

**PARTNERSHIP AND OUTSOURCING AS TOOLS FOR INCREASED ACCESS TO
CONSULAR SERVICES: A CASE OF SOUTH AFRICAN HIGH COMMISSION IN
THE UNITED KINGDOM**

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DECLARATION

I, **JOHANNES KGOTSO TIBA**, hereby declare that this study “Partnership and outsourcing as tools for increased access to consular services: A case of the South African High Commission in the United Kingdom” is my own original work and that all the sources used or quoted have been accurately reported and acknowledged by means of complete references, and that this mini-dissertation was not previously in its entirety or partially submitted by me or any other person for degree purposes at this or any other University.

J.K. TIBA

DATE:

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I would like to extend my gratitude to:

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- My wife for being a great source of inspiration in everything I do;
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- Above all, to my Creator, for giving me the strength, wisdom and knowledge to surmount the challenges that were experienced during this academic journey.

ABSTRACT

The provision of consular services is an obligation of every government to its citizens who are living abroad. In providing such services, efforts must be made to ensure that they are accessible to all citizens, wherever they may be. Under the current economic climate, maintaining an extensive network of embassies and consulates around the world is an expensive venture. It is against this background that governments must be innovative in providing services by ensuring that private and third sector organizations are involved, in order to complement their work of ensuring that consular services reach their citizens at affordable costs - wherever they are.

Besides rendering consular services to South African (SA) citizens, consular offices can be a vital investment vehicle of the government abroad, by ensuring that much-needed investment is obtained. Furthermore, the consular services can serve as the first line of defence of a country, by ensuring that people who can cause harm to the country do not enter it. Despite the daunting challenges facing the post-apartheid government in SA, a number of changes have been undertaken to ensure that consular services are modernized. However, those changes have been inadequate and have fallen short of meeting the expectations of most South African citizens who are living abroad.

This study makes a vital contribution on the concept of using partnership and outsourcing as tools for increased access to consular services in one of the critical missions of SA abroad - the United Kingdom, by showing that the traditional way of rendering consular services from a diplomatic mission is inadequate to reach potential customers scattered in parts of the host country. The study concludes with significant recommendations that, *inter alia*, include even using post offices and the internet to ensure that consular services reach all parts of the United Kingdom, where South Africans live. Given that consular services have inherent security implications, the study also notes that among factors that must be taken into account before outsourcing consular services, or even setting up a partnership, the chosen service providers must, amongst other things, be able to maintain and protect the confidentiality of their customers.

Keywords: consular services, diplomatic mission, partnership, outsourcing, expatriates, immigration agents, emigration, United Kingdom, service delivery.

OPSOMMING

Die verskaffing van konsulêre dienste is die verantwoordelikheid van enige regering aan sy burgers wat in die buiteland woonagtig is. Pogings moet aangewend word om seker te maak dat hierdie dienste toeganklik is vir alle burgers, ongeag van waar hulle hulself bevind. Die huidige ekonomiese klimaat bemoeilik egter die handhawing van 'n uitgebreide netwerk van ambassades en konsulêre kantore. Voorgaande vereis dat regerings innoverend moet optree om die lewering van bekostigbare dienste te verseker deur gebruik te maak van privaat en derde sektor organisasies om hulle dienste aan te vul en sodoende te verseker dat hierdie dienste beskikbaar gestel word aan alle burgers waar ook al hulle woonagtig is.

Benewens die lewering van konsulêre dienste aan Suid-Afrikaanse burgers dien hierdie kantore ook as meganisme waardeur uiters noodsaaklike buitelandse beleggers gewerf word. Die kantore dien ook as eerste linie verdediging van 'n land deur seker te maak dat ongewenste persone nie die land binnekom nie. Ten spyte van die vele uitdagings wat die post-apartheidsregering in die gesig gestaar het, is vele veranderings gemaak om konsulêre dienste te moderniseer. Hierdie veranderings was egter nie genoeg om aan die verwagtinge van die meeste Suid-Afrikaanse burgers wat in die buiteland woonagtig is, te voldoen nie.

Die studie maak 'n belangrike bydrae tot die konsep van vennootskap en uitkontraktering as instrumente om toeganklikheid tot konsulêre dienste uit te brei in een van die kritieke missies van SA in die buiteland – die Verenigde Koningryk, by wyse van aanduiding dat die tradisionele manier van lewering van konsulêre dienste vanuit 'n diplomatieuse missie ontoereikend is om potensiële kliënte wat regoor die gasheer land verspreid is, te kan bereik. Die studie sluit af met betekenisvolle aanbevelings wat onder andere selfs die gebruik van poskantore en die internet insluit om te verseker dat dienste alle Suid-Afrikaners wat in die Verenigde Koningryk woonagtig is, bereik. Gegewe die feit dat konsulêre dienste inherente sekuriteitsimplikasies het, maak die studie ook voorsiening daarvoor dat alvorens dienste uitgekonnekteer word deur die vorming van vennootskappe, die gekose

diensverskaffer daartoe instaat moet wees om die vertroulikheid van hulle kliente te handhaaf en te beskerm.

Sleutelwoorde: konsulêre dienste, diplomatiese missie, vennootskap, uitkontraktering, emigrant, immigrasie agente, emigreer, Verenigde Koninkryk, dienslewering

TABLE OF CONTENTS

Declaration	II
Acknowledgements	III
Abstract	IV-VII
List of Tables and Figures	XI-XII
Appendices	XII

CHAPTER ONE: ORIENTATION AND PROBLEM STATEMENT

1.1. Orientation and Background	1-3
1.2. Problem Statement	3-4
1.3. Research Objectives	4
1.4. Research Questions	4-5
1.5. Central Theoretical Statements	5-6
1.6. Research Methodology	6
1.6.1. Literature Review	6
1.6.1.1. Databases	6-7
1.6.2. Empirical Study	7
1.6.2.1. Semi-structured Interviews	7-8
1.6.2.2. Population/Respondents from Semi-structured Interviews	8
1.6.3. Research Design	8
1.6.4. Data Processing	8-9
1.7. Ethical consideration	9
1.8. Chapters Layout	9-10
1.9. Conclusion	11

CHAPTER TWO: FUNCTIONING OF SOUTH AFRICAN CONSULAR SECTION AND THE RENDERING OF CONSULAR SERVICES IN COUNTRIES WITH HIGH EXPATRIATE POPULATION

2.1. Introduction	12
2.2. Overview of Consular Services	13
2.3. Overview of South African Consular Services and the functioning Of South African Consular Service in the UK	13-17

2.4. Challenges Faced by South African Consular Service	17
2.4.1. Absence of Consular Law in South Africa	17-18
2.4.2. Arrests of Nationals Abroad	18-20
2.4.3. Increase in the Number of Nationals Living Abroad	20-21
2.4.4. Parental Child Abductions	21-22
2.4.5. Unrealistic Level of Expectation About Nature of Assistance to be Provided in Cases of Emergency	22-23
2.4.6. Demand for Consular/Diplomatic Protection	23-24
2.4.7. General Lack of Funds to Render Consular Services	24-25
2.5. Overview of Outsourcing in the Public Sector	25-27
2.6. Outsourcing as a Tool for Increased Access to Consular Services	27-29
2.7. Overview of Partnership in Public Sector	29-31
2.8. Partnership as a Tool for Increased Access to Consular Service	31
2.8.1. Partnership between Countries in Areas on Non Representation	31
2.8.2. Honorary Consuls	32
2.8.3. Partnership with Non Governmental Organisations (NGO's)	32-33
2.8.4. Consulate on Wheels	33
2.8.5. Warden Network	33
2.9. Conclusion	34

CHAPTER THREE: REGULATORY AND STATUTORY FRAMEWORK FOR RENDERING SOUTH AFRICAN CONSULAR SERVICES

3.1. Introduction	35
3.2. Overview of Statutory Framework on South African Consular Services	35-36
3.2.1. Vienna Convention on Consular Relations, 1963	36-41
3.2.2. South African Marriage Act 25 of 1961	41-42
3.2.3. South African Birth and Death Registration 51 of 1992	42-43
3.2.4. Passport and Travel Documents Act 4 of 1994	43-44
3.2.5. South African Citizenship Act 88 of 1995	44-46
3.2.6. South African Constitution of 1996	46-47
3.2.7. White Paper on Transforming Public Service Delivery, 1995	47-48
3.2.8. White Paper on Transforming Public Service Delivery	

(Batho Pete), 1997	49-50
3.2.8.1. Implementation of Batho Pele Principles	50-53
3.2.9. Identification Act 68 of 1997	53-54
3.2.10. Recognition of Customary Marriages Act 120 of 1998	54-55
3.2.11. Public Finance Management Act 120 of 1998	55-57
3.2.12. Immigration Act 13 of 2002	57-59
3.2.13. Civil Union Act of 2006	59-60
3.3. Conclusion	60

CHAPTER FOUR: PARTNERSHIP AND OUTSOURCING AS TOOL FOR INCREASED ACCESS TO CONSULAR SERVICES: EMPIRICAL FINDINGS

4.1. Introduction	61
4.2. Research Methodology	61-62
4.2.1. Quantitative Research Methodology	62
4.2.2. Qualitative Research Methods	63
4.2.3. Semi-structured Interviews	63-64
4.3. Research Design	64
4.3.1. Literature Review	64-65
4.3.2. Construction of Questionnaire	65
4.3.3. Processing of Research Data	66
4.3.4. Data Collection Methods	66
4.3.5. Study Population and Problems Encountered	66-67
4.4. Analysis and Interpretation of Empirical Data	67
4.4.1. Profile of the Respondents	67-70
4.4.2. Section B: Structured Questions to Customers	70-82
4.4.3. Regarding the Use of Consular Services	
Responses from Structured Interviews with South African High Commission and Visa Facilitation Manager, and Immigration Agents	82-88
4.5. Summary of Questions and Responses from Respondents	88-89
4.6. Conclusion	89-90

CHAPTER FIVE: SUMMARY AND RECOMMENDATIONS

5.1. Introduction	91
5.2. Realisation of Research Objectives	91
5.3. Summary and Findings of the Study	91-93
5.4. Recommendations	93-95
5.5. Conclusion	95-96
LIST OF REFERENCES	97-108

LIST OF TABLES

1. South African Diaspora by Region of Distribution	20
2. South African Legislation Impacting on Consular Services	40-41
3. Eight Principles of Batho Pele	50
4. Gender of Customers (A1)	67
5. Gender of Managers of South African High Commission and Identified Managers (1)	68
6. Age Groups of Customers (A2)	68
7. Age Groups of Managers (A2)	69
8. Position or Level of Respondents	69
9. Rating of South African Consular Services by Customers	72
10. Method of Making Enquiries at South African Consular Section	74
11. Duration of Trip to South African Consular Section	76
12. Accessibility of Consular Services to Customers	84

LIST OF FIGURES

1. Organizational Structure of South African Consular Section in the UK	16
2. Benefits of Outsourcing	26
3. Overview of Current Statutory Framework on South African Consular Services	36
4. Breakdown of Services Applied for at South African Consular Section	71

5. Method of Making Application	72
6. Making Enquiries Before Handing in Applications	73
7. Waiting Time Before Enquiry Finalization	75
8. Customers Who Had to Travel to Obtain Services	76
9. Cost Incurred to Reach South African Consular Section	77
10. Rate of Return of Customers to South African Consular Section	78
11. Possible Method(s) for Improved Access to South African Consular Services	79
12. Possible Service Providers Accessible to Customers	80
13. Factors to be Considered before Outsourcing Consular Services	82
14. Challenges Facing South African Consular Services	83
15. Possible Solutions to Improve Access to South African Consular Services	85
16. Possible South African Consular Services for Outsourcing	83
17. Factors to be considered before Outsourcing SA Consular Services	88

APPENDICES

1. Structured Questionnaire for South African Consular Section's Customers	109-11
2. Structured Questionnaire for Managers at South African High Commission, Visa Facilitation Service and Immigration Agencies	112-115

CHAPTER 1

ORIENTATION AND BACKGROUND

1.1. ORIENTATION AND BACKGROUND

One of the most important hallmarks of globalization is the migration of skilled people from developing countries to the developed world, in search of better economic opportunities. Like other developing countries, South Africa (SA) is not immune from such migration. In the case of SA, the migration is caused by push factors such as crime, poor economic conditions and prospects, discrimination, political uncertainty, the impact of the HIV epidemic, and the quality of public services (Sveninsson and Gumuschian, 2008:1). According to Plaza (2009:5), other push factors for South Africans include the cost of living and taxation. The destination of most people leaving SA for developed countries includes Australia, New Zealand, the United States, Canada and the United Kingdom (UK), and the people leaving the country include those in professions in high demand such as engineering, medicine, accounting and banking (Crush & Williams, 2001:7; Rule, 1994:1).

The impact of this emigration on SA cannot be underestimated. According to Bohlman (2010:10) permanent emigration of skilled people in the absence of complementary policies, can have negative impact on economic growth and the welfare of the population in the long run. In as far as emigration of South Africans to the UK is concerned, the actual number of South Africans living in the United Kingdom is highly speculative due to a lack of process enabling people leaving the country to declare their intention to emigrate (Myburgh, 2004:13). Much reliance for determining the actual figures is therefore placed on institutions in the UK. According to Kyambi (2005:90) the number of South Africans living in the UK increased from a mere 67 918 in 1991 to 140 000 in 2001 – an increase of 106%. Other reports by Crawford (2008:14) and *The Witness* (2005:1) put the figure between 400 000 to 1.5 million.

As a point of departure, consular services are divided into three areas. Firstly, they issue enabling documents such as passports, birth certificates and visas to people. The category of people using this service includes tourists, students or business

people who become victims of crime while abroad. Secondly, consular services provide individual assistance to citizens in distress. Thirdly, they also offer assistance during major crises abroad; for instance the Rwandan genocide and the September 11, 2001 attacks in New York (Okano-Heijmans and Melissen, 2007:2).

South African consular services include the following particular services (DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION (DIRCO), 2009:2):

- Protection and assistance to distressed and destitute South African citizens abroad (including assistance following deaths; for missing persons; child custody cases; and abductions and kidnappings);
- Assistance to South African citizens in detention or imprisoned abroad;
- Service of Process (facilitate the process via diplomatic channels to have documents in civil law served on respondents abroad);
- Other legal processes: including transmitting requests for extradition, mutual legal assistance, evidence on commission, rogatory letters and maintenance orders;
- Consular notarial services, commonly referred to as legalisation services;
- Information (local): requests for information and advice (relating to matters such as entry requirements to foreign countries, customs regulations, civil aviation, taxation, pensions, social services, legal services, travel, banking and education); and
- Immigration and civic services: at missions where the Department of Home Affairs is not represented.

In most countries around the world, the rendering of consular services is characterized by an ever-increasing demand for services from itinerant nationals and citizens who are affected by natural disasters and civil unrests (DIRCO, 2009:8). However, in order to gain public trust, consular services will have to be innovative in their work, and most importantly, must ensure that all services are accessible to all South Africans and foreign nationals. In terms of the Batho Pele White Paper (1997:8-9), the rendering of South African public services must be anchored on eight

principles, which include rendering public services in places where the public can reach them.

To ensure that its services are accessible wherever its citizens may be in the country, the new post-apartheid South African Government ensured that the modes of service delivery such as mobile units, service points, information technology and the establishment of partnerships with stakeholders, were put in place and used effectively (Russell & Bvuma, 2001:261; Kluever, 2006:27; Mapisa-Nqakula, 2006:1).

1.2. PROBLEM STATEMENT

Unfortunately, concerted efforts to ensure that consular services are accessible to South Africans and foreigners in South African missions abroad have been largely half-hearted. The problem is acute in smaller countries where South Africa does not have a full-time diplomatic representative, and also in countries that are popular destinations for South Africans emigrating, such as Australia, New Zealand, Canada and the UK. The problem is even more acute in Asian countries where people have to drive, fly or even use costly courier services in order to obtain much-needed government services. The consequences of this lack of access to public services lead to unresponsive services and unnecessary costs for clients in terms of both time and money (Russell & Bvuma, 2001:260). Given the developmental challenges that the South African government faces, the prospects of increased numbers of South Africans travelling abroad, a rise in world crises, and the need for skilled people to improve the economy - it is imperative for the government to make concerted efforts to ensure that the consular services are rendered cost effectively, efficiently and innovatively, at all times.

The need to improve accessibility to consular services is important, in order to ensure that foreign missions can detect, disrupt and also prevent undesirable people from entering the country. Given the current lack of fund to invest in the improvement of services rendered to South Africans abroad, a failure to improve accessibility of consular services will open up the government to criticism from its citizens.

Despite the costs involved in rendering consular services to a country's citizens abroad, it is vital to ensure that contacts and working relationship are maintained

with émigrés, as they are the critical sources of research and innovation, technology transfer and skills development in home countries (Plaza, 2009:4). When the sending country maintains relations within its émigrés, they tend to be involved in development in their home countries through direct investment in local businesses, establishment of a network of scientists, and also licensing agreements (Plaza, 2009:4). Taking this all into account, the research question that arises is how can partnerships and outsourcing be used to make consular services more accessible to South Africans citizens in the United Kingdom?

1.3. RESEARCH OBJECTIVES

The objectives of the study are to:

- Explore the need and considerations for partnership and outsourcing of South African Consular Services in the United Kingdom;
- Determine the statutory and regulatory requirements governing outsourcing of public services in South Africa;
- Explain the mode of rendering South African Consular Services in the United Kingdom; and
- Provide recommendations based on the findings, on how partnership and outsourcing could improve South African Consular Services in the United Kingdom.

1.4. RESEARCH QUESTIONS

To achieve the above-mentioned objectives, the following research questions will be answered in the study:

- How can partnership and outsourcing be used for the more effective rendering of South African Consular Services in the United Kingdom?
- What are considerations for the partnership and outsourcing of South African Consular Services in the United Kingdom?

- What are the statutory and regulatory instruments governing the creation of partnership and outsourcing of public services in South Africa?
- What is the current mode of rendering South African Consular Services in the United Kingdom?

1.5. CENTRAL THEORETICAL STATEMENTS

The following preliminary statements are made:

- Outsourcing is an arrangement according to which the rendering of internal services is handed over to an outside service provider. Such a practice takes place in both the private and public sector (O'Looney, 1998:23; Aulich, Halligan & Nutley, 2001:150). Outsourcing of South African consular services in the UK would improve accessibility to South African citizens living abroad.
- If correctly implemented, outsourcing leads to savings in public costs, extends capabilities of the government, and improves services rendered to its citizens (Linder, 2004: 212; Aulich, Nutley & Halligan, 2001:150; Goodman & Hastak, 2006:14).
- Within the Consular domain, outsourcing normally includes handing over the performance of work that did not need to be performed by government employees. This includes work that does not include legal adjudication or protection of individual privacy (Hamilton, 2009:20). As mentioned in the first theoretical statement, outsourcing of South African consular services in the UK would improve accessibility to SA citizens living abroad.
- Partnership is an arrangement between public and private sectors according to which both sectors work together to achieve set public sector objectives. The partnership approach to service delivery is also based on the assumption that the public sector can complement its strength by using the private sector to render its services more efficiently (Grimshaw et al., 2002:3). The use of

existing partners in consular services would ensure that services are extended throughout the UK and much needed skills and technology are acquired.

- Partnerships can be undertaken as an extension and improvement of consular services, whilst preserving the kind of independence that is expected from government (Okano-Heijmans & Melissen, 2007:3). As indicated in the fourth central theoretical statement, the use of partners would result in the extension of consular services in the UK and authority of the government to decide on all cases would not change in order to maintain credibility of the services.

