work; (2) to receive feedback from CAOs on their experiences using the digital resource; (3) to engage with representative bodies of CAOs and between CAO representatives, DPSA and other government departments; and (4) to secure broad sectoral buy-in for the use of the digital resources.

At the outset of the project, we prepared a digital version of the Pocket Law legal information resource for CAOs, and loaded the paralegal manuals onto a flash drive and a cellphone application. We then provided approximately 30 CAOs with the digital Pocket Law resources. However, our assumption that the selected CAOs would have minimum human resource and infrastructure capacity to be able to use digital resources was mistaken. In response, we adjusted our aim to strengthening our understanding of the challenges CAOs face, and in particular contextual factors hindering the use of digital resources, and how to effectively support them in resolving these challenges.

Further, with regard to the OGP process, we assumed that, given DGRU's neutrality as a university research institute, it was well positioned to encourage coordination among OGP stakeholders. However, a fluid political environment that manifested in rapid change in key leaders in government and civil society limited our ability to engage as well as the impact of our engagement.



Practicing adaption in context

Changes in the political context

As the project progressed, we experienced major shifts in our own perception of the political context. The first shift came when we began to sense—via perceptions among civil society stakeholders, as well as information received from a government source—that OGP a low priority for the South African government. Second, DGRU came to understand that OGP in South Africa operated in a constrained environment. As a deputy minister, the president’s Special Envoy to the Open Government Partnership was not a member of cabinet, which meant that OGP issues in the executive were conveyed through a mediated space. This has affected the momentum on implementation of each and every OGP National Action Plan. Furthermore, changes in the composition of the executive that occurred in March 2017, and thereafter, left OGP without political leadership for extended periods of time. Confusion about which government entity led OGP in South Africa persisted until the project’s end. The absence of a political home in government for OGP appears to have disproportionately affected Commitment 5, in relation to other commitments. However, both of these situations did not halt South Africa’s participation in the global OGP, including the country’s recently expressed commitment to continue participation beyond the current National Action Plan.

Thus, well aware of the contextual challenges, we applied an adaptive learning approach in our project implementation. First, given our time constraints, we engaged with paralegals remotely, asking them to use the introduced technologies in their day-to-day consultations and advice-giving with community members in order to test how the digital Pocket Law and cellphone application could best be used. This helped to ensure the standardization of interactions and skills transfer during engagements.

Second, instead of waiting for the government to convene OGP meetings, we convened two roundtable discussions to promote dialogue and collaboration on the implementation of Commitment 5. These dialogues were convened in collaboration with NADCAO and ACAOSA, as long-term champions of Commitment 5. Thereby, we also adopted an approach that helped us focus on problems requiring the collective attention of stakeholders, irrespective of the rhythm of the formal OGP processes. Our adaptive approach produced commendable results in that there was broad participation in the dialogues and tangible results flowed from the invented space that specifically came about as a result of this DGRU project.



Reflective learning moments

We recruited 40 CAOs to test the technology from a previous MAGGI-funded project (the MAGGI-19) to participate in the project, of which 19 CAOs enrolled. These CAOs are located in communities across South, and so we sent a flash drive containing the digital Pocket Law resource via the postal service. However, only 10 of the 19 CAOs received copies of Pocket Law and an accompanying user manual, of which none used the resource, and no cogent reasons were offered. Nine other posts returned undelivered.

In reflecting on these setbacks, we realized that we needed to be hands-on in selecting and engaging with project partners. Accordingly, we reviewed our recruitment and engagement strategy, noting three lessons learned: (1) we needed to closely monitor the use of the technology; (2) participating CAOs required training on how to use the technology; and (3) ongoing technical support was essential.

Following a reflection session with Global Integrity and Making All Voices Count (MAVC), we collectively decided to work with a revised group of CAOs that included only those with offices located in the Western Cape province. This would ensure that we could physically visit the CAOs in order to ascertain their capacity to use the resources and provide the required feedback, and easily monitor the project through field visits. This smaller group of 10 CAOs became the core group for our project. As a result, we shifted from a quantitative to a qualitative approach, which focused on group simulation training workshops as opposed to real-life advice-giving in their respective offices. This meant we had much less quantitative data to measure resource utilization, impact and value. Further, project delays made it unrealistic to expect the paralegals to open and resolve new complaints or old cases within the six to eight weeks they had to test the technology.