1.6. RESEARCH METHODOLOGY

A qualitative research design, using both secondary and primary sources such as a literature review, semi-structured interviews and questionnaires, was used to conduct this research.

1.6.1. Literature review

A literature study on outsourcing as a tool for increasing access to public services was done using both primary and secondary literature. The literature also included books, newspapers and available government and trade magazines. A preliminary random search at the Ferdinand Postma Library of the North-West University indicated that enough material regarding outsourcing of public services was available to complete the study.

1.6.1.1. Databases

The following databases have been consulted to determine the availability of research material needed for the study:

- i. Catalogue of theses and dissertations held by South African Universities;
- ii. EBSCO Academic Search Elite;

- iii. Emerald;
- iv. Questia Online Library;
- v. Google Scholar, and
- vi. Science Direct Academic Journals.

1.6.2. Empirical study

As indicated above, qualitative methods were used to gather data for this study. This *inter alia* included: (i) observations by the researcher; (ii) semi-structured interviews; (iii) available data and statistics regarding access to South African consular services in the UK; and (iv) the scientific analysis and interpretation of results with the help of Microsoft Excel®.

In undertaking empirical research the researcher intended to, among others, illustrate how partnership and outsourcing can contribute towards increased access to South African consular services in the United Kingdom.

1.6.2.1. Semi-structured interviews

The aim of the study was to identify the processes, enablers and challenges of consular services in the UK, rendered by the South African High Commission. In this regard, semi-structured interviews were conducted with the following respondents:

- Two members of the top management of the South African High Commission;
- Chief Director: Consular Services at the Department of International Relations and Co-operation;
- Three Immigration agents acting on behalf of the Consular Section's clients;
- A random sample of 51 customers of the South African Consular Services; and
- One country manager selected from Visa Facilitation Companies operating in the UK.

Semi-structured interviews normally entails a sample of between six and twenty participants according to which questions are asked using a questionnaire with a

selected list of questions (Davies, 2007:29). They also enable the researcher to obtain different responses to the set questions, and to allow detailed responses where applicable (Struwig & Stead, 2001:98). Furthermore, semi-structured interviews enable the researcher to obtain perceptions, opinion and even attitudes about the state of services they receive and also how they can be improved (Harrell & Bradley, 2009:24)

1.6.2.2. Population/respondents for semi-structured interviews

The total target population of the study was 59 respondents. According to Brynard and Hanekom (2006:55) the population refers to all the objects, subjects, events, phenomena, and activities or cases which the researcher wishes to research in order to establish new knowledge.

Simple random sampling was used to select relevant respondents from the total target population. It is a sampling procedure according to which every data source has an equal chance of being included in the sample (Kothari, 2004:19). Ethical considerations like voluntary participation in the survey and anonymity of participants were adhered to during the survey process.

1.6.3. Research design

For the empirical study, semi-structured interviews, structured questionnaires and a literature study were used to gather the information needed for the research, from the respondents mentioned above.

1.6.4. Data processing

The data obtained from literature study, semi-structured interviews and structured questionnaires, was studied in order to reach a conclusion. An empirical analysis was made to interpret set research objectives. In as far as the whole study was concerned, the following procedure was followed:

- A literature study was undertaken to explore the need and considerations for partnership and outsourcing of South African Consular Services in the UK,

and also the statutory and regulatory framework governing public-private partnerships in South Africa.

- Semi-structured interviews were held with identified respondents based in the UK and South Africa, about the need for partnership and outsourcing for delivering increased access to consular services.
- Questionnaires were used to obtain the viewpoints of the South African Consular Section's customers on the prospects of setting up of partnerships and outsourcing for increasing access to services.
- Concerted efforts were made to ensure that verification of data complies with truth, value, applicability, consistency, objectivity, and furthermore, the information will be presented in a scientific manner.

1.7. Ethical considerations

The researcher did not manipulate respondents or any data. Respondents were assured of confidentiality, hence the anonymous completion of the questionnaires and part-taking in the recorded semi-structured interviews (with consent acquired prior to the interview). The researcher did not divulge any confidential information and have ensured the protection of participants' identities including assurance not to harm respondents in any way. The researcher also outlined to respondents the risk of participating in the study and informed respondents that research was done based on generally accepted norms, standards and values of the North-West University and that they could withdraw their participation at any point as the research unfolded.

1.8. Chapters layout

The chapters included in the study were as follows:

Chapter 1: Orientation and Problem Statement

In this chapter the orientation, research problem, objectives and central theoretical arguments of the study were provided.

Chapter 2: Functioning of the South African Consular Section

A description of the operation or functioning of the South African Consular Section was provided. This includes an overview of the current mode used by the Section to reach its customers in the UK. For instance, in the rendering of consular services, most diplomatic missions only accept applications by post, or they allow applicants to visit them in person.

Chapter 3: Regulatory and Statutory Framework for Rendering South African Consular Services

The current statutory and regulatory framework governing outsourcing of public services in South Africa, such as Constitution of the Republic of South Africa, and the Public Finance Management Act 1 of 1999 are outlined. The legislative framework for South African Consular Services was also outlined.

Chapter 4: Partnership and Outsourcing as Tools for Increased Access to Consular Services: Empirical Findings

The chapter provided detailed explanations of the research design and methods, target populations, data collection procedures and problems, research techniques, and the instrument used to explore partnership and outsourcing as tools for increased access to consular services. All the findings were scientifically analysed and presented with the help of Microsoft Excel®.

Chapter 5: Summary and Recommendations

Based on the empirical findings of the study, conclusions were drawn and recommendations were made.

1.8. CONCLUSION

This chapter dealt with the orientation and the background of the study, research objectives, research questions, the central theoretical statement, and also the research methodology. Furthermore, the chapter also provided a synopsis of the chapters that will be dealt with in the rest of this mini-dissertation.

In chapter two, the functioning of the South African Consular Section in the UK will be outlined in this chapter. The challenges that beset the South African Consular Section in the UK will also be explained. Furthermore, the chapter will deal with the importance of outsourcing and partnership in the public sector, and the effectiveness and efficiency of partnership and outsourcing as potential tools for increased access to South African Consular services.

CHAPTER 2

THE FUNCTIONING OF SOUTH AFRICAN CONSULAR SECTION IN THE UK AND THE RENDERING OF CONSULAR SERVICES IN COUNTRIES WITH HIGH EXPATRIATE POPULATION

2.1. INTRODUCTION

The first chapter outlined, *inter alia*, the purpose of this study, which was to investigate how partnerships and outsourcing can be used to make consular services more accessible to South African citizens in the UK. In order to achieve this objective, this chapter focuses on the secondary research objectives, which are to investigate and analyse all relevant literature on the functioning of South African Consular Services in the UK. It furthermore discusses partnerships and outsourcing as tools for increased access to consular services.

The literature on the use of partnerships and outsourcing in consular services is reviewed in this chapter. However, consular services are the neglected part of international relations and the literature is very limited (Platt, 1963:494). Available reports or even studies are episodic, with few of them emanating from institutions that have introduced innovative measures to improve services. This chapter nevertheless attempts to identify the available literature. In order to achieve the afore-mentioned objectives, the chapter will be structured according to the following main themes:

- Providing an overview of South African Consular Service and partnership and outsourcing in the public sector; and
- Outlining the challenges facing consular services including the ways in which partnership and outsourcing could contribute towards increasing access to consular services.

2.2. OVERVIEW OF CONSULAR SERVICES

Consular services can be globally defined as providing assistance to the citizens of a particular country living abroad (Okano-Heijmans, 2010:2). As consular services are rendered within the context of international relations and in line with international agreements, the actual act of rendering such services is routinely referred to as consular diplomacy (Okano-Heijmans, 2010:2).

2.3. OVERVIEW OF THE SOUTH AFRICAN CONSULAR SERVICES FUNCTIONING OF SOUTH AFRICAN CONSULAR SERVICE IN THE UNITED KINGDOM

As indicated above, consular services remain a classic indicator of the ability of government to look after its citizens, wherever they may reside. The birth of the new political dispensation in South Africa resulted in its citizens developing an increased interest in travelling abroad, and also led to the establishment of a professional South African consular service (DIRCO, 2009:4). Driven by the increasing demand for consular services and the implementation of the 'Batho Pele' principles, the government decided to increase the staff complement of consular services, for the following reasons:

- The uniqueness of consular services within the Department of International Relations and Co-operation (DIRCO);
- The need for immediate decision-making in consular cases;
- The need for the organization to cope with functional demand; and
- The use of technology for the efficient provision of services (DIRCO, 2009:5).

According to DIRCO (2009:5), efforts were made to professionalize consular services and to develop a consular handbook on how to assist nationals in distress. More changes were also implemented to make South African consular services more modern and more responsive to citizens. Those changes included the following:

- The implementation of a Consular Management System (CMS) to record cases received, and to provide reliable information on people being assisted;

- The implementation of the Registration of South Africans Abroad System (ROSA). The system is used voluntarily by South Africans travelling abroad, in order to register themselves. It assists government in tracing South Africans abroad, and also in reaching them in times of crisis;
- The establishment of a Consular Incident Command Centre (CICC). The centre is used mainly in times of crisis such as plane crashes, when tsunamis occur, civil war, and also during international sporting events; and
- The establishment of a Consular Emergency Response Team (CERT) to provide emergency help in cases of mass casualty, resulting from natural or man-made disasters (DIRCO, 2009:6-8).

The above-mentioned changes provided much-needed mechanisms to be responsive to the needs of the citizens outside the country, irrespective of the nature of emergency.

To reach its clients in every country, foreign ministries render consular services through a network of embassies, high commissions, consulate generals, and also honorary consuls (Berridge, 2010:131); Australian National Audit Office (ANAO), 2003:19). According to Okano-Heijmans and Mellisen (2007:201), the increasing demand for consular services and poor fiscal conditions have forced diplomatic missions to seek alternative ways of dealing with challenges and the dilemmas in the consular field. The alternatives include partnership with non-governmental organizations (NGOs) dealing with crises, and outsourcing of services to private companies and law-enforcement agencies (General Accountability Office (GAO), 2005:1; UK National Audit Office (NAO), 2005:12).

Under circumstances where the problems cannot be solved by using the regular partners of foreign ministries, countries such as Canada, the UK and the United States work in partnership with others such as Australia, New Zealand and France, in order to help each other where they are not well represented (Van Het Loo, 2005: 6)

Another option used by diplomatic missions is the print and broadcasting media, including websites - to disseminate travel advice on every country in the world and to provide 24-hour emergency assistance for its nationals around the world (ANAO, 2003; DIRCO, 2009:6). In addition to regular travel advice, other services provided to citizens abroad include voluntary registration of nationals based abroad, in order to help trace them in times of emergency. However, despite efforts being made by governments to assist their nationals, the ANAO, (2003) found that people still encounter problems that they cannot resolve on their own, such as arrests, imprisonment, and hospitalization.

With regard to the functioning of South African Consular Service in the UK, the Department of International Relations and Co-operation (DIRCO) is the lead organization in terms of helping South Africans, and is supported by the Department of Home Affairs. The South African High Commission is based only in London and there are no consulates in other parts of the UK for helping nationals living in other parts of the country. According to Kyambi (2005:90), South Africans are scattered all over the UK, with most living within the London area. To render services to South African citizens, the consular service has an office based in London and the customers are served on a first-come, first-serve basis. Apart from a walk-in system of service, the office also accepts applications by post, from those who cannot make it to the office (Mnisi, 2005:13).

Due to lack of access to critical departmental databases, the consular office forwards most applications for the issuing of enabling documents to SA (Mnisi, 2005:14). The posting of received applications to SA results in delays in issuing any requested official document. Furthermore, it also results in loss of documents and unnecessary expenditure associated with having to resend another application to replace the lost one. To solve this problem, modern consular service points have infrastructure to capture and issue passports and certificates at offices abroad (Mnisi, 2005:14). The presence of only one South African consular office in the UK often means that the customers have to incur costs to travel from all parts of the country, to make relevant applications that they are in need of. It is thus clear that consular services are not readily accessible to clients in the UK.

In as far as the South African Consular Section in the UK is concerned; the office has a staff establishment of 21 officials. Sixteen of the officials are citizens or permanent residents of the UK and 5 of them are transferred consular officers on a 4-year posting (Tiba, 2009:1) (See figure 1). As the UK is a popular destination for skilled South Africans living abroad, the demand for the consular service has increased exponentially over the years. Unfortunately, the increase in the demand for service has not resulted in an increase in staff for nearly 19 years or modernization of the infrastructure (Tiba, 2009:2). As a result, the office has been receiving complaints about delays in rendering requested services, failure to answer calls and e-mails on time, about its absence from other areas of the UK, and also about delays in concluding any investigations that the office undertakes (Tiba, 2009:2). An organogram of the structure of the South African Consular Section in the UK is presented below in figure 1.



Fig. 1: Organization structure of South African Consular Section in the UK

(Source: South African Consular Section, London, 2010 Strategic Plan)

The organizational structure indicates the placement of staff according to the type of applications that are received in high numbers. Civic Services is a section that deals mainly with South African expatriates and comprises eight officials. Three of these officials are assigned to counter services. Migration Services is another important section, and it receives many applications, mainly from foreigners. These applications constitute nearly half of those received from South African citizens.

Despite efforts by the post-apartheid government to improve consular services to all its citizens, more work still needs to be done to increase access to services in a cost-effective manner, in most countries abroad. Furthermore, the challenges that beset South African consular services, *inter alia*, include the increase in the number of the country's nationals living abroad. These challenges are discussed below.

2.4. CHALLENGES FACED BY THE SOUTH AFRICAN CONSULAR SERVICE

South African consular services are beset by a number of challenges that need innovative solutions in order to surmount them. The challenges are: absence of consular law in South Africa, arrests of nationals abroad, increase in the number of nationals living abroad, parental child abductions, unrealistic level of expectation about the nature of assistance that can be provided in case of emergency, demand for consular protection and general lack of funds to render consular service. These challenges are described in detail below.

2.4.1. Absence of consular law in South Africa

According to the study of Okano-Heijmans and Melissen (2007:201) on the rising challenge of foreign ministries, the absence of a law on consular services and over-reliance on the Vienna Convention on Consular Relations (VCCR) was disadvantaging most foreign missions, including South Africa. A law on consular services would be beneficial for clients and would also protect the consular services from political oversight (Okano-Heijmans and Melissen, 2007:201). According to the Department of International Relations and Co-operation (DIRCO), (2009:8) such a law can put to an end the inconsistent response or approach to consular-related problems that regularly occur.

The Department of International Relations and Co-operation (DIRCO), (2009:8) further reiterates that the other challenge seems to be the increasing number of people in distress whilst abroad, and he recommends public-information initiatives with relevant government departments and NGOs to help educate the public about how to prepare themselves for any eventuality whilst being abroad. Such partnerships can also help to explain the extent of government assistance to citizens in times of emergency.

The arrest of nationals abroad is now discussed as another challenge that faces consular services.

2.4.2. Arrests of nationals abroad

The increased number of people travelling abroad for holiday, business and study, has also resulted in an increase in the number of people who are arrested for offences ranging from assault to drug trafficking. According to Doyle et al, (2009:7) nationals who are arrested and imprisoned abroad face, among others, the difficulties which include new and different culture from their own, lack of knowledge of local language to articulate their situation and also unfamiliar criminal justice system. Despite these difficulties, article 36 of the Vienna Convention on Consular Relations (VCCR, 1967), enjoins signatory countries to, *inter alia*, ensure that:

- Consular officers are free to communicate with nationals of the sending state, and also to have access to them when they are arrested;
- The competent authorities of the receiving state inform the consular posts of the sending state if, within its district, a national of that state is arrested or committed to prison or to custody pending trial, or is detained in any manner. Any communication addressed to the consulate post by the person arrested, shall be forwarded by the said authorities without delay; and
- Consular officers are allowed to visit the national of the sending state who is in prison, custody or in detention, to converse or to correspond with him/her and to arrange for legal representation.

Concerning access to foreign citizens who are arrested abroad, Buys, Pollock and Navarrete (2010:12-14) found that assistance granted to arrested citizens by consular officers can, *inter alia*, help to bridge linguistic and cultural barriers and also clarify foreign legal procedures they may be faced with. In the case of arrested people, Clarke (2002:2) found that consular notification is complicated by the classification of arrested people in classes - some countries expect to be informed irrespective of whether the arrested person likes it or not, while with others consent for information being passed on to their country of origin must be given. Clarke (2002:2) also found that the nationals of the countries, whose governments have agreed to be informed of the arrests of their nationals, benefit when they are arrested. This is because their families are informed on time, their defence lawyers get help with any information they might need about the case, and they can also negotiate with the prosecutors to speed up their case.

Regarding the arrest of nationals abroad, Mantouvalou (2009:31) found that in some countries provision of consular assistance to arrested nationals is merely a matter of government policy, while in other countries it is a matter of law, enshrined in the law. Mantouvalou (2009:57) further reiterates that vulnerability of the defendant and the severity of the charge was an overriding factor in trial attendance by consular officers. Furthermore, consular officers were mainly observers during the trial and countries do not collect data centrally in order to detect patterns for developing future policy.

In the case of South African nationals in the UK, South Africa does not fall under those countries that have agreed to be informed immediately after the arrest of their nationals (Quigley, Aceves and Shank, 2010:121-122). As a result, the South African Consular Service only becomes aware of the arrested citizen when travel documents have to be issued for deportation or when their plight is broadcasted in the media.

The increase in the number of a country's nationals living abroad is another challenge facing the South African Consular Service, and is now discussed.

2.4.3. Increase in the number of nationals living abroad

The transition to the new dispensation in South Africa was marked by an ever-increasing interest among South Africans to live abroad for a host of personal reasons. Table 1 shows the extent to which South African citizens migrated to other parts of the world to seek greener pastures. According to Borat et al, (2002:2-4) people live abroad for a host of economic, political and social pull-and-push factors. The importance of citizens living abroad cannot be underestimated; as such people can play a critical role in the development of their countries of origin, and also of their new countries (Crush, 2009:9). Kegley (2009:313) contends that living abroad is the only recourse many people have to keep their hopes about the future alive. In the case of South Africans, the number of those living abroad has grown considerably, with most of them based in Europe, North America and South America (Crush, 2009:9). The geographical spread of South Africans in that manner illustrates the extent to which concerted efforts have to be made to ensure that consular services are accessible to them in line with the *Batho Pele* principles. These principles are discussed in chapter three, as part of the regulatory framework for this study.

Table 1: South African Diaspora by region of destination

Region/Destination	Number of South Africans Living Abroad	Total Percentage of South Africans Living Abroad
Europe	244 000	40
North America	108 000	18
Oceania	106 000	18
Africa	120 000	20
Asia	14 000	2
Middle East	9 000	2
TOTAL	597 000	100

(Source: Adapted from Crush, 2009:10)

Table 1 (above) shows the spread of South Africans by region. Thirty three percent of South African nationals live in Europe and 16 percent in African countries. Some nationals (1.8%) live in Asian countries, with the remaining continents of interest to South Africans being North America, Oceania and the Middle East.

Parental child abductions are now discussed as another challenge for consular services.

2.4.4. Parental child abductions

The problem of parental child abduction indicates the extent to which the world has changed, and how problems in one country can easily be transported to another. Marauhn (2005:73) defines parental child abduction as the unilateral removal of a child across international boundaries without the consent of the other parent. According to the Foreign and Commonwealth Office (FCO) (2010:1), parental child abduction can also be a threat of abduction by the other parent, when there is an inherent risk that a child will be taken outside a country of residency.

To facilitate the speedy resolution of cases of international child abductions, the Hague Convention on Civil Aspects of International Child Abductions, was agreed upon in 1980 (Rosenblatt, 2000:11). This resolution was aimed at providing contracting states with a framework to determine which state has jurisdiction when an application is made to a state court, and also to ensure prompt return of a child to a country of habitual residence (Rosenblatt, 2000:11; Freeman, 2007:17). According to a study of Buck (2005:239), parental child abduction cases are still beset by problems such as peculiarities or a country's legal system, lack of infrastructure, and also a lack of experience in handling procedural co-operation of the Convention.

Jones-Bos and Van Daalen (2008:91) compiled a study on the trends of Dutch consular services, and they found that parental abduction is further complicated by the failure of some countries to become signatories to the Hague Convention. As a result, ad hoc political solutions end up being used to resolve cases of this nature. The innovative solutions in this regard include working protocols agreed to by judges of countries who are signatories to the Convention, and those who are not. The UK/Pakistani protocol is a classic example. However, according to Freeman (2009), this working protocol still has problems, such as the following:

- Court orders made under the protocol to return the child to a country of habitual residency have had no effect - leaving parents in Pakistan for

example, having to incur huge legal bills to prevent the removal of their children; and

- There are cases where children have been wrongfully removed or retained from their habitual residence in Pakistan. Orders under protocol are not sought in such situations, as they are generally not available for the reasons already explained.

In the case of South Africa, Rammule (2007:24-27) found that the courts have settled cases under the Convention with varied results, and have ensured that the best interests of the child are taken into account. However, Lozzi (2009:1) found that cases dealt with under the Convention were marred by the failure of police to act on cases of parental abduction, corruption and also harassment of aggrieved parties, by even the police.

With regard to the functioning of the South African Consular Service in the UK on this matter, assistance is limited to the role of providing advice to citizens who are party to parental abduction cases. The advice is only limited to the actions that can be taken to retrieve the child, the contacts of family lawyers in the country, and also passing to the next of kin any information that may be of help to them.

Over and above the challenges explained above, rising levels of expectation about the nature of assistance that nationals can get from their government in times of emergency are now discussed.

2.4.5. Unrealistic level of expectation about nature of assistance to be provided in cases of emergency

Jones-Bos and Van Daalen (2008:87) found that the rise of the new media and growing interest in domestic politics, have made people become more aware of consular services. The authors emphasize that to avoid confusion and disappointments in times of personal crisis, society at large must be informed about the services that the government is able to provide, and those that it cannot provide. Department of International Relations and Co-operation (DIRCO), (2009:11) contends that increasing expectations are complicated by a lack of legislation

governing the rendering of consular services. According to Okano-Heijmans and Melissen (2007:201), such a law would be important from the client's perspective. Such a law would also be vital for protecting consular departments from political oversights. De Voretz and Parasam (2010:1) also emphasize that making people aware of the kind of assistance they will receive from the government in times of crisis, is important.

In as far as this matter is concerned the South African Consular Service has turnaround times for most of the services rendered to South African citizens including those in distress in order to manage their expectations. Furthermore, co-operation with organisations formed to assist South African citizens has resulted in people in distress being provided temporary assistance while a durable solution is being sought.

In addition to the challenge of unrealistic expectations about the nature of assistance that will be provided by the state, the demand for consular protection of nationals abroad is another challenge that needs to be surmounted. This is now discussed.

2.4.6. Demand for consular/diplomatic protection

The current political, economic and social developments taking place in most countries may sometimes result in citizens abroad finding their properties being expropriated, without any reward, or them being arrested arbitrarily. To protect themselves from such state actions, citizens sometimes request consular protection from their government. According to Shaw (2003:721) diplomatic/consular protection can be accorded to citizens of a particular country, but the state is under no obligation to extend such protection. Duggard (2000:1) further argues that such protection is becoming obsolete as most countries have become signatories to the International Convention on Civil and Political Rights, and citizens have the recourse to the International Centre for Settlement of Disputes between states and foreign nationals.

Shaw (2003:721) furthermore outlines that involvement of a foreign government in personal disputes with another state, may result in another state interfering in the

domestic matters of the other, and this affects its sovereignty. Another complicating factor in extension of diplomatic protection is possession of dual nationality by people in need of such protection. However, Forsee (2006:369) discounted dual nationality as a complicating factor in extending consular protection. He found that failure to extend such protection may represent complicity with a foreign government and also that bilateral agreements on consular rights can solve the handling of issues of dual nationality.

With regard to consular or diplomatic protection, South African citizens voicing a need for them are advised to exhausts available legal avenues in the UK as courts tend to be very mindful in handing most of the issues.

In line with the current economic climate around the world, consular services are facing a general lack of funds to render consular services to citizens living abroad, and those in distress. This is now discussed.

2.4.7. General lack of funds to render consular services

The increasing internal obligations of governments normally results in priorities relating to citizens living back home. In most cases, this results in consular services' budgets being cut to meet those obligations. According to DIRCO (2009:13), such a lack of funds may force governments like South Africa to look at ensuring that passport costs can also include the consular fees to fund future assistance of people who may be stranded during their travels abroad. In this regard, Van Het Loo et al., (2005:48) found that other sources of funds for consular services range from a portion of a passport fee in most countries, to an advertising fee in consular publications.

In as far as the South African consular service in the UK is concerned, in addition to partnering with non-governmental organisations and also private institutions, there is a need to review the range of services that are provided free of charge to ensure that such services are payable.

In order to ensure that consular services are rendered cost effectively for the government, outsourcing appears to be holding hope for increasing access to consular services, at little or no cost to the government. This is discussed in detail in the next section.

2.5 OVERVIEW OF OUTSOURCING IN THE PUBLIC SECTOR

According to McIvor (2005:7), outsourcing is the sourcing of goods and services that were previously produced internally within the organization, from external suppliers. It is also used across the public sector for services ranging from public housing management to waste removal. According to Greaver II (1993:3), outsourcing is an act of transferring some of the organization’s recurring activities and decision rights, to outside providers.

Outsourcing is used as a government response to increasing public demand for services, global fiscal pressures, and public-sector capacity. It is also used to enable organizations to focus on their core business, instead of being distracted by activities which can be performed exceptionally well by external providers (Schultz, 2004:303). A study by Linder (2004:4-5) found that apart from the well-known benefits of outsourcing that range from cutting costs to improving the quality of goods and services, outsourcing benefits cut across all aspects of the organization, as presented in figure 2 (below).

ORGANIZATIONAL-DRIVEN BENEFITS	IMPROVEMENT-DRIVEN BENEFITS	FINANCIALLY-DRIVEN BENEFITS
<ul style="list-style-type: none"> • Enhance effectiveness of focusing on what you do best • Increase flexibility to meet changing business conditions, demand for products and services and technologies • Transform the organization • Increase product and service value, customer satisfaction and shareholder value 	<ul style="list-style-type: none"> • Improve operating performance • Obtain expertise, skills and technologies that would not otherwise be available • Improve management and control • Improve risk management • Acquire innovative ideas • Improve credibility and image by associating with superior providers 	<ul style="list-style-type: none"> • Reduce investments in assets and free up these resources for other purposes • Generate cash by transferring assets to the provider

COST-DRIVEN BENEFITS	EMPLOYEE-DRIVEN BENEFITS	REVENUE DRIVEN BENEFITS
<ul style="list-style-type: none"> • Reduce costs • Turn fixed costs into variable assets 	<ul style="list-style-type: none"> • New career path • Increase commitment and energy in non-core area 	<ul style="list-style-type: none"> • Gain market access and business opportunities through the provider's network • Accelerate expansion by tapping into the provider's capacity, process and systems. • Expand sales and production capacity during periods when such expansion could not be financed • Commercially exploit the existing skills

Fig. 2: Benefits of outsourcing

Adapted from Linder (2004:4-5)

Figure 2 (above) outlines that there are a host of motives for outsourcing services and all of them are geared towards ensuring that there is a sustainable improvement in the performance of an organization. The benefits that an organization can derive from outsourcing thus include:

- Focusing on core issues; and
- Flexibility to respond to a changing environment.

Regarding improvement benefits, performance of the organization will improve and it will *inter alia* also derive more skills, expertise and technology. Furthermore, on financial matters, outsourcing will enable the organization to free up resources for other purposes such as monitoring of outsourced services, and generating more cash by transferring some assets to the new provider. According to Alvarez-Antolines (2007:44) reduction in costs in outsourcing is realised through the use of skills or technology which the government does not have.

On the negative side, Cram (2011:1) found that outsourcing, as a management tool, is replete with pitfalls, which include *inter alia* the following:

- Unrealistic customer expectation;

- Lack of due diligence by either party;
- Expected savings that may not exist or circumstances are not right for success; and
- Unsatisfactory contract management by either or both sides.

Despite the pitfalls of outsourcing public services that are stated above, Allen and Tommasi (2001:237) also found that outsourcing of goods and services can succeed if the following factors are taken into account:

- Clear definition of business activities to be contracted out;
- Evaluation of likely changes to the services;
- Review of coordination issues between services to be outsourced and other relevant services;
- Assessment of other services that can be incorporated for the success of the project;
- Assessment of project costs and also incorporation of non-performance; and
- Dispute-resolution mechanisms.

Be that as it may, outsourcing as a management tool seeks to improve services and to focus the organization's attention on crucial aspects of its services.

The role of outsourcing as a tool for increased access to consular services is now discussed.

2.6. OUTSOURCING AS A TOOL FOR INCREASED ACCESS TO CONSULAR SERVICES

The increasing challenges facing consular services have made governments look for more innovative ways to improve services and extend them to areas where they are needed. Outsourcing is one of those innovative ways in which governments work with third parties (Okano-Heijmans & Melissen, 2007:9).

According to Seidle (1995:44), access to consular services includes convenient working hours for the public, proximity of the service point to customers, coordination of the service in such a way that it takes into account different clients, suitable means of transaction, and information availability to clients. In as far as increased access to services is concerned, it appears that outsourcing can serve as a tool to deliver this. Hamilton (2009:20) found that outsourcing can increase access to services to a certain extent. The Hamilton 's study was largely based on the experience of the transformation of US consular services. In this regard, the findings of the study were that the need to streamline services and cut spiralling costs or rendering consular services, impelled the US State Department to outsource non-core services. Those services included security, switchboard operation, acceptance of visa applications, and even the posting of issued visas and passports. Cost-effective savings were made as most of the costs were shouldered by outsourced partners¹.

The findings of Hamilton (2009) are in line with Computer Services Corporation (CSC) (2009:1) and Visa Facilitation Service (VFS) (2009:3). According to CSC (2009:1), outsourcing was instrumental in increasing access to services to over 30 visa application centres that were opened in 14 countries, and also multilingual call centres in 87 countries. Concerning VFS, the use of outsourcing by the UK Border Agency resulted in the opening of 76 new visa application centres around the world, and also the processing over 2.5 million visa applications well ahead of the set turnaround time. The benefits of outsourcing included, *inter alia*, the following (VFS, 2009):

- Established call centres handled over 200 000 e-mails and 2.1 million calls per year;
- Opening of additional visa centres in countries where VFS was appointed; those countries included Italy, Morocco and India; and
- Handling and delivery of issued visas for the US Embassy in India.

¹ It is worth noting that after September 11, 2001, the work of receiving US visa applications by visa application centres was returned to the US embassies, as the new Patriot Act made it mandatory for such applicants to be interviewed before a visa could be issued to them.

Furthermore, access to consular services increased through the development of multilingual websites in the local languages of customers. The case studies of VFS (2009:3) which outlined outsourcing and its benefits for rendering consular services covered countries such as Italy, India, the UK, United States, and visa centres jointly operated on behalf of Belgium, the Netherlands, Italy, Switzerland, Spain, Sweden, Denmark and Iceland.

Apart from using outsourcing to cut costs, it is also used to ensure that expertise that is not present in an organization is accessed from outside the public sector. According to the Foreign and Commonwealth Office (FCO) (2009:12), outsourcing can be used to access services that are not provided internally, like emotional support and also assessment of the need for medical care during times of emergency.

In addition to outsourcing, partnership is another tool that can increase access to consular services, and also enable the state to access much-needed expertise. The overview and the role of partnership in increasing access to consular services are now discussed.

2.8. OVERVIEW OF PARTNERSHIP IN THE PUBLIC SECTOR

The obvious inability of governments to meet the needs of its citizens has made many look at using partnerships as another means to improve the effectiveness and efficiency of consular services (Okano-Heijmans & Melissen, 2007:9). Governments in most developed countries - most notably the United States, Britain and Australia - used partnerships with varied results in areas ranging from infrastructural development to the delivery of public services (Akintoye, Beck and Hardcastle, 2003:5; Grimshaw, 2003:2; Sander & Crawley, 2009:1). Developing countries like South Africa are finally catching up in using partnership to improve public service delivery (Sindane, 2000:1).

The efforts to define partnerships have focused mainly on their hallmarks rather than coming up with a universally-accepted definition that encompass their purpose (Seidle, 1995:140; Pierre, 1998:12). For the purposes of this research, partnership is

defined as a commitment to a common goal through the joint provision of complementary resources and expertise, and the joint sharing of the risks involved (Ridley, 2001:1). According to Seidle (1995:140-142) the hallmarks of partnerships include the following factors:

- Partnerships can be distinguished by the nature of the parties to the agreement. Public-private partnerships fall under this category, as this can involve agreement with the private sector or a NGO;
- Partnership with a social sector organization is called a social partnership;
- True partnership: where there is an equal sharing of power among partners. This form of partnership requires public officials to cede authority to partners outside government; and
- Degree of empowerment of the parties involved in the partnership.

Further, hallmarks of partnership in the public sector include each partner being capable of bargaining on its own, the relations among partners is enduring, and each partner brings something to the partnership and this can include expertise they might have (Pierre, 1998:13).

The implementation of partnerships in the public sector is not without problems. If it is not properly implemented, it can lead to serious reputational problems. The Institute of Public Policy Research (IPPR) (2001:3) suggests that to ensure that partnerships are successful, the following factors must, *inter alia*, be taken into account, before implementation:

- Adequate funding of public services;
- Consistent rationale for using partnerships;
- The presence of a strong public sector partner;
- Responsible private and third sector willing to embrace a high standard of transparency and accountability; and
- Legitimacy among the general public and public-service workforce.

Partnership in the area of consular service may involve countries working together to assist each other's nationals in countries where they are not represented. The forms of partnership and their role in increasing access to consular services are discussed below.

2.8. PARTNERSHIPS AS A TOOL FOR INCREASED ACCESS TO CONSULAR SERVICES

Like other areas of the public sector, partnerships have been found to be effective in strengthening the ability of governments to render services and also in finding solutions to problems that affect its citizens abroad. In the area of consular services, the use of partnerships has been found to increase access to services through partnerships between countries, as just discussed (UK National Audit Office, 2005:12).

2.8.1. Partnership between countries in areas of non-representation

According to the Vienna Convention on Diplomatic Relations (VCDR) (1961:13), the functions of a diplomatic mission abroad include protecting the interests of the state and also of its nationals abroad. In the same vein, the establishment of diplomatic missions is normally targeted for areas where the interests of the country will be greatly served, and also where their nationals are found in great numbers. The implication of such a targeted representation is that the diplomatic missions may not be present in most parts of the world, to assist nationals during emergencies. To solve the problem of lack of representation, several measures are used, including the usage of partnership with other friendly nations to provide a safety-net for their citizens where a country is not represented (NAO, 2005:12).

The use of honorary consuls in increasing access to consular services is one method of partnership, and this is now discussed.

2.8.2. Honorary consuls

Honorary consuls serve as vital partners in extending consular services to far-flung areas. They are mainly nationals of the receiving state with close relations to the sending state, and they are at times paid for the services they render (Berridge, 2010:137). According to Stringer (2007:9) honorary consuls can be used effectively to extend the representation of a country and also its services abroad. However, the impediments to their work include lack of authorization, training or instructions on consular notification, and also assistance procedures (Berridge & James, 2003:10). A remedy to the situation is for consular missions to authorize and train honorary consuls to carry out their services where they are unable to perform them (Berridge & James, 2003:10).

In a case of the South African Consular Service in the UK, honorary consuls are mainly used for, among others, attraction of foreign investment, establishment of relations with UK and South African academic institutions and also in twinning towns.

The role of partnership with NGOs in increasing access to consular services is now discussed.

2.8.3. Partnership with NGOs

Access to consular services can also be increased through partnership with NGOs in areas where the diplomatic mission's capacity is less effective and also with matters falling outside the domain of the consular service. These areas can include provision of spiritual support to prisoners abroad, legal advice, counselling services and emergency housing in case of need (Foreign and Commonwealth Office (FCO), 2005:33; Dutch General Audit Office (DGAO), 2005:13).

In the United Kingdom South African non-governmental organisation play a role of assisting the High Commission in providing the accommodation to fellow citizens who are stranded and also in assisting to trace those who are being sought by their families.

The role of NGOs in increasing access to consular services can also be complemented by the consulate on wheels, which is now discussed.

2.8.4. Consulate on wheels

The consulate on wheels is another mechanism for increasing access to consular services for citizens living in areas far from a consulate. It is an outreach program undertaken by the consulate to assist such nationals. The success of consulate on wheels depends mainly on partnership with expatriates and expatriate community leaders in arranging with local authorities for venues where services can be rendered (Rispoli, 2009:2). Furthermore, it also depends on surmounting security, accountability and efficiency challenges that are faced in the host country (CSIS, 2007:57). According to a study by Diaz-Uda et al., (2010:31), consulate on wheels can be effective in increasing the document-issuing capacity of a consulate in areas far from the consulate and also for helping eliminate any backlog that the consulate may have in issuing documents to its citizens.

In addition to consulate on wheels, another form of partnership that can be used to increase access to consular services is a warden network, which is now discussed.

2.8.5. Warden network

A warden network is mainly a network of expatriates who volunteer their services to serve as a point of contact of their country abroad (Berridge & James, 2003:273). It is an invaluable link to expatriate communities, and carries consular, security and other important messages for the diplomatic mission (US State Department (USSD), 2012:1). It is also vital for disseminating information from diplomatic representatives to citizens, most notably in countries with poor communication infrastructure (Government Accounting Office (GAO): 2009:11). However, its effectiveness can be impaired when wardens have to be evacuated from the host country for their own safety, in times of emergency (Berridge & James, 2003:273).

2.9. CONCLUSION

This chapter discussed the functioning of the South African Consular Service and it provided an overview of the consular service as a point of departure. The functioning of the South African Consular Service in the United Kingdom was also discussed in order to illustrate the state of services and the need for partnership and outsourcing that could be used to extend services to other areas of the host country. Furthermore, an overview of outsourcing and partnership in the public sector was provided, together with its usage in the public sector. The use of outsourcing and partnership in the area of consular services was also discussed in detail.

In chapter three the focus of the study will be on the statutory and regulatory framework governing consular services in South Africa. This is aimed at providing information about the legal instruments used for rendering consular services to South African expatriates.

CHAPTER 3
REGULATORY AND STATUTORY FRAMEWORK
FOR RENDERING SOUTH AFRICAN CONSULAR SERVICES

3.1. INTRODUCTION

In the previous chapter the relevant literature on the functioning of the South African Consular Services was reviewed and analysed. An overview of the South African consular service, including the challenges it faces in the UK were provided. The chapter also investigated outsourcing and partnership as tools to increase access to consular services in the public sector. It became clear that outsourcing and partnership can increase access to consular services if properly implemented.