This strategic decision made a positive difference in that we were able to have a meaningful interaction with paralegals and gain insight into the kinds of human resource and infrastructural investments required in order to ensure successful use of the digital resource in both rural and urban areas. Despite the challenges, participating CAOs described the technology's positive contribution to their counseling work, awareness campaigns and training activities. In a focus group meeting where paralegals were trained on how to use the app, they affirmed user satisfaction, while noting areas for improvement. In general, the app received better reviews than the flash drive, as the mobile platform is easier to navigate, and its portability makes it ideal for paralegal fieldwork. However, the app could be improved by including content on judgments². In sum, the mobile app may best be

² See CAO Workshop.docx and Pocket Law Focus Group Training and Workshop [here](#).



utilized as a quick reference resource, whereas the digital Pocket Law is better suited for research and training purposes. Overall responses indicated satisfaction with the tools, suggested ways to make the tools more user-friendly and proposed relevant information to be included³.

In the project, we intended to confirm the usefulness of the proposed technology as a means for CAOs to disseminate legal information in their work. Following the technology testing, feedback from CAOs suggested that the resources exceeded their expectations in terms of content⁴. Although users identified certain case law and legislation that were not in the resources, their general impression was overwhelmingly positive: using the proposed technology to provide access to legal information would improve their capacity to respond in certain situations or provide information during consultations, awareness campaigns or peer training workshops. As the immediate users of the technology, this feedback has a direct bearing on the utility of the tools and how they can be improved. However, given the short testing times and small sample size, a test run with a bigger CAO sample would be highly beneficial.

In this project, we were motivated to reflect on the assumptions we had made at the outset of the project and to reconsider the ways in which we engage with CAOs, in order to assist them better. We also learned that interventions introducing technology should factor in the necessary investments for human resource capacity development and the provision of basic infrastructure.

Our thoughts on the adaptive learning approach

DGRU has a small staff contingent and multiple projects run concurrently. Staff members manage their own projects, and although forums exist for project staff to update and support each other, each staff member on a given project is responsible for initiating, researching, designing, developing, planning, implementing, handling correspondence, and managing administration and logistics for multiple projects at a time. Consequently, the team operates at a harried pace.

Given the time constraints, integrating the adaptive learning approach—with its many reflection sessions—was initially met with apprehension. However, our experience showed that adaptive learning is an effective time and resource management tool. The approach provided us with flexibility to re-examine our perceptions of the context of our work that could have been

³ See CAO Workshop.docx and Pocket Law Focus Group Training and Workshop [here](#).

⁴ See DGRU Paralegal Interactions [here](#).



better informed and allowed us to try original approaches informed by a new understandings of the realities that unfolded as the project progressed. The adaptive learning approach's emphasis on evaluating evidence was useful, and the experience of evaluating such evidence internally at DGRU, or externally with Global Integrity and MAVC, or within the community of practice convened by Global Integrity and MAVC became the lifeblood of the project. The project would not have succeeded without it.

It is noteworthy that adaptive learning and the role that Global Integrity and MAVC played improved internal dynamics at DGRU, making the project results achievable. DGRU assigned three staff to the project. Sometimes, the uniqueness of each of the project staff and the strength of their individual views got in the way of teamwork. Adaptive learning provided an opening for them to listen and appreciate each other's differences. They soon realized that each brought important abilities and values to the project that could not be replicated by the other. This recognition fostered mutual appreciation and respect, which facilitated the project's implementation. On one occasion when their individual way of looking at things left them undecided, Global Integrity and MAVC provided suggestions that enabled the project to move forward. This intervention became the most pivotal event in the project.

The future

In this project, we set out to confirm whether technology would help CAOs access legal information. Our theory of change was premised on the assumption that access to legal information would facilitate the quality of legal assistance that CAOs provide, thereby facilitating citizen's access to justice. Feedback from technology utilization confirmed that the technology we offered would contribute to addressing the needs of CAOs for legal information. These findings provided background material for policy-level discussions at two stakeholder roundtables⁵. The stakeholders were drawn from civil society, the Department of Cooperative Governance, the Department of Justice, NADCAO and ACAOSA. The test findings were well received, with stakeholders agreeing to mobilize civil society support for the adoption of a law to institutionalize and regulate the paralegal sector, and to see increased capacity development for CAOs, including capacity to deploy new technology. We believe that these decisions are critical to the sector's sustainability. In addition, they confirm the potential of the technology provided by DGRU to have a sector-wide impact. DGRU will continue working towards this end.

⁵ See OGP Roundtable 14082017 (1) [here](#).



Remaining questions

The most significant dilemma that confronted us was the project time frame. We had nine months to implement the project, while applying the adaptive learning approach. Given the challenges faced, in particular South Africa's fluid political context and the many external variables outside of our control, we felt restricted by the project timeframe. Thus, we raise the following question:

- Could flexibility—one of the hallmarks of the adaptive learning approach—also apply to the project timeframes?



Annex 1.

Supplementary Materials

Annexure I. Brief Profiles of SCAT CAOs ([see a copy here](#))

Annexure II. Report of Pocket Law Workshop with Community Advice Offices ([see a copy here](#))