The purpose of this chapter is to discuss the regulatory and statutory framework that governs the rendering of and legal mandate of, consular services. This chapter will firstly discuss the 1963 Vienna Convention on Consular Relations (VCCR), because it clearly stipulates the functions which consular officers perform in host countries. Secondly, the chapter will discuss relevant South African legislation impacting on consular services.

3.2. OVERVIEW OF STATUTORY FRAMEWORK ON CONSULAR SERVICES

Figure 3 (below) provides an overview of the current legislation that governs the rendering of South African consular services. In this regard, this section provides a brief overview of each piece of the framework.



Fig. 3: Overview of current statutory framework on South African Consular Services

Source: Researcher's own figure.

Sources: Vienna Convention on Consular Relations (1963), Marriage Act (1961), Birth and Death Registration Act (1992), Passports and Travel Documents Act (1994), White Paper on Transformation of Public Services (1995), Citizenship Act (1995), Constitution (1996), White Paper on Transforming Public Service Delivery (1997), Identification Act (1997), Recognition of Customary Marriages Act (1998), Public Finance Management Act (1999), and the Civil Union Act (2006).

3.2.1. Vienna Convention on Consular Relations, 1963 (VCCR)

The Vienna Convention on Consular Relation (VCCR) is a means of codifying consular practices originally governed by customary international law and bilateral agreements between states (Garcia, 2005:5). The VCCR is a means of codifying consular practices originally governed by customary international law and bilateral

agreements between states (Garcia, 2005:5). According to article 5 of the Convention, consular functions, *inter alia*, include:

- Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- Furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- Ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- Issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- Helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- Acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- Safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

- Safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- Subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the Sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- Transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- Exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- Extending assistance to vessels and aircraft mentioned in subparagraph (k) of this article, and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen insofar as this may be authorized by the laws and regulations of the sending State; and

- Performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

In order to facilitate the exercising of consular functions to nationals of sending states, article 36 of the Convention further stipulates that:

- Consular officers shall be free to communicate with nationals of the sending state and to have access to them. In turn, nationals of the Sending state shall have the same freedom with regard to communication with and access to consular officers of the Sending state;
- Competent authorities of the Receiving state shall without delay inform the consular post of the sending state if within its jurisdiction a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication to the consular post by the person shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay about his consular rights; and
- Consular officers shall have the right to visit a national of the sending state who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending state who is in prison, custody or detention in their district in pursuance of a judgement. The consular officers will refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action (Vienna Convention on Consular Relations, 1963).

The VCCR provides an international legal basis for the rendering of consular services. South African statutes governing the rendering of consular services are

discussed below. Given the extensive nature of consular services, the pieces of South African legislation impacting on the rendering of consular services include, *inter alia*, the Marriage Act of 1961, the Passports and Travel Documents Act 4 of 1994, and the Immigration Act 13 of 2002. Table 2 (below) summarises the statutory and regulatory instruments governing consular services in South Africa.

Table 2: South African legislation impacting on consular services

Year of Promulgation	Name of Act (year omitted)	Summarized Purpose
1961	South African Marriage Act 25	To make provision for the solemnization of civil marriages in South Africa.
1992	South African Birth and Death Registration Act 51	To make provisions for the registration of birth and death in South Africa.
1994	Passports and Travel Documents Act 4	To make provision for the acquisition of passports by South African citizens and residents.
1995	White Paper on Transformation of Public Services	To explain the transformation priorities that will have to be undertaken by the post-apartheid government for public services to be effective.
1995	South African Citizenship Act 88	To make provision for the acquisition, loss and resumption of South African citizenship.
1996	Constitution of the Republic of South Africa	To introduce the new constitution of South Africa and all the matter related to it.
1997	White Paper on Transforming Public Service Delivery	To provide a policy framework and implementation strategy for the transformation of South African public-service delivery.
1997	Identification Act 68	To make provision for the compilation and maintenance of the population register in respect of the population of South Africa.
1998	Recognition of Marriages Act 120	To make provision for the recognition of customary marriages.
1999	Public Finance Management Act 1	To regulate financial management in the national and provincial governments.

2001	Immigration Act 13	To make provision for the regulation of admission and departure of people from South Africa.
2006	Civil Union Act 17	To make provision for the solemnization of civil unions for people of the same sex.

Source: Reseacher's own table.

Sources: Marriage Act (1961), Birth and Death Registration Act (1992), Passports and Travel Documents Act (1994), White Paper on Transformation of Public Services (1995), Citizenship Act (1995), Constitution (1996), White Paper on Transforming Public Service Delivery (1997), Identification Act (1997), Recognition of Customary Marriages Act (1998), Public Finance Management Act (1999), Treasury Regulations (2001), and Civil Union Act (2006).

3.2.2. South African Marriage Act 25 of 1961

This Act is an important piece of legislation that makes provision for the solemnization of civil marriages in South Africa. In terms of section 2 of the Act, magistrates, the Minister of the Department of Home Affairs, and any authorized officer within the public service or the diplomatic or consular services of South Africa, are *ex officio* marriage officers. In effect, consular officers can authorise marriages of South African nationals based in the United Kingdom as and when such a request is made and also if the parties concerned are eligible to get married. According to section 3 of the Act, religious ministers may also be appointed to solemnize marriage within a specified area, and also for a specified period.

Furthermore, section 12 of the Act provides for the requirements that have to be met before the solemnization of the marriage, and those requirements include the following:

- Provision of an identity book to prove identity; and
- Each marrying party must furnish the marriage officer with an affidavit.

According to section 23, members of the public are allowed to raise objections to the marriage officer, about the marriage to be solemnized. The marriage officer in receipt of objection from any member of the public is also enjoined in terms of section 23(2) to investigate the basis of the objections, and to proceed with the solemnization of the marriage if there are no legal impediments to it. In the case of minors who may wish to enter into marriage, section 25 of the Act makes provision for the guardian to grant consent. If the guardian refuses, a Commissioner of Child Welfare may grant the consent, taking into account the interests of the child concerned. Furthermore, if the Commissioner of Child Welfare refuses to grant consent, a judge of the High Court can grant the consent in terms of section 25(4).

Another legal instrument that governs the rendering of South African consular services is the Birth and Death Registration Act of 1992. This Act confirms the existence of a person, and allows such a person to qualify for services rendered by the government. It is now discussed.

3.2.3. South African Birth and Death Registration Act 51 of 1992

This Act makes provision for the regulation of birth registration in South Africa (RSA, 1992:3). According to section 3, the Director-General is charged with the responsibility of administering the Act, and his powers may also be delegated to officials in the public service. As a result of section 3 of the Act, South African consular officers are empowered to register children of every South African citizen born in the United Kingdom and also in other countries. In terms of section 5 of the Act, the Director-General is also designated as the custodian of all documents related to registrations of births and deaths in South Africa.

To ensure that the registration of the birth of a child is done immediately after birth, section 9 enjoins a parent or a guardian of a child to register the child's birth within seven days of birth. The Act also makes provision for the registration of children who are abandoned. In terms of section 12 of the Act, a social worker or authorized officer can register such a child after an enquiry has been completed about the child. Furthermore, the Act also ensures that access to registration of birth is extended to South Africans outside the country. In terms of section 12 of the Act, South African

diplomatic, consular missions and also regional representative of the Department of Home Affairs are enjoined to register the birth of a child born to South African parent(s) abroad.

In as far as the registration of death is concerned section 14 of the Act makes provision for the registration of the death of a person due to natural causes. Such a death has to be registered by a person who was present at the time of the death. Finally, in terms of section 17, the Act makes provision for the registration of any death due to unnatural causes in South Africa. However, a medical practitioner has to certify that the cause of death was indeed unnatural.

The following discussion is on the Passport and Travel Document Act of 1994. The issuance of passports to citizens is a vital part of the public service that is enshrined in the Constitution in terms of section 21(4) (RSA, 1996:1251).

3.2.4. Passports and Travel Documents Act 4 of 1994

This Act is an important piece of legislation that makes provisions for issuing passports and travel documents in the name of the Government of South Africa. In line with section 21(4) of the Constitution, section 3 of the Act stipulates that every South African citizen is entitled to a South African passport. Furthermore, the Minister is enjoined by section 4 of the Act to make regulations for the following matters:

- The manner in which the application is to be made for the issuance of a South African passport or travel document;
- Endorsements on South African passports and travel documents, periods of validity and other restrictions;
- The circumstances under which the issue of a South African passport or travel document may be refused or such passport or travel document may be withdrawn;

- The provision for different categories of South African passports and travel documents, and the circumstances under which each category may be issued;
- The fees payable for the issuance of a South African passport or travel document, the circumstances under which a South African passport or travel document may be issued to a minor; and
- All matters that the Minister may deem necessary or expedient to be prescribed in order to reach the objective of the Act.

The Citizenship Act of 1995 will be discussed in the next section, as it is important legislation impacting on the delivery of South African Consular Services. Citizenship is an important right, as it grants to an individual a specific set of universal rights, by the state (Gaventa, 2002:4).

3.2.5. South African Citizenship Act 88 of 1995

Within the context of South African High Commission in the UK, the South African Citizenship Act of 1995 serves as a basis for deciding qualification for citizen based services like issuing of passports or even registration of birth. The main objective of the Act is to make provisions for the acquisition, loss and resumption of South African citizenship. According to section 2(1) of the Act, citizenship by birth is granted to any person who was a South African citizen by birth before the commencement of the Act, who was born in South Africa after the commencement of the Act, and also to any person born out wedlock whose parent was a citizen of South Africa at the time of his or her birth. However, section 2(2) proscribes citizenship by birth, to following categories of people:

- A person whose parent was enjoying diplomatic immunity in South Africa at the time of his/her birth. This includes people who may have been career representatives of foreign governments, employed in the embassy or was a member of the household or employee of such a person; and
- A person whose parent was not a permanent resident at the time of his or her birth.

According to section 3(1) of the Act, a person may also be a citizen by descent if he or she was born outside South Africa to a South African parent or to a person who was granted certificate of resumption of citizenship. In terms of section 3(1)(b)(iii), South African citizenship by descent can also be granted to a child who was adopted in terms of the Child Care Act 74 of 1983, by a South African parent. Another manner in which South African citizenship can be acquired, is through naturalization. Section 5(1) enjoins the Minister to issue a certificate of naturalization as a South African citizen, to any foreigner who meets the following conditions:

- The applicant must not be a minor;
- He or she must have been lawfully admitted to South Africa for permanent residency;
- He or she must have been resident in South Africa for a period of 5 years, or two years in the case of a foreigner married to a South African citizen;
- Is a person of good character;
- Intends to reside in South Africa or continue service in the Government of South Africa;
- Has the ability to communicate in any of the official languages; and
- Possesses enough knowledge of responsibilities and privileges of South African citizenship.

Furthermore, in terms of section 6(1), South African citizens can lose their citizenship if they acquire citizenship of another country by a voluntary and formal act, and also if they have a citizenship of another country and serve in the armed forces of that country when that country is at war with South Africa. To prevent automatic loss of citizenship under the conditions stated above, section 6(2) makes provision for such people to apply for the retention of South African citizenship.

In addition to the means in which a person can acquire South African citizenship, section 7 of the Act makes provision for the renunciation of citizenship by people who also have the citizenship of other countries. In order to prevent acquisition of citizenship by illegal means, section 8(1) makes provision for the deprivation of South African citizenship from anyone who obtained the certificate of naturalization

by fraud, false representation or concealment of material fact, and also anyone who received the certificate under conditions that are contrary to the provisions of the Act. Finally, the Act also acknowledges that there may be people who lost their South African citizenship by virtue of past policies. To ensure that such people are able to regain their citizenship, section 26(2) of the Act permits such people to apply for an exemption from loss of their citizenship.

The next discussion will focus on the Constitution. The South African Constitution is the basis of all laws in the country, and the functions of government are based on it.

3.2.6. South African Constitution of 1996

The basis for rendering consular services may arguably be said to be enjoined by the Constitution of South Africa. Even though the legislations that are administered by the South African Consular Service in UK may refer to a status of a person in South Africa, the South African constitution largely ensures that values of the country such as equality and fairness are adhered to at all times. Giving effect to the founding values of the Republic, Section 21(1) grants every South African citizen freedom of movement. The section further stipulates that:

- Everyone has a right to leave the Republic;
- Every citizen has the right to enter, remain in and to reside anywhere in the Republic; and
- Every citizen has the right to a passport.

As decisions that may be adverse to any citizen can occur with the rendering of services to people, section 33 of the Constitution stipulates that:

- Everyone has the right to administrative action that is lawful, reasonable and procedurally fair;
- Everyone whose rights have been adversely affected by the administrative actions, has the right to be given written reasons.

Furthermore, section 195(1) of the Constitution provides principles that should guide public service delivery in South Africa, and also its agencies across the world. Those principles include the following:

- Promotion of a high standard of professional ethics;
- Efficient, economic and effective use of resources must be promoted;
- Provision of services must be impartial, fair, equitable and without bias; and
- Responding to people's need, and the encouragement of the public to participate in policy making.

Finally, section 217 of the Constitution enjoins all levels of the government to ensure that public procurement take place in an open, public, transparent and competitive tender process, in which all the tenders are fairly and equitably assessed.

The White Paper on Transforming Public Service Delivery is now discussed.

3.2.7. White Paper on Transforming Public Service Delivery, 1995 (WTPSD)

The White Paper on Transformation of the Public Service, 1995, is a first building block of the post-apartheid South African government, for transforming public service so that it can be responsive to the needs of all citizens. It establishes an institutional framework that guides the introduction of new policies and constitutional mandates (Visser & Twinomurinzi, 2008:1). According to the White Paper on Transforming Public Service Delivery (WTPSD)(1995:8), South African public services should be guided by the following principles:

- Service orientation and commitment to the provision of a high quality service to all South Africans, in an unbiased and impartial manner;
- Responsiveness to the needs of the public, as well as being humane and caring in dealings with them;
- Representativeness of all sections and levels of South African society;
- Geared towards socio-economic development and reduction of poverty;
- Goal and performance orientated;

- Efficient, effective and productive;
- Committed to the effective training and career development of all staff;
- Holistic, integrated and coordinated in service delivery;
- Consultative and decentralized;
- Democratic in its internal procedures and its relations with the public;
- Respectful of the rule of law and human rights;
- Open to popular participation and scrutiny;
- Accessible and informative;
- Honest, transparent and accountable;
- Oriented towards the development of an ethos of service, rather than domination; and
- Faithful to the Constitution, non-partisan and loyal to the Government of the day.

Furthermore, WTPSD (1995:8) also makes it mandatory for all government institutions to, *inter alia*, identify the following factors when rendering services:

- A mission statement for service delivery, together with service guarantees;
- Service standards, defined outputs and targets, and performance indicators;
- Benchmarking against comparable international standards;
- Providing monitoring and evaluation mechanisms and structures, designed to measure progress; and
- Introducing corrective action where appropriate.

The 1997 White Paper on Transforming Public Service Delivery (Batho Pele) is another important legislative instrument that governs the rendering of South African Consular Services. It serves as a vital South African customer charter, and is now discussed.

3.2.8. White Paper on Transforming Public Service Delivery (Batho Pele), 1997 (WTPSD)

The White Paper on Transforming Public Service Delivery is a forward-looking contribution to the improvement of South African public service, and it sets the tone of how government agencies in South Africa must serve the public. It furthermore provides detailed principles that must be followed by South African government departments in improving customer services, and also how to implement those principles. These principles are also applicable to the departments of International Relations and Home Affairs, who are both involved in rendering consular services.

The Batho Pele principles are reviewed in Table 3 (below):

Table 3: Eight principles of Batho Pele

<p style="text-align: center;">1. Consultation</p> <p>Citizens should be consulted about the level and quality of the public services they received and, wherever possible, should be given a choice about the services that are offered.</p>
<p style="text-align: center;">2. Service Standards</p> <p>Citizens should be told what level and quality of public services they will receive, so that they are aware of what to expect.</p>
<p style="text-align: center;">3. Access</p> <p>All citizens should have equal access to the services to which they are entitled.</p>
<p style="text-align: center;">4. Courtesy</p> <p>Citizens should be treated with courtesy and consideration.</p>
<p style="text-align: center;">5. Information</p> <p>Citizens should be given full, accurate information about the public services they are entitled to receive.</p>
<p style="text-align: center;">6. Openness and Transparency</p> <p>Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.</p>
<p style="text-align: center;">7. Redress</p> <p>If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation, and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.</p>
<p style="text-align: center;">8. Value for Money</p> <p>Public services should be provided economically and efficiently in order to give citizens the best possible value for money.</p>

(Source: White Paper on Transforming Public Service Delivery, 1997:6-7)

3.2.8.1. Implementation of the Batho Pele Principles

Regarding the implementation of the first principle of consultation, the WPTPSD (1997:16) enjoins all government institutions to regularly and systematically consult about the services they render, and also about the provision of new basic services to those who lack them. According to the WPTPSD (1997:16), measures such as

customer surveys, interviews with users, consultations with groups, and meetings with consumer representatives, NGOs and CBOs, can be effective when consulting with the public. The result of the consultation process must be reported to the relevant political head and portfolio committee, and be publicised within the institution so that the staff can see how the services are perceived by the public (WPTPSD, 1997:16).

Regarding the service standards, the WPTPSD (1997:16) also enjoins government institutions to set public service standards for the level and quality of the services they will provide and also the new services that will be introduced to those who did not receive them. On implementing the principle of increasing access to services, the WPTPSD (1997:18) states that Government institution must specify and set targets for progressively increasing access to services to people who did not receive them before. Concerning the principle of ensuring courtesy, the WPTPSD (1997:18) notes that government institutions must specify standards for the manner in which customers must be treated. Furthermore, the WPTPSD (1997:18) states that such standards must also be included in the departmental codes, and they must, *inter alia*, cover matters such as:

- Greeting and addressing customers;
- Identification of staff by name when dealing with customers, whether in person, on the telephone, or in writing; and
- The style and tone of writing.

The WPTPSD (1997:18) also states that besides instilling a culture of courtesy in officials at the coal-face of service delivery, managers must ensure that they have first-hand feedback from front-line staff, and public sector managers must see for themselves how services are rendered. The provision of more and better information to the public is another principle of Batho Pele. According to WPTPSD (1997:18), government institutions must provide full, accurate and up-to-date information about the services they provide, and who is entitled to them.

Concerning the principle of increasing openness and transparency, government institutions must ensure that the public know more about the way in which they are run, their performance, the resources they consume, and also who is managing them (WPTPSD, 1997:20). According to WPTPSD (1997:20), mechanisms such as the publication of annual reports to citizens about the performance of government institutions, can contribute towards increasing openness and transparency. Regarding the principle of redress, the WPTPSD (1997:21) attempts to inculcate a culture of owning up to the mistakes and failures of government institutions, by ensuring that those shortcomings are acknowledged when they come to light. To ensure that there is improvement in attending to complaints made to a government institution, heads of government institutions are enjoined to regularly review complaints, and the manner in which they were handled (WPTPSD, 1997:21).

Furthermore, the WPTPSD (1997:21) states that government institutions must review and improve their complaints' system, in line with the following principles:

- | | |
|------------------|---|
| Accessibility: | Complaints should be well publicised and the system easy to use. |
| Speed: | Immediate and genuine apology, together with a full explanation, should be provided urgently. |
| Confidentiality: | The complainant's confidentiality should be protected to prevent discouragement from making complaints. |
| Responsiveness: | Response should at all times be provided, despite the nature of the complaint. |
| Review: | The established complaint system must have review and feedback mechanisms, to prevent the reoccurrence of the mistake. |
| Training: | The handling of a complaint should be publicised in the organization, and training must be given to all staff to prevent similar future mistakes. |

Finally, getting value for the money spent by taxpayers is the other principle of Batho Pele that has to be taken into account when rendering public services. According to WPTPSD (1997:21), to ensure that the public get value for the money spent on

rendering services, innovation is needed on the part of public managers and also staff, in order to avoid mistakes that can be costly to the state and the public.

Besides the WTPSD (1997), the Identification Act of 1997 is now discussed as one of the statutory instruments governing South African Consular Services.

3.2.9. Identification Act 68 of 1997

South African citizens living in the UK regularly need to apply for new identity documents as and when their current documents are lost or damaged. As a result, the South African Consular Service is always approached to process such application.

The South African Identity Act makes provision for the maintenance of the population register for South Africans citizens and residents (RSA, 1997:30). According to section 6 of the Act, the Director-General is charged with the authority of appointing (a) person(s) who can access the population register for the purpose of recording or amending any particulars in the register. Furthermore, section 8 of the Act enjoins the Director-General to ensure that the information recorded in the population register includes, *inter alia*, the following:

- The identity number of the individual;
- Full particulars of the individual being recorded in the population register;
- Ways of acquiring citizenship. This can be by birth, descent or naturalisation;
- Address of applicant;
- Particulars of marriage of a person, and also marital status;
- Recent photograph;
- Fingerprints;
- Particulars of passports granted to the individual;
- Living status; and
- Any other relevant information determined by the Minister.

To ensure that services are rendered to people who are eligible to receive them, section 17 of the Act enjoins authorized officers to request any person who is presumed to have attained the age of 16, to prove his or her identity on request and for such a person to be assisted to acquire an identity book if he or she does not possess one. Furthermore, to maintain the integrity of the whole identification process, section 19 proscribes activities such as making or causing to be made false statements, unauthorized recording of particulars on the population register, and presenting as his or her own an identity book or certificate belong to another person. The Recognition of Customary Marriage Act of 1998 is another statutory instrument that has an impact on South African Consular Services. It is now discussed.

3.2.10. Recognition of Customary Marriages Act 120 of 1998

Customary marriages have - for years - been considered as uncivilized and also not worthy of recognition by the government. The Recognition of Customary Marriages Act 1998 bestows belated and rightful dignity on individuals involved in these ceremonies. According to section 1 of the Act, customary marriage is a marriage concluded in terms of the customary law. In terms of section 3(1), such a marriage must meet the following conditions:

- The prospective spouse must be above the age of 18 years and must both consent to be married to each other under customary law; and
- The marriage negotiated, entered into or celebrated in accordance with the customary law.

To ensure that marriages entered into before and after the commencement of the law are recognized, section 3(a) and (b) prescribe that such marriage must be registered within 12 months of the commencement of the law, and those entered into after the commencement of the law, must be registered within three months. Furthermore, section 4(a) enjoins the registering officer to register the customary marriage entered into by recording the identity of the spouses, the date of the marriage, any *lobola* agreed to, and also any particulars relevant to the marriage. In cases of doubt about the existence of the marriage and a refusal to register the

marriage by the registering officer, section 7 grants any competent court the authority to order the registration of marriage after investigation, and also to order the cancellation of any customary marriage entered into by a registering officer.

Like other marriages entered into in terms of the civil law, section 8 of the Act also grants a competent court the authority to dissolve any customary marriage on the grounds of irretrievable breakdown. Furthermore, in terms of section 8(4), a court deciding on the dissolution of the marriage is authorized to decide on the following matters:

- The division of property of the parties to the customary marriage;
- To take into account relevant factors about the customary marriage in the case of the parties who are involved in the marriage;
- Order any person who in the opinion of the court has sufficient interest in the matter to join the proceedings; and
- Take into account any provision or arrangement made in accordance with the customary law when making an order for the payment of maintenance.

In the next section, the focus is on the Public Finance Management Act (Act 1 of 1999 (PFMA)). The Act provides a framework for the management of state funds and related matters.

3.2.11. Public Finance Management Act 1 of 1999

In any democracy it is vital to ensure that the limited resources of the state are managed efficiently, in order to ensure that development is effected in the country. Within the context of South African High Commission the Public Finance Management Act (PFMA) of 1999 assists in ensuring that the tax payers get value for the money they pay by ensuring that goods and services that are purchased on behalf of the state are cost effective.

According to section 2 of the Act, its objective is to ensure transparency, accountability and sound management of the revenue, expenditure, assets and

liabilities of the institutions in the public sector. In an effort to ensure that there is a lead government institution that will manage state resources, section 5 entrusts the national treasury and related departments responsible for fiscal matters, with that responsibility. Furthermore, section 6 enjoins national treasury to, *inter alia*, ensure the following:

- Promotion of national government fiscal policy framework and co-ordination of macro-economic policy;
- Co-ordination of inter-governmental financial and fiscal relations;
- Management of the budget preparation process;
- Exercise of control over the implementation of the annual national budget; and
- Facilitate the implementation of the annual Divisions of Revenue Act.

In an effort to advance transparency in expending public funds, section 8 makes provision for the national treasury to prepare consolidated financial statements for all government institutions, and to submit them to the Auditor-General for auditing. Transparency in the usage of public funds is also advanced in section 9, where the national treasury is enjoined to annually prepare financial statistics and aggregations for all spheres of government, in the government gazette. In order to promote efficient management of public funds at organizational level, section 36 makes provision for every public organization to have an accounting officer. According to section 38 of the law, an accounting officer's responsibilities must, *inter alia*, include the following:

- Maintenance of an effective, efficient and transparent system of financial risk management and internal control; and
- A system of internal audit under the control and direction of an audit committee.

According to section 40 of the Act, the accounting officer must ensure that proper records of financial affairs of the department are kept and that a financial statement is prepared on an annual basis and submitted to the Auditor-General for auditing. Finally, section 86 makes it an offence for an accounting officer, accounting

authority, and also any person charged with the management of public funds, to fail to discharge his or her responsibility as prescribed in the law.

In addition to the Public Finance Management Act being very important post-apartheid legislation, it provides a much-needed framework on how important changes in consular services that may have financial implications on the public and the national treasury - must be handled.

The Immigration Act of 2002 is now reviewed. It is a vital piece of legislation aimed at ensuring national security and at recruiting people with much-needed skills to power the economy of South Africa.

3.2.12. Immigration Act 13 of 2002

The South African Immigration Act of 2002 is an important piece of legislation that enables the South African High Commission to attract tourism and also much needed investment by issuing visas to eligible foreigners. Furthermore, it is aimed at making provisions for the admission of foreigners for residency in South Africa, and also for purposes ranging for holidays to studying.

To ensure efficient and effective management of the country's immigration system, the Immigration Act enjoins the Department of Home Affairs to pursue the following objectives:

- Promotion of a human-rights-based culture in both government and civil society in respect of immigration control;
- Facilitation and simplification of the issuance of permanent and temporary residence permits;
- Detection and deportation of illegal foreigners;
- Creation of a climate of cooperation with organs of state, to encourage them to take responsibility in the implementation of the law;
- Prevention and deterring of xenophobia with the Department;

- Creation of a climate of cooperation within communities and organs of civil society;
- Promotion of a climate which encourages illegal foreigners to leave voluntarily;
- Ensuring that migration to and from South Africa takes place only at ports of entry, and that illegal crossing of the borders is deterred, detected and punished; and
- Promotion of integration of functions, harmonization and cooperative relations among all organs of the state responsible for controlling the borders.

Furthermore, to ensure that the Department of Home Affairs achieves the set objectives of the Act, section 3 gives the Department powers to *inter alia*:

- Enter workplaces and inspect employment records for the purposes of the law;
- Enter and inspect any place open to the public; and
- Request any sphere of government or organ of state to ensure that services are rendered to people who can prove their status in South Africa.

In as far as the facilitation of the movement of visitors to South Africa, section 11 makes provision for issuing of visas for people coming from countries whose nationals are subjected from visas and also for people visiting the country for non-remunerated purposes for periods exceeding 90 days. For people who intend to live in South Africa temporarily for a period of over 90 days, for purposes such as study, work, joining relatives, setting up a business, undergoing medical treatment, and also retiring, sections 11-22 make provision for the issuance of relevant permits to them. In addition to the issuance of temporary residency, section 25 also provides for the issuance of permanent residency to people who would like to make South Africa their home.

Despite making provision for the issuance of temporary and permanent residency permits to foreigners, section 29 also makes provision for the refusal of issuance of

any permit to people who are prohibiting from entering South Africa. Those people include:

- People infected with infectious diseases as prescribed from time to time;
- Fugitives from justice;
- Anyone previously deported from South Africa;
- A member of an organization advocating the practice of racial hatred or social violence, and
- Anyone who is a member of an organization using crime or terrorism to pursue its ends.

According to section 30, another category of people not allowed to enter South Africa is undesirable persons, and such people include:

- Anyone who is likely to be a public charge;
- Anyone identified as such by the Minister;
- Anyone who has been declared judicially incompetent; and
- An insolvent person.

The last statutory instrument that has an impact on the rendering of consular services is the Civil Union Act of 2006. It is a critical piece of legislation that makes provision for the solemnization of marriages between people of the same sex.

3.2.13. Civil Union Act 17 of 2006

This Act is the second item of post-apartheid legislation that makes provision for the solemnization of marriages other than civil marriages. According to section 2 of the Act, its objects are to regulate the solemnization and registration of the civil unions, and to provide legal consequences of the solemnization and registration of the civil unions. In terms of section 4(1), any marriage officer appointed in terms of the Marriage Act of 1961 can solemnize the marriage. Furthermore, section 6 makes provision for the designated marriage officer to inform the Minister that he or she

objects on the grounds of conscience, religion and also belief - to solemnize the marriage. To solemnize the civil union, section 8 prescribes that:

- A person may only be a spouse or partner in one marriage or civil partnership at any time;
- A person who has entered into a civil union may not conclude a marriage under the Marriage Act or Customary Act;
- A person married under the Marriage Act or Customary Marriages Act may not register a civil union; and
- People previously married under the Marriage Act or Customary Act must provide a divorce decree before entering into a civil union.

3.3. CONCLUSION

In this chapter, concerted efforts were made to elaborate on the statutory and regulatory framework for the rendering of consular services. The vital articles of the Vienna Convention on Consular Services (VCCR) were discussed. These articles emerged as the foundation for the rendering of consular services around the world. Furthermore, South African statutory instruments governing the rendering of consular services were also discussed at great length.

In chapter four, the focus of the study will be explanation of the research design and methods, population and sample, data collection procedures and problems, research techniques, and the instruments to explore partnership and outsourcing as tools for increased access to consular services. The chapter will also outline the empirical findings of the study.

CHAPTER 4

PARTNERSHIP AND OUTSOURCING AS TOOLS FOR INCREASED ACCESS TO CONSULAR SERVICES: EMPIRICAL FINDINGS

4.1. INTRODUCTION

The first three chapters of the study focused on the theoretical background of consular services and the statutory framework that underpin them. The theoretical background demonstrated that a consular service is a vital link of the country to its citizens abroad, prospective tourists, and also investors. It was also showed the manner in which partnerships and outsourcing can increase access to underserved areas. During the discussion of the statutory framework in chapter three, the laws that are administered by South African consulates and which ensure the rendering of consular services, were thoroughly explained.

This chapter will, *inter alia*, focus on the experiences of recipients of South African consular services, about the kind of services they receive, the costs involved in accessing them, and also the method of providing a service that is effective, efficient and also accessible to them. Furthermore, the chapter also provides the perspective of the managers from South African High Commission in the UK, Department of International Relations, Immigration agencies and a visa-outsourcing company.

4.2. RESEARCH METHODOLOGY

The study made use of qualitative and quantitative approaches. It used semi-structured interviews, questionnaires and also a review of the available literature on in order to attain the set research objectives. As a point of departure, research methodology is a procedure according to which researchers go about their work of describing, explaining and predicting phenomena (Rajasekar et al., 2006:2) According to Rajasekar et al., (2006:3) a research methodology helps the researcher to discover the methods to be used, in order to attain the objectives of the research. Furthermore, a research methodology is crucial for providing an explanation for the following:

- The reasons for undertaking a particular item of research;
- The manner of formulating a research problem;
- The kinds of data that were collected during the course of the research;
- The research method used, and
- The reasons for using a particular technique for analysing the data used (Rajasekar et al., 2006:3).

A literature review was conducted in order to underpin the theoretical basis of the study. Semi-structured interviews were also used to obtain the viewpoints of the respondents, and to provide the empirical findings of the study. The study therefore made use of a mixed-method approach - qualitative and quantitative methods - in order to reach its set objectives. The research methodology used in the study is explained below.

4.2.1. Quantitative research methods

Quantitative research is a form of conclusive research involving large representative samples and fairly structured data-collection procedures (Struwig & Stead, 2001:4). It focuses on gathering numerical data and generalising it across groups of people (Sibanda, 2009:1). According to Struwig & Stead (2001:4-6) quantitative research is characterised by the following aspects:

- Constructs and their measurements;
- Causality;
- Generalizations;
- Replications; and
- The individual as a focal point.

Furthermore, quantitative research includes exploratory, descriptive, experimental and quasi-experimental methods (Struwig & Stead, 2001:7).

4.2.2. Qualitative research methods

Qualitative research is a form of research where the data are not in the form of numbers (Punch, 2006:3). According to Holloway (1997:5), qualitative research is characterised by the following factors:

- Researcher's focus of everyday life of people in natural settings;
- The data have primacy, and theoretical frameworks are not predetermined but derive directly from the data;
- It is largely context bound;
- It focuses on the detailed description of the subject under review; and
- Data collection and data analysis generally proceed together and interact.

Furthermore, qualitative research is normally characterised by its interpretative, experiential, situational and personal nature (Stake, 2010:15). It has an ability to provide a textual description of how people experience given research issues (Mack et al., 2005:1). According to Mack et al., (2005:1) it is effective for identifying intangible factors which, *inter alia*, include social, economic and gender roles, where their roles in the research may not be readily apparent.

4.2.3. Semi-structured Interviews

Semi-structured interviews are forms of interviews that normally appear informal and conversational, but with well-defined and systemic activity that has clearly defined goals and guidelines (Cramb & Purcell, 2001: 45). They are highly flexible and also responsive - the interview can be matched to individuals and the circumstances (Cramb & Purcell, 2001: 45). Semi-structured interviews also allow the researcher to obtain multiple responses to set questions, and make allowance for detailed responses (Struwig & Stead, 2001:98). According to Thomas et al (1998:19) the importance of the semi-structured interviews, *inter alia*, includes the following characteristics:

- Design continues in interviewing phase;

- Informants are identified progressively, making use of findings from earlier interviews;
- Questions are identified and modified in response to understanding or information gained in earlier interviews;
- Questions or topics of interviews are tailored to different informants and stages;
- Data are reduced to understandable patterns by comparing what different informants said about specific themes; and
- Findings are validated by triangulation.

4.3. RESEARCH DESIGN

A research design is a plan, structure or strategy of investigation that is conceived to obtain answers to research questions or problems (Kerlinger, 1986:279). It is aimed at ensuring that the evidence obtained enables the researcher to answer the initial research questions, in the most unambiguous manner possible (De Vause, 2001:9). According to Kombrabail (2009:9), a research design is important as it provides a proper framework within which the research work or activity is carried out. The research design of this study, *inter alia*, includes a literature review and the construction of a questionnaire. This is discussed in the section below.

4.3.1. Literature review

A literature review is an examination of scholarly information and research based information on a specific topic (Dawidowicz, 2010:2). Literature review assists the reviewer to, among others, avoid unintentional and unnecessary replication of work and also identification of contradictions and inconsistencies (Collins et al., 2010: 171). According to Harris et al., (2009:4-5) is characterised by the following factors:

- The review concerns the focus of the review or the material that is of central interest to the reviewer;
- There are usually set goals to be attained with the review of the identified literature;

- Reviewers have an initial point of view that might influence the discussion of the literature;
- Identified literature for the study is exhaustive and cover the subject under review;
- The organisation of the literature takes historical, conceptual and methodological approach; and
- It is devoted to a particular audience which entails, among others, specialised and general scholars.

The key questions of the research were theoretically explored in the first three chapters of this mini-dissertation. The aim was to obtain relevant information regarding partnership and outsourcing as tools for increased access to consular services.

4.3.2. Construction of questionnaire

The semi-structured interviews were conducted using questionnaires (see appendix 1). Two questionnaires were developed - one for the customers of the South African Consular Section. The second questionnaire was used for the following respondents:

- Managers at the South African High Commission in the UK;
- The manager responsible for consular services in the Department of International Relations; and
- Immigration agents and a manager of a visa-outsourcing company.

Both questionnaires were divided into two sections which dealt with the following:

Section A: Biographical information of the applicants; and

Section B: Questions on the views of the respondents on South African Consular Services in the UK.

4.3.3. Processing of research data

The questionnaires were completed during the semi-structured interviews with the respondents. The collected data were then captured on a Microsoft Excel ® spreadsheet for analysis. Furthermore, collected data were then placed on charts and graphs to illustrate the views of the respondents.

4.3.4. Data collection methods

In undertaking this study, the following data collection methods were used:

- Literature review whereby legislation administered by the Department of Home Affairs and also the relevant Convention on Consular Relations were researched – this included investigation of relevant articles, documentation and media reports on consular services;
- Semi-structured interviews with, *inter alia*, managers at the South African High Commission in the UK, the manager responsible for consular services at the Department of International Relations, immigration agents, and also the manager of a visa-outsourcing company; and
- The questionnaires were processed, interpreted and analysed by the researcher.

4.3.5. Study population and problems encountered

Prior to the study, the researcher chose a population of 60 respondents. This approach ensures that all relevant respondents have an equal chance to be selected as part of the study population. The respondents included 51 customers, 3 managers from the South African High Commission, 3 immigration agents, 1 manager responsible for consular services at the Department of International Relations and Co-operation (DIRCO), and 2 country managers of visa-outsourcing companies.

After completion of the survey, 58 questionnaires were eventually completed and received back from the above-mentioned respondents. Only 2 identified respondents were unable to participate in the study. They did not provide a reason for this.

4.4. ANALYSIS AND INTERPRETATION OF EMPIRICAL DATA

Herewith are the results of a detailed analysis conducted by the researcher on consular services. The results are accompanied by graphs and tables that help put the findings into proper perspective.

4.4.1. Profile of the respondents

Section A of the questionnaire reflects the biographical information of the respondents - including gender and age. The questionnaire to managers and immigration agencies reflected the age, gender and relevant experience of the respondents. This information was necessary to determine the position or level reached by the respondents within their respective departments - including whether they were male or female and what their relevant experience was in managing consular services. The breakdown of biographical details of respondents was as follows (table 4):

Table 4: Gender of customers (A1)

Gender	Number	Percentage
Male	27	53
Female	24	47
Total	51	100

Twenty seven respondents were male and they constituted fifty three percent (53%) and 24 female amounted to forty seven (47%). The results indicate that more people visiting the consular service section are male.

Table 5: Gender of managers of SA High Commission and identified managers (A1)

Gender	Number	Percentage
Male	6	86
Female	1	14
Total	7	100

Six respondents within the category of managers were male and they made by eighty six percent (86%), while only one respond was female and she amounted to fourteen percent (14%). The results indicate that males constitute a significantly higher number of managers than females (managers at South African High Commission, immigration agencies, and an identified visa company).

Table 6: Age groups of customers (A2)

Age Groups	Number	Percentage
18-30	22	43
31-40	15	29
41-50	12	24
50+	2	4
Total	51	100

Interpretation of results of question A2 for customers

Forty three percent (43%) of the respondents fell within the age group 18-31, twenty nine percent (29%) in the age group 31-40, and twenty four percent (24%) of respondents were within the 41-50 age-group category. The remaining four percent (4%) of respondents were within the age group of people older than 50.

The results indicate that more young people request the services of the South African Consular Service section (and by implication these are the people who normally leave their country of origin for greener pastures abroad). Finally, the

results also indicate that only a few people nearing retirement age in the age group of people over the age of 50, need South African Consular Services.

Table 7: Age groups of managers (A2)

Age Groups	Number	Percentage
18-30	0	0
31-40	4	57
41-50	2	29
50+	1	14
Total	7	100

Interpretation of results of question A2 for managers

Four respondents were in an age group 31-40 and they made up fifty seven percent (57%), while 2 of the managers who were in the age group of 41-50 constituted twenty nine percent (29%). The remaining respondent made up fourteen percent (14%) in the age group 50+. The results indicate that most managers surveyed were younger than 40 years.

Table 8: Position or level of respondents

Position of Managers	Number	Percentage
Manager (DIRCO/DHA)	1	14
Senior Management (SAHC)	2	29
Immigration Agencies	3	43
Manager at Visa-Outsourcing Company	1	14

One respondent who was a manager at the Department of International Relations and Co-opera constituted fourteen percent (14%), while two respondents were managers at the South African High Commission made up twenty nine percent (29%). The other three respondents (43%) who were managers at an Immigration Agency made up forty three percent (43%) of the respondents while the remaining

one respondent who was a manager at a Visa-Outsourcing Company constituted only fourteen percent (14%).

The results indicate that managers at immigration agencies are the main stakeholders of the SA High Commission, by virtue of the customers they represent. Furthermore, the result suggests that managers at the South African High Commission and the Department of International Relations and Co-operation are also involved in the rendering of consular services, but largely at a strategic and even a policy level. Finally, the result also indicates that the manager at a Visa-Outsourcing Company has a limited but critical role, as he or she is a service provider in terms of increasing access to consular services.

4.4.2. Section B: Structured questions to customers regarding the use of consular services

In this section, the attitudes and perceptions of respondents (customers) with regard to access and the functioning of South African consular services within the UK are measured. This measurement is important in order to confirm that partnership and outsourcing should be prioritised to achieve more effective access to consular services.

Question B1: What kind of consular services have you made use of at the South African Consular Section?

This question was meant to determine kind of consular services customers received from the South African Consular Section. It was necessary to source information about the kind of services that are in demand, so that the footprint of the consular services can be increased and so result in greater benefit to customers.

Fifty three percent of the respondents indicated they went to the consular services section in order to apply for visas to visit South Africa. Another forty three percent of respondents indicated that they applied for passports. The remaining four percent of respondents indicated they had made use of other services, such as requesting certificates, retention of citizenship, or even renunciation of citizenship.

The results indicate that applications for visas and passports constitute the most popular service rendered by the South African Consular Service. The breakdown of services applied for are illustrated in figure 4 (below):

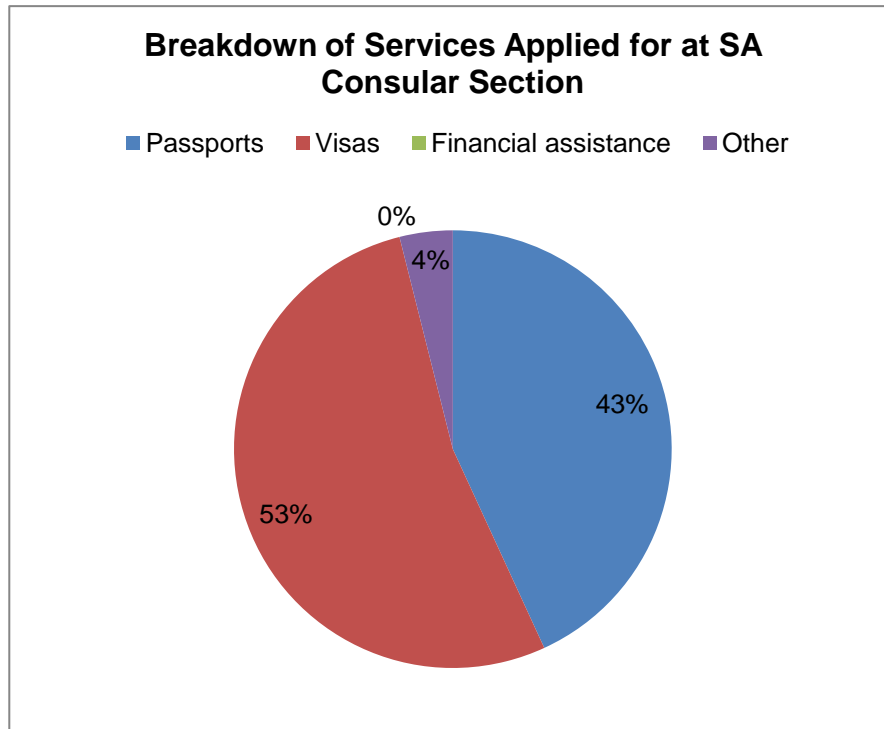


Fig. 4: Breakdown of services applied for at South African Consular Section

Question B2: How was your application made?

This question tried to determine the manner in which applications were made by the customers of the South African Consular Section. This was required in order to determine the most effective service delivery mechanism for servicing customers better. Figure 4 (below) summarises the manner in which the customers made their applications at the South African Consular Section.

Eighty eight percent (88%) of respondents indicated that they applied in person at the consular section. This means that they physically went to the consular offices in order to make use of the services. Six percent (6%) used postal services, while the remaining six percent (6%) indicated that they used immigration agents to do applications for them.

The results were in line with the observations of the researcher, confirming that customers mostly applied in person when making use of the consular services.

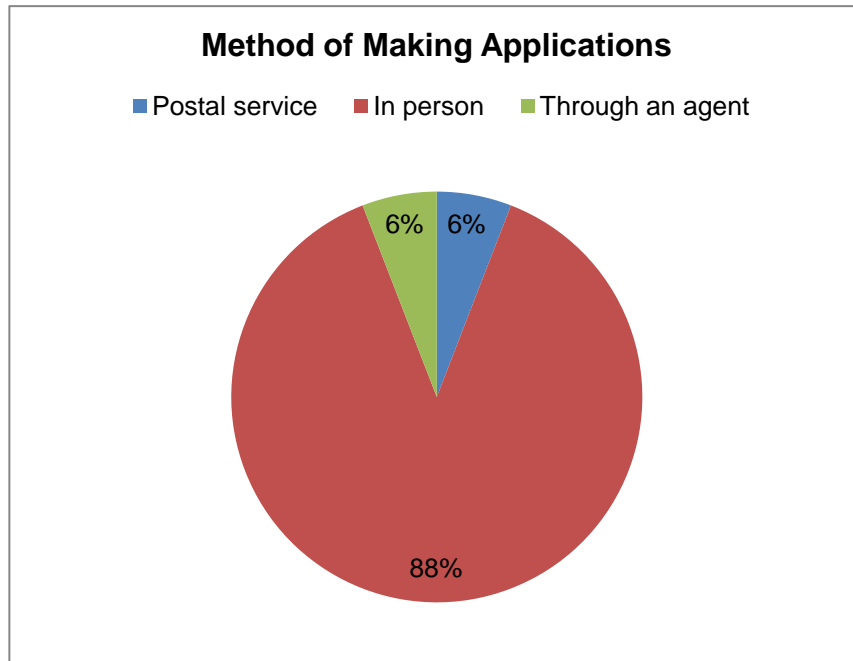


Fig. 5: Method of making application

Question B3: Can you rate the level you received?

This question required respondents to rate the level of service experienced at the consular section, according to a scale. This was necessary to determine the effectiveness of current service delivery by the particular section.

The breakdown of the rating is illustrated in table 9 (below):

Table 9: Rating of South African Consular Services by customers

Good	Excellent	Average	Poor	Very Poor
59%	23%	14%	2%	2%

Fifty nine percent (59%) of the respondents rated the service they received from the South African Consular Section as good. Twenty three percent (23%) rated it as excellent. Fourteen percent of the respondents rated the service as average, while the remaining four percent rated the service as poor or very poor. The results indicate that most customers were satisfied with the quality of service they received from the SA Consular Section.

Question B4.1. Did you make enquiries before the application was made?

This question investigated whether the customers had to contact the consular section for clarification on the requirements for the services they needed, before making any application. The results in figure 6 (below) indicate the breakdown of responses from respondents.

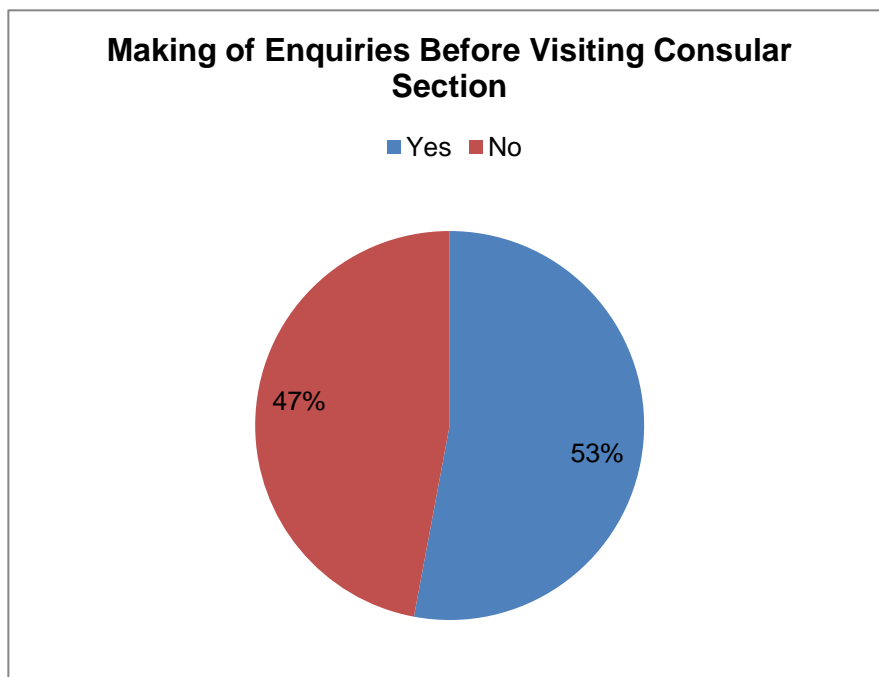


Fig. 6: Making enquiries before handing in applications

Fifty three percent (53%) of the respondents indicated that they had made enquiries before coming to the office, while the remaining forty seven (47%) indicated they had not make any enquiries before coming to the office.

The results indicate that most customers make enquiries before coming to the office to hand in any of their applications.

Question B4.2. If yes, how was your application made?

Table 10 (below) indicates the method used by respondents to make enquiries to the consular section.

Table 10: Method of making enquiries at South African Consular Section

Telephone	E-Mail	In Person
59%	26%	15%

Fifty nine percent (59%) of the respondents used the telephone to make enquiries. Twenty six percent (26%) used e-mail and the remaining fifteen percent (14%) of respondents made enquiries in person, at the office.

The results indicate that the telephone is by far the most popular method for making enquiries to the consular section, and is followed by using e-mail and paying a visit to the office.

Question B5: How long did it take for the enquiry to be attended to?

The question investigated the time it took for the South African Consular Section to attend to any enquiry made to it. The question was meant to find out the effectiveness and efficiency with which the consular services handle enquiries. The time taken to attend to customers' enquiries is illustrated in figure 7 (below):

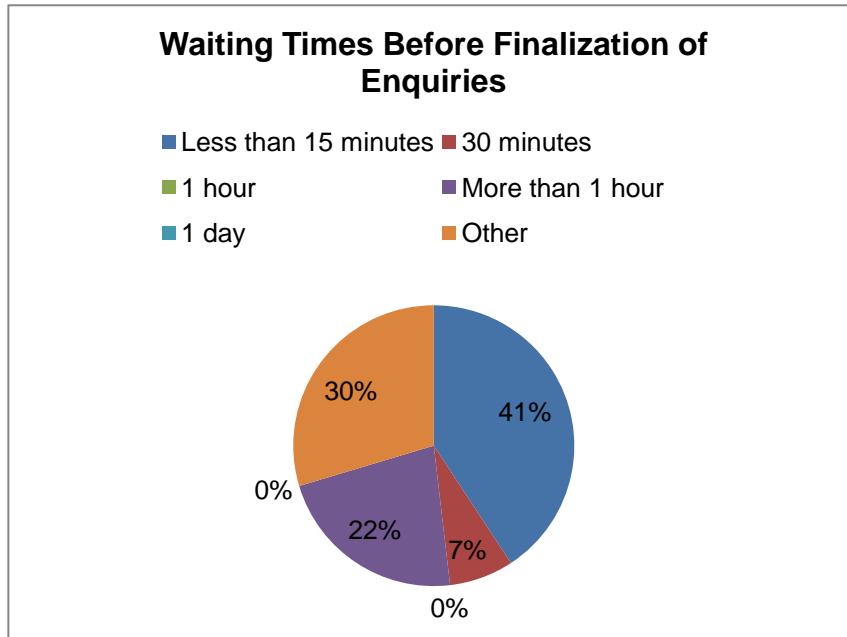


Fig. 7: Waiting time before enquiry finalization

Forty one percent (41%) of the respondents indicated that their enquiries were attended to within fifteen minutes. Seven percent (7%) indicated that their enquiries were attended to within 30 minutes. A further twenty two percent (22%) indicated that their enquiries were attended to after more than 1 hour. The remaining seven percent of respondents indicated that their enquiries were attended to after 1 day.

The results indicate that the South African Consular Section was effective in responding to enquiries made by its customers. The results also indicate that much still has to be done to improve the response rate of enquiries.

Question B6: Did you have to travel to reach the office?

Figure 8 (below) shows the breakdown of customers who had to travel to the office to hand in their applications.

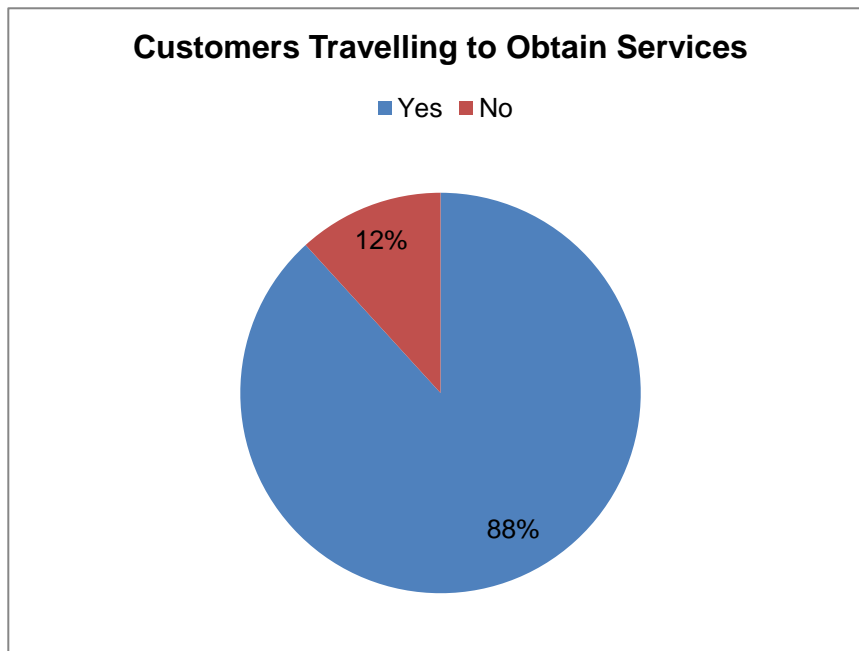


Figure 8: Customers who had to travel to obtain services

Eighty eight percent (88%) of respondents indicated that they travelled to reach the office and the remaining twelve percent (12%) used other methods of application, in lieu of travelling to the office.

The results indicate that it was costly to access South African Consular Services and therefore alternative measures such as partnership and outsourcing could be valuable.

Question B7: If you travelled, how long did it take you to reach the consular services section?

Twenty nine percent (29%) of respondents indicated that they spent less than an hour to reach the office. Twenty seven percent (27%) indicated that it took them an hour to reach the office. Twenty four percent (24%) spent two hours to reach the office, and the remaining twenty percent (20%) of respondents spent over two hours to reach the office. The findings are illustrated in table 11 (below):

Table 11: Duration of Trip to South African Consular Section

Less Than 1 Hour	1 Hour	2 Hours	Over 2 Hours
29%	27%	24%	20%

Question B8: How much did you spent to reach the office?

This question determined the amount of money spent by customers to reach the South African Consular Services Section, in order to access the services. The results are displayed in figure 9 (below):

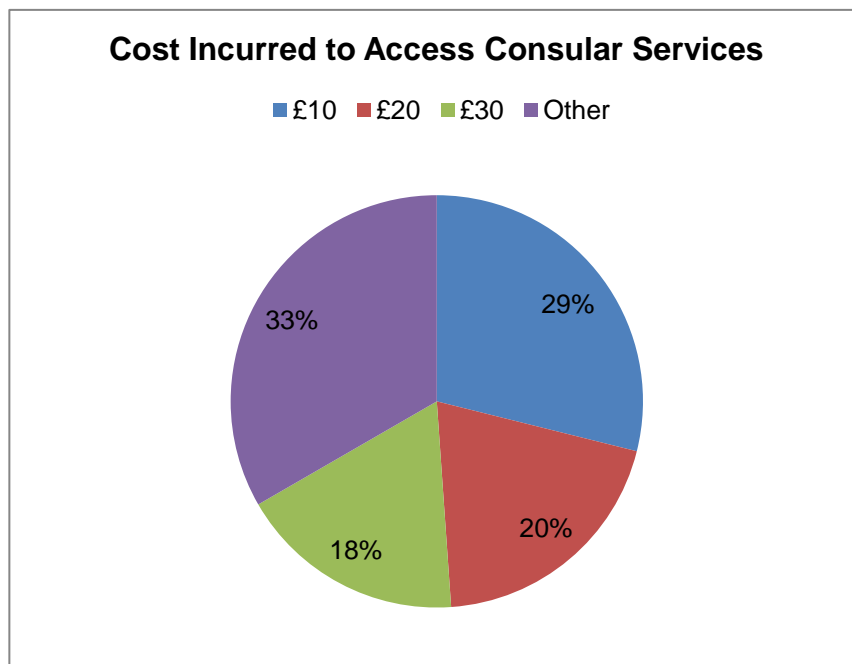


Fig. 9: Cost incurred to reach South African Consular Section

Twenty nine percent (29%) of respondents indicated that they spent £10 to reach the Consular Service Section. Twenty percent (20%) indicated that they spent £20 to reach the office. Eighteen percent (18%) of respondents stated that they spent £30 to reach the office, and the remaining thirty three percent (33%) of respondents indicated that they spent over £30 to reach the office.

The results tend to confirm the earlier observation that the South African Consular Services are inaccessible, but here from the aspect of being expensive to travel to.

Question B9: Did you have to make another trip to the office as a result of outstanding information?

This question was aimed at determining the scale of revisits to the consular section as a result of additional information needed from customers, in order for applications to be considered. Sixteen percent of respondents (16%) agreed that they had made another trip to the office in order to hand in additional documentation needed for their applications. These respondents thus had to pay double in order to access the South African Consular Services. This is illustrated in figure 10 (below):

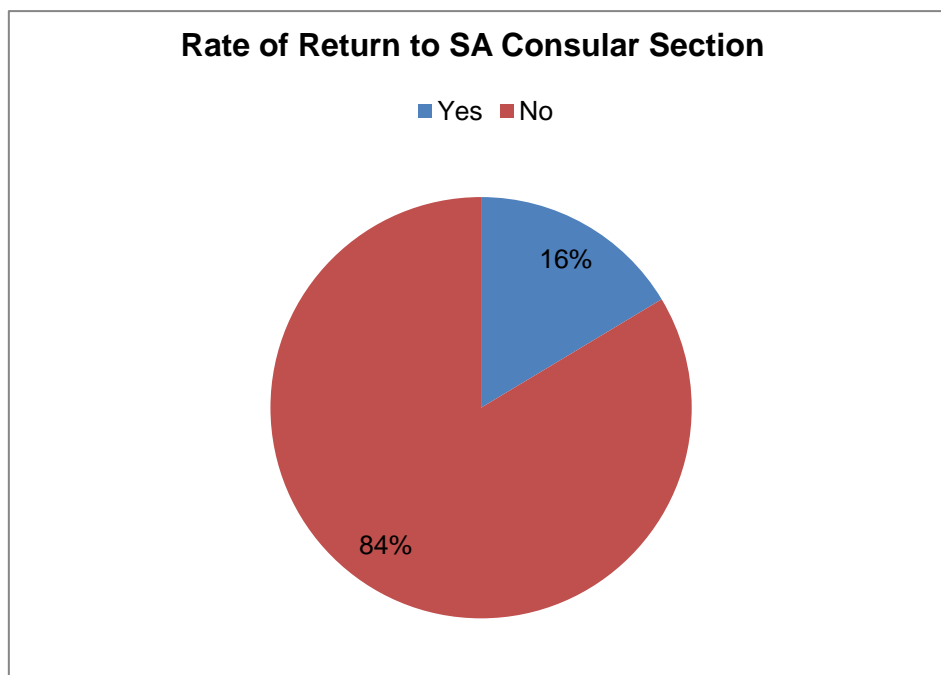


Fig. 10: Rate of return of customers to South African Consular Section

Question B10: Which method(s) should be used to make South African Consular Services more accessible?

This question was meant to determine from the respondents, the kind of alternative service delivery mechanism(s) that would help them access quality and effective consular services.

Figure 11 (below) illustrates the suggested methods that could be used to make the South African Consular Services more accessible:

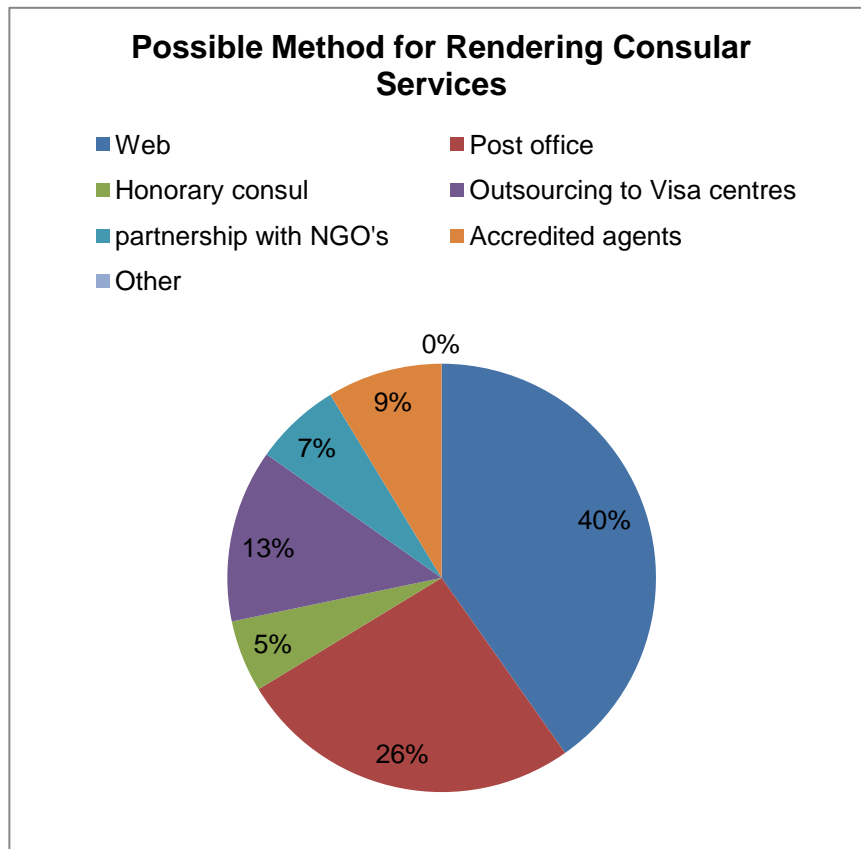


Fig. 11: Possible method(s) for improved access to South African Consular Services

Forty percent of respondents (40%) considered that the use of a website could make consular services more accessible to applicants. Twenty six percent (26%) indicated that postal services should be used to make consular services more accessible. The use of honorary consuls for increased access to consular services was suggested by five percent (5%) of respondents. Thirteen percent (13%) of respondents suggested outsourcing to visa centres. Partnership with NGOs was suggested by seven percent (7%) of respondents and the remaining nine percent suggested accredited agents.

The results indicate that the current walk-in and postal methods used by the South African Consular Services Section should be complemented by other methods of service delivery, in order to improve the quality of services and their accessibility.

Question B11: Which possible providers of consular services are accessible to you?

This question determined the possible providers of consular services that are accessible or available in areas where customers of the South African Consular Service Section live. Figure 12 (below) illustrates the possible service providers that are accessible to customers:

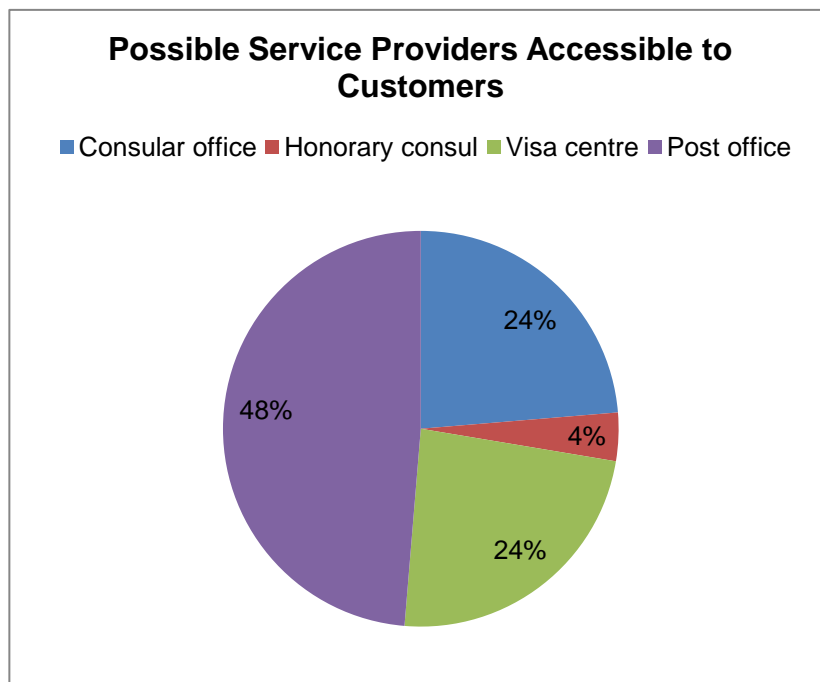


Fig. 12: Possible service providers accessible to customers

Twenty four percent (24%) of respondents indicated that the South African Consular Services Section is accessible to them. An additional twenty four percent (24%) indicated that visa centres are mostly accessible to them. Honorary consuls were suggested by only four percent of respondents (4%). Forty percent (40%) of respondents suggested that the post office is accessible to them as a possible service provider for consular services.

The results suggest that post offices are most accessible to customers of the South African Consular Services Section, which is followed by the Consular Section itself and the visa centres.

Question B12: Which factors must be taken into account before outsourcing consular services?

This question investigated the factors that must be considered by the SA High Commission before outsourcing consular services. The responses of customers are illustrated in figure 13 (below).

Twenty two percent (22%) of respondents stated that cost saving is an important factor to be taken into account before outsourcing consular services. Seventeen percent (17%) agreed that the ability of the service providers to maintain the confidentiality of applicants is a vital factor. Continued affordability of the services was suggested by twenty three percent (23%) of respondents. Thirteen percent (13%) of respondents agreed that access to skills and expertise not available within the consular section, is an important factor to be considered. The remaining twenty five percent (25%) of respondents agreed that improved access to consular services by customers in all areas of the UK is a factor worth considering.

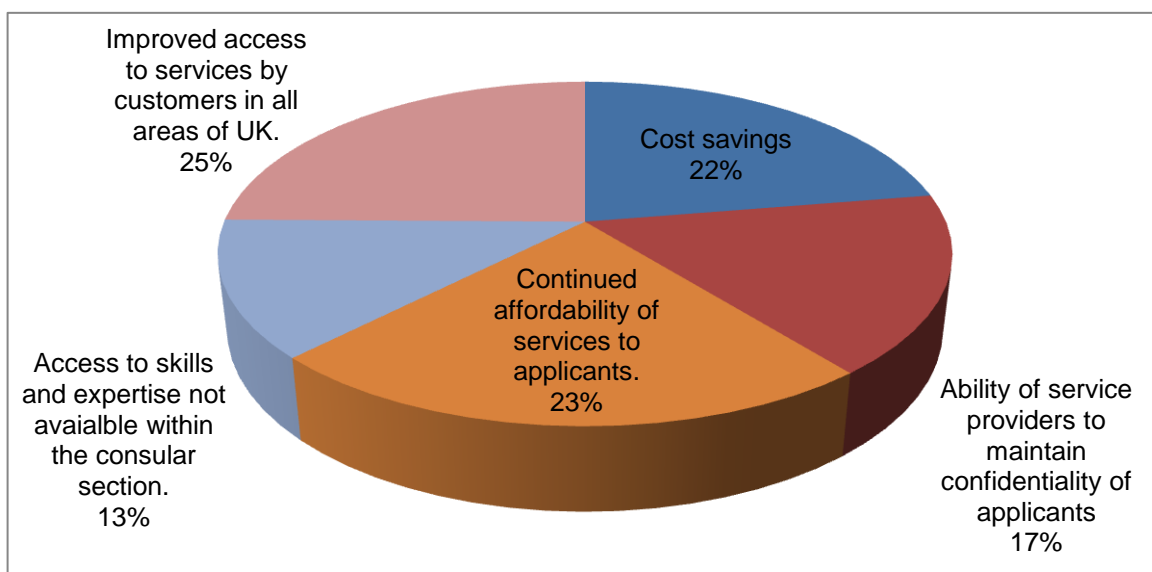


Fig. 13: Factors to be considered before outsourcing consular services.

The study made use of two questionnaires. One was used for customers and the other for managers at the South African High Commission, Department of International Relations and Co-operation, and for immigration agencies. The latter questionnaire is now discussed.

4.4.3. Responses from structured interviews with SA High Commission and visa-facilitation managers, and immigration agents

In this section, the attitudes and perceptions of the respondents (managers and immigration agents) with regard to access and functioning of the South African Consular Services in the UK, are measured. This measurement was important in order to confirm that partnership and outsourcing should be prioritised to achieve more effective access to consular services.

Question B1: What is/are the challenge(s) that face(s) South African Consular Services in the UK?

The question was meant to determine from the respondents the challenges that face the South African Consular Service Section in the UK.

Figure 14 (below) illustrates the responses of the managers interviewed, regarding the challenges faced by the consular services.

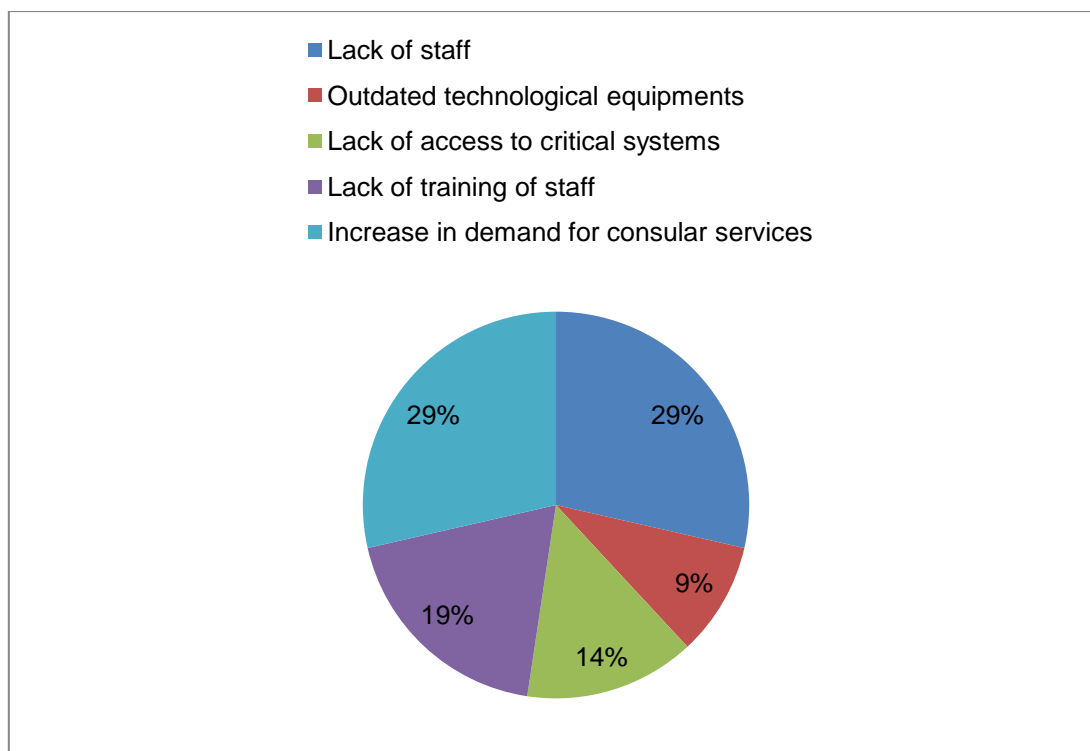


Fig. 14: Challenges Faced by South African Consular Services

Twenty nine percent (29%) of respondents agreed that the South African Consular Service was faced with the problem of too few staff. A further twenty nine percent (29%) indicated that an increase in demand for the service was another challenge. Lack of training of staff was identified by nineteen percent (13%) of respondents. A lack of access to critical systems was identified by fourteen percent (14%) of respondents. The remaining nine percent of respondents (9%) proposed outdated technological equipment as the challenge.

Question B2: How can such challenge(s) be surmounted?

This question investigated the solutions that could be used to overcome the challenges that face the South African Consular Services in the UK. The following solutions were offered by the respondents:

- Development of methods for interpretation of statutes, to avoid lack of uniformity in enforcing legislation administered by the South African Consular Services;

- Invest in labour-saving devices;
- Buy more bandwidth for improved communication between the Consular Services Section and head office in Pretoria;
- Train staff for effective and efficient services delivery; and
- Employ more staff.

The results further confirm that the use of partnership and outsourcing could contribute towards improvement of the consular services. This is because it could provide possible solutions to the afore-mentioned challenges, bearing the solutions suggested by the respondents in mind.

Question B3: Are South African Consular Services accessible to customers in the UK?

This question determined whether South African Consular Services were accessible to customers in the UK. This information is necessary in order to make an assessment of the situation, and to provide possible solutions regarding the problem.

Table 12 (below) illustrates the view of respondents regarding the accessibility of South African Consular Services to their customers.

Table 12: Accessibility of consular services to customers

Yes	No
71%	29%

Seventy one percent (71%) of managers agreed that South African Consular Services in the UK are accessible to customers, and the remaining twenty nine percent (29%) did not agree.

The results indicate managers' lack of awareness of the plight of customers, the challenges they face in trying to access services, and also the impact of the location

of the South African Consular Services Section in one area of the UK only - despite the country being a popular destination for South Africa émigrés.

The results of the customer questionnaire contradict the opinion of the senior managers. Customers indicated that consular services were not accessible.

Question B4: How can South African Consular Services be made more accessible to customers?

The purpose of this question was to find out from the managers the possible methods that could be used to increase access to South African Consular Services.

The findings of this question are illustrated in figure 15 (below):

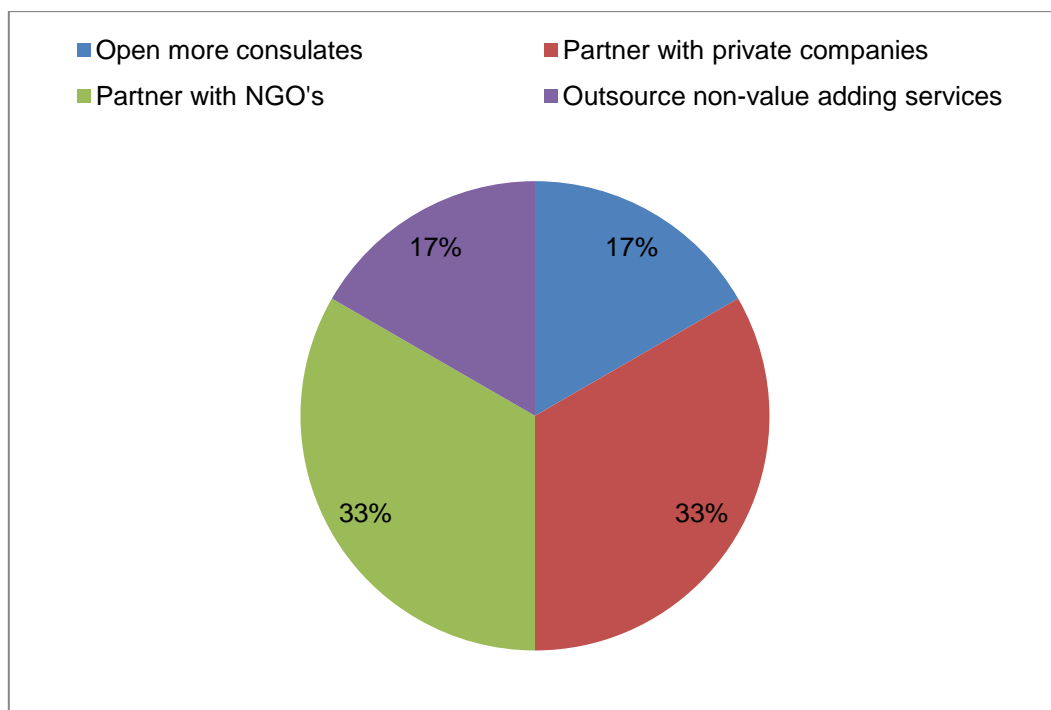


Fig. 15: Possible solutions to improve access to South African Consular Services

Thirty three percent (33%) of respondents considered that South African Consular Services can outsource non-value-adding services in order to make their services

more accessible to customers. Furthermore, another thirty three percent (33%) agreed that partnering with a NGO could contribute towards making South African Consular Services more accessible. Seventeen percent (17%) of respondents considered that opening more South African consulates in the UK could contribute to increased access to consular services. The remaining seventeen percent (17%) noted that partnering with private companies could also increase access to consular services.

Question B5: Which of the following consular functions can be outsourced to private companies or NGOs?

This question was meant to enable managers to indicate functions of consular service sections that could be outsourced in order to improve efficiency and effectiveness.

Figure 16 (below) illustrates the views of respondents on the consular functions that can be outsourced.

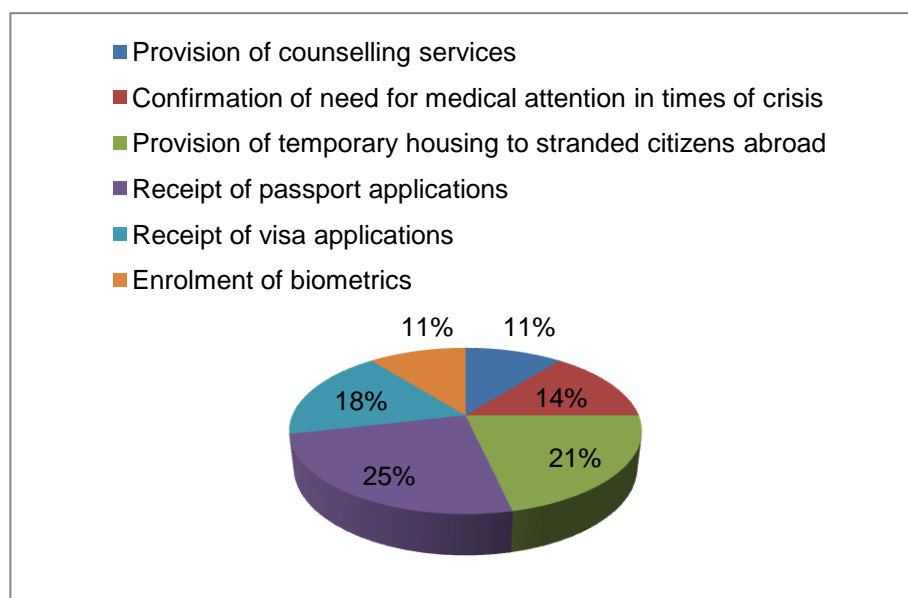


Fig. 16: Possible South African Consular Services for outsourcing

Eleven percent of respondents (11%) considered that the provision of counselling services could be outsourced. Another eleven percent (11%) agreed that enrolment of biometrics could be outsourced. Provision of temporary housing to stranded South African citizens abroad was suggested by twenty one percent (21%) of respondents. Furthermore, twenty five percent (25%) of respondents agreed that the receipt of passport applications could be outsourced. The outsourcing of receipt of visa applications was suggested by only eighteen percent (18%) of respondents. Fourteen percent (14%) of respondents suggested confirmation of need for medical attention in times of crisis, as a function that could be outsourced.

The results suggest the need to outsource certain consular services. The findings are in line with the objectives of this research, namely that outsourcing be used as an effective tool to increase access to consular services.

Question B6: Which factors must be taken into account before outsourcing consular services?

The purpose of this question was to enable the managers to identify the factors that must be taken into account by the South African High Commission, before deciding to outsource identified functions.

The findings are illustrated in figure 17 (below):

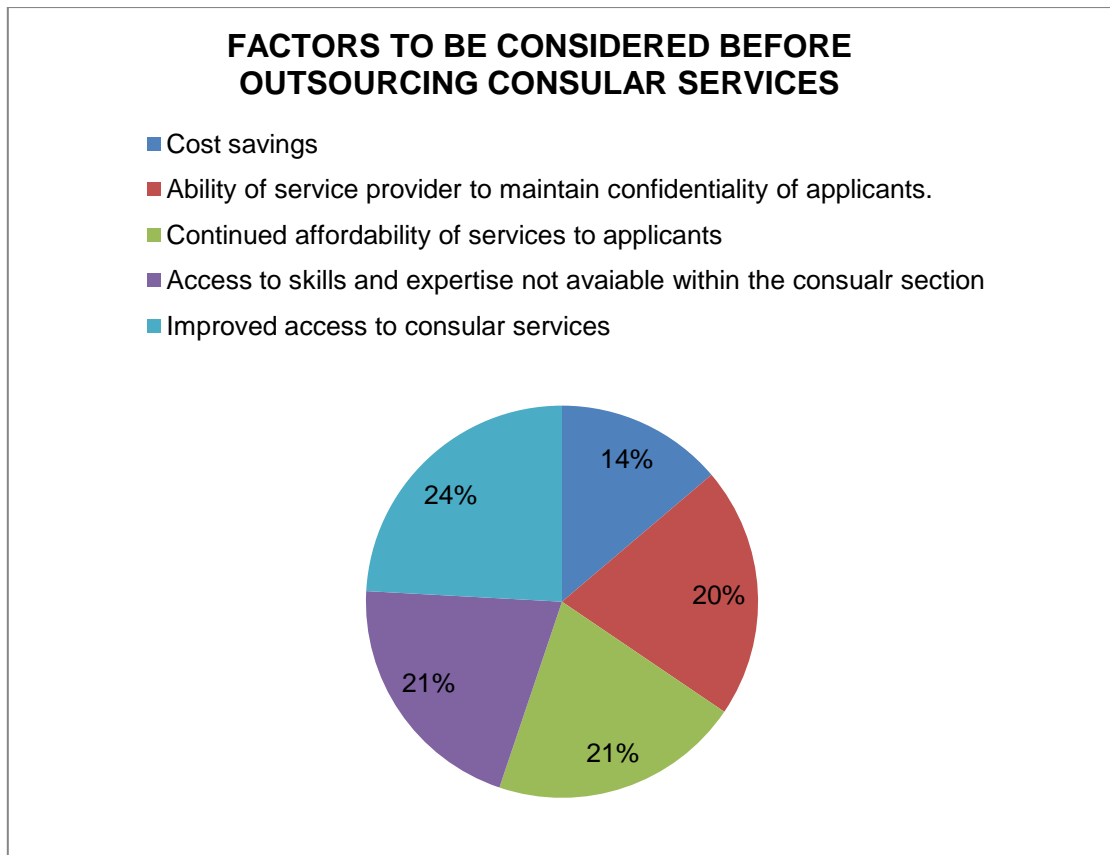


Fig. 17: Factors to be considered before outsourcing consular services

Twenty four percent (24%) of respondents indicated that improved access to consular services was a vital factor to be considered. Continued affordability of services and access to scarce skills was suggested by twenty one percent (21%) of respondents. Fourteen percent of respondents (14%) noted that cost saving was a vital factor to be considered, and the remaining twenty percent of respondents agreed that the ability of a service provider to maintain the confidentiality of applicants, is an important factor to be considered.

4.5. SUMMARY OF QUESTIONS AND RESPONSES FROM RESPONDENTS

To summarise the responses of respondents regarding partnership and outsourcing as tools for increased access to South African Consular Services in the UK, it is clear that there is the view that outsourcing and partnerships should be explored as alternatives, in order to improve consular services. This complements and reinforces the following central theoretical statements:

- Outsourcing is an arrangement according to which the rendering of internal services is handed over to an outside service provider. Such a practice takes place in both the private and public sector (O’Looney, 1998:23; Halligan, 2001:150);
- If correctly implemented, outsourcing leads to savings in public costs, extends capabilities of the government, and improves services rendered to citizens (Linder, 2004:212; Halligan, 2001:150; Goodman & Hastak, 2006:14);
- Within the consular area, outsourcing normally includes handing over the performance of work that did not need to be performed by government employees. This includes work that does not include legal adjudication or protection of individual privacy (Hamilton, 2009:20); and
- Partnerships can be undertaken as an extension and improvement of consular services, with preserving the kind of independence that is expected from government (Okano-Heijmans & Melissen, 2007:3).

Effective, efficient and economical partnerships and outsourcing must be developed and put into practice, as this would assist in improving consular services. The ultimate goal of public sector organizations is to provide customer-oriented services. It is on this basis that all avenues and service-delivery mechanisms should be explored. The research findings indicate that partnership and outsourcing within the South African Consular Services Section, is critical for increased access to services.

4.6. CONCLUSION

This chapter provided information on the research methods used to gather data for the study. A concerted effort was made to explain the importance of the research methods used. Furthermore, this chapter reported on the information gathered through semi-structured interviews with the customers of the South African High Commission in the UK, managers of the South African High Commission, immigration agents, the Head of Consular Services, and a country manager of a

Visa-Outsourcing Company. The collected data were interpreted in order to facilitate understanding.

The next chapter will illustrate how the set objectives of the study were achieved. The recommendations of the study and possible future research that could be undertaken will also be presented.

CHAPTER 5

SUMMARY AND RECOMMENDATIONS

5.1. INTRODUCTION

The purpose of this study was to investigate the use of partnership and outsourcing as tools for increased access to South African Consular Services in the UK. The empirical study was conducted to obtain the viewpoints of customers and designated managers on, *inter alia*, the challenges they face and the factors that must be considered before outsourcing consular services.

This final chapter summarizes the findings of the study in line with the data collected and processed from the questionnaires and semi-structured interviews. Recommendations are presented based on the research objectives, literature study, empirical investigation, and empirical findings. Furthermore, possible future research is suggested.

5.2. REALIZATION OF THE OBJECTIVES OF THE RESEARCH

At the beginning of this study several objectives were set forth. These objectives, *inter alia*, included the following:

- To explore the need and considerations for partnership and outsourcing of South African Consular Services in the UK;
- To determine the statutory and regulatory framework governing the outsourcing of public services in South Africa;
- To explain the mode of rendering South African consular services in the UK; and
- To provide recommendations based on the findings on how partnership and outsourcing could improve South African Consular Services in the UK.

An overview is provided in the next section to indicate how the above research objectives were achieved.

5.3. SUMMARY AND FINDINGS OF THE STUDY

The findings assess the relevance of the study in terms of reaching its set objectives. The findings also the basis on which the recommendations are made.

Objective one was to explore the need and consideration for partnership and outsourcing of South African Consular Services in the UK.

This objective was attained through the theoretical exposition of the functioning of South African Consular Services and the use of partnership and outsourcing for the increased access to consular services in chapter two. Furthermore, it was also attained through the empirical study in chapter four. The empirical findings included that twenty five percent of respondents considered that improved access to consular services critical. This was followed by twenty three percent who indicated that continued affordability of services was vital for consideration of partnership and outsourcing of consular services. Twenty two percent indicated that cost savings were important, while seventeen percent indicated that the ability to maintain the confidentiality of the application was also an important consideration. The remaining thirteen percent indicated that access to skills and expertise not available in-house could be an important consideration.

Objective two was to determine the statutory and regulatory framework requirements for government outsourcing of public services in South Africa. The objective was attained through the identification and discussion of statutory instruments guiding the rendering South African Consular Services, in chapter three.

Objective three was to explain the mode of rendering South African consular services in the UK. This objective was attained through the theoretical exposition of the functioning of South African Consular Services in the UK in chapter two. Furthermore, the questionnaire distributed amongst customers indicated that eighty eight percent of respondents came in person to the consular services section to acquire any service they might need. The remaining six percent of respondents made use of postal services, while another six percent of respondents indicated that they made use of immigration agents.

Objective four was to provide recommendations based on the findings, on how partnerships and outsourcing could improve South African Consular Services in the UK. This objective was attained by providing recommendations about the use of partnership and outsourcing as tools for increased access to consular services. The analysis of the questionnaires clearly indicates that South African Consular Services in the UK are inaccessible to many customers, causing them to travel long distances to access them and at substantial cost. This causes the consular services to fall short in terms of adhering to the Batho Pele principles of being accessible and providing much-needed value for money.

The analysis of the questionnaires also indicated that the customers of the South African Consular Services Section agree that there is a need to use partnership and outsourcing to increase access of services to them. However, factors such as continued affordability of services, the ability to maintain affordability of services and improved access to consular services must, *inter alia*, be considered before outsourcing consular services.

5.4. RECOMMENDATIONS

The following recommendations are made based on the findings of the empirical study, in order to ensure increased access to South African Consular Services within the UK:

- Services being rendered by the South African Consular Section should be reviewed. Alternatives such as electronic internet or web-based services should be considered. These services can include only those not requiring the taking of biometrics for issuing a requested document. The use of web-based services will ensure that customers receive value for their money by not having to travel for services that could be accessed online.
- Customers do not wait a long time before their enquiries were attended to. However, outsourcing the handling of enquiries could improve services and

also enable the consular officers to focus their attention on ensuring that the received applications are processed speedily.

- The handling of visas and passports should be outsourced to a service provider in order to increase the footprint of the consular section across the UK and also to provide customers with value for their money.
- Social services such as the provision of housing to stranded South Africans abroad can also be outsourced, together with determination of the need of medical attention in times of crisis.
- Before outsourcing consular services, factors such as cost savings, improved access to consular services in the UK, continued affordability of services, and the ability of service providers to maintain the confidentiality of applicants, should be taken into account. This would ensure that outsourcing is in the customers' best interests.
- Ensure that the website providing information on services rendered by the consular section is regularly updated, and that brochures are printed and disseminated on request. Such an initiative would ensure that customers do not have to incur costs and spent time asking about the requirements for their applications before coming to the office; and
- Work out mutually beneficial partnerships with postal services to enable customers to apply for designated services from them. In this way, the footprint of the South African Consular Services could be increased at little or no cost to the government.

The study focused on the use of partnership and outsourcing as tools for increased access to consular services. This was mainly necessitated by the decline in government revenue which has forced it to reduce the number of missions abroad and to concentrate on countries that have a positive impact on the South African economy. Furthermore, the involvement of private sector and even NGOs in the

rendering of consular services is motivated by a need for quality services by customers and other interest groups.

Accordingly, future research should look at the following:

- The profit motive as an impediment towards increasing access to consular services. Such a study could shed a light on the extent to which consular services could be compromised by the profit motive in instances where they are outsourced;
- Quality of outsourced consular services. A study of this kind could provide empirical findings on the manner in which partnership and outsourcing add value to consular services in general; and
- Vulnerability in terms of loss of personal information of customers due to outsourcing and the use of partnership. Such a study could provide valuable information on the discovered vulnerabilities, and suggest measures to solve them.

5.5. FINAL CONCLUSION

This study focused on the use of partnership and outsourcing as tools for increased access to South African Consular Services in the UK. In the past two decades, a substantial number of South African citizens have immigrated to the UK. The end of apartheid saw many citizens from the UK visiting South Africa for business and leisure-related reasons. This therefore requires a shift in approach in terms of how consular services could be rendered more effectively and efficiently. This shift involves considering tools such as partnership and outsourcing for increasing access to South African Consular Services in the UK. The study found that partnership and outsourcing provide value for money in the rendering of consular services. Furthermore, the study found, *inter alia*, that factors such as continued affordability of outsourced services, and the ability of chosen service providers to maintain the

confidentiality of customers, should be considered before consular services can be outsourced.

Though partnership and outsourcing have been found to be effective for increased access to consular services, it is also recommended that a monitoring and evaluation mechanism be developed and agreed upon before implementation. The result of such an evaluation could be disseminated among customers in the interest of transparency, and also for instilling confidence in the new service-delivery mechanism.

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APPENDIX 1

QUESTIONNAIRE COMPLETED BY MANAGER(S) AT SOUTH AFRICAN HIGH COMMISSION, CHIEF DIRECTORATE CONSULAR SERVICES(DIRCO), IMMIGRATION PRACTITIONERS AND VISA FACILITATION SERVICE COMPANY

SECTION A: PERSONAL INFORMATION

1

Gender	Male		Female	
---------------	------	--	--------	--

2

Age	18-30		31-40		41-50		50+	
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3

Position/ Level	Manager: DIRCO or DHA		Senior Management: SAHC		Immigration Agent		Other	
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SECTION B

Please mark the appropriate block with an 'x' and also provide an explanation where possible/applicable.

Question1

What is/are the challenge(s) that face the Consular Services in the United Kingdom?

	Yes	No
Lack of staff		
Outdated technological equipments		
Lack of access to critical systems		
Lack of training of staff		
Increase in demand for consular services		
Other		

Please specify other: _____

Question 2

How can such challenge(s) be surmounted?

Question 3

Are consular services accessible to all customers in the United Kingdom?

Yes		No	
-----	--	----	--

If not, please elaborate:

Question 4

How can consular services be made more accessible to customers?

	Yes	No
Open more consulates		
Partner with private companies		
Partner with Non - Governmental Organizational		
Outsource non - value adding services		
Other		

If other, please elaborate

Question 5

Which of the following consular function(s) can be outsourced to private or non-government service providers?

	Yes	No
Provision of counselling services.		
Confirmation of need for medical attention in times of crisis.		
Provision of temporary housing to stranded citizens abroad.		
Receipt of passport applications		
Receipt of visa applications		
Enrolment of biometrics		
Other		

Please specify other: _____

Question 6

Which factor(s) must be taken into account before outsourcing consular services?

	Yes	No
Cost savings.		
Ability of service provider to maintain confidentiality of applicants.		
Continued affordability of services to applicants.		
Access to skills and expertise not available within the consular section.		
Improved access to services by customers in all areas of the UK.		

Thank you for your contribution towards the study.

APPENDIX 2

QUESTIONNAIRE COMPLETED BY THE CUSTOMERS OF SOUTH AFRICAN HIGH COMMISSION

SECTION A: PERSONAL INFORMATION

Please mark your answer with an 'x'.

Gender

Female		Male	
--------	--	------	--

Age

18-30	
31-40	
41-50	
50+	

SECTION B: STRUCTURED QUESTIONS REGARDING THE USE OF CONSULAR SERVICES

Question 1

What kind of consular service have you made use of at the SA Consular Section?

Passports		Visas		Financial Assistance		Other	
-----------	--	-------	--	----------------------	--	-------	--

Question 2

How was the application made?

Postal service		In person		Through an agent	
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Question 3

Can you rate the level of service you received?

1 - Very Poor		2 - Poor		3 - Average		4 - Good		5 - Excellent	
------------------	--	-------------	--	----------------	--	-------------	--	------------------	--

Question 4.1

Did you make enquiries before the application was made?

Yes		No	
-----	--	----	--

Question 4.2

If yes, how was your enquiry made?

Letter		E - mail		Telephone		In person	
--------	--	----------	--	-----------	--	-----------	--

Question 5

How long did it take for the enquiry to be attended to/finalised?

Less than 15 minutes		30 minutes		1 hour		More than 1 hour		1 day		Other	
----------------------	--	------------	--	--------	--	------------------	--	-------	--	-------	--

Please specify other: _____

Question 6

Did you have to travel to reach the office?

Yes		No	
-----	--	----	--

Question 7

If you travelled, how long did it take you to reach the consular section?

Less than 1 hour		1 hour		2 hours		Other	
------------------	--	--------	--	---------	--	-------	--

Please specify other: _____

Question 8

How much did you spend to reach the office?

£10		£20		£30		Other	
-----	--	-----	--	-----	--	-------	--

Please specify other: _____

Question 9

Did you make another trip to the office as a result of the outstanding information requested?

Yes		No	
-----	--	----	--

Question 10

Indicate below which method(s) should be used to make consular services more accessible to you?

	Yes	No
Web		
Post office		
Honorary consuls		
Outsourcing of services to visa centres		
Partnership with non-governmental organisations		
Accredited agents		
Other		

Please specify other: _____

Question 11

Indicate which of the following possible service provider(s) is/are accessible to you?

	Yes	No
Consular office		
Honorary consul		
Visa centre		
Post office		

Question 12

Which factor(s) must be taken into account before outsourcing consular services?

	Yes	No
Cost savings.		
Ability of service provider to maintain confidentiality of applicants.		
Continued affordability of services to applicants.		
Access to skills and expertise not available within the consular section.		
Improved access to services by customers in all areas of UK		

Thank you for your contribution towards the study.