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**PERSPECTIVES ON GOVERNANCE IN SOUTHERN AFRICA:
RECOMMENDATIONS AND PLAN OF ACTION**

**Subregional Office for Southern Africa (SRO-SA)
Economic Commission for Africa (ECA)**

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AI SOP
COMESA

CSO
IMF
MTEF
NEPAD
NGO
ODA
PRS
PRSP
PRSP-LG
SAP
SADC
UN-PAAERD

ACRONYMS

Regional Indicative Strategic Development Plan
Common Market of Eastern and Southern African
States
Civil Society Organization
International Monetary Fund

New Partnership for Africa's Development
Non-governmental organization
Overseas Development Assistance
Poverty Reduction Strategy
Poverty Reduction Strategy Paper
PRSP Learning Group
Structural Adjustment Programme
Southern African Development Community
United Nations Programme of Action for African
Economic Recovery and Development

PART I

INTRODUCTION

1.1 Background

1. Popular participation in Africa's economic recovery and development has been increasingly recognized overtime by African governments and their development partners, including the United Nations system. Indeed, the United Nations Programme of Action for African Economic Recovery and Development, 1986-1990 (UN-PAAERD) was one of the major landmarks in this endeavour. Other landmarks included three major international conferences organized by the United Nations, non-governmental organizations (NGOs) and African governments, namely, the Abuja International Conference on Africa: The Challenge of Economic Recovery and Accelerated Development (1987), the Khartoum International Conference on the Human Dimension of Africa's Recovery and Development (1988), and the 1990 International Conference on Popular Participation, held in Arusha, Tanzania, which adopted the African Charter for Popular Participation in Development.

2. Good governance has also been a topic of discussion in the international arena since the late 1980s, particularly following the adverse results of structural adjustment programmes (SAPs) The failure of SAPs to overcome the major structural and institutional impediments to rapid and sustained growth in African countries popularized such terms and concepts as democracy, civil society, popular participation, transparency, accountability, human rights and so on, in the field of development economics. Indeed, while SAPs mainly focused on "getting prices right" through liberalization, deregulation and privatization, the question of appropriate institutions, epitomized under the rubric of "governance" or "good governance", has become one of the cornerstone items of the development agenda.

3. Issues of good governance have been a concern in Africa for some time but only recently has the intrinsic linkage between good governance and sustainable human development, including poverty reduction been so recognized and articulated. In the New Partnership for Africa's Development (NEPAD) document, for example, African leaders recognized that the process of achieving economic growth and development is heavily influenced by a considerable number of political factors, including economic, corporate and political governance as a prerequisite for sustained development. Fundamental to the interaction between economic development and political governance, on the one hand, and economic and corporate governance on the other, is the ability of the State to provide the requisite institutional framework to support good governance outcomes. The NEPAD framework also recognizes that for African public institutions to function effectively, considerable reform and capacity building are required. Institutional reforms need to focus on:

- Administrative and civil services strengthening;

- Parliamentary oversight;
- Promoting participatory decision-making;
- Adopting effective measures to combat corruption and funds embezzlement; and
- Undertaking judicial reforms.

4. It is against this background that many African countries, including those in Southern Africa, have taken important steps in recent years to improve their governance, in an effort to enhance their prospects for sustainable human development.

1.2 Major Developments In Southern Africa

5. Since the beginning of the 1990s, Southern African countries have made significant progress in institutionalizing democracy and good governance. This is reflected in a number of developments taking place in the subregion, such as setting up democratic institutions, the holding of multiparty elections, the increase of popular participation in governance, and dialogue between governments and stakeholders. In addition, a number of constitutional, legal and administrative changes have also been undertaken with the objective of consolidating and deepening democracy in African countries.

6. Subregional structures to support such a process included the Southern African Development Community (SADC) Electoral Commissions Forum, the Electoral Institute of Southern Africa, the SADC Electoral Support Network and the SADC Parliamentary Forum. These organizations have committed themselves to supporting the growth and deepening of democracy in the subregion. This has been accomplished partly through sending election observers to monitor and observe elections in various countries. Providing training for election personnel has also had significant impact

7. Despite these achievements, major challenges remain. These include pockets of conflict in some countries of the region, and some situations in which election results are not acceptable to all parties involved in the election, resulting, on occasion, in violence and instability. Even in some countries where there is a certain level of acceptance of election results, elements of discontent can be discerned following elections.

8. Experience has shown that deepening democracy entails more than the holding of periodic elections and the creation of a set of institutions. It also requires development of a generally accepted set of values that ensures fair electoral practice, predicated on representation, accountability, inclusiveness, transparency, gender equality, tolerance and respect for diversity. These basic values have been agreed upon by Southern African countries and are expressed in the various declarations and instruments to which they are signatory, namely, the Windhoek Declaration on the Freedom of the Media (1991), the SADC Treaty of 1992, and the 1997 SADC Declaration on Gender and Development. During the year 2001, Southern African leaders identified their common agenda as including promotion of common socio-political values and systems that are transmitted through democratic, legitimate and effective institution, and the consolidation and maintenance of democracy, peace and security. The trend has led to, among

other things, adoption of the 2002 Regional Indicative Strategic Development Plan by SADC member States.

9. In addition to the effort being made to fashion a capable development-oriented State by reforming the public management system, there is a parallel movement towards popular participation and the empowerment of civil society. In Southern Africa, it is now widely accepted that the quest for democracy and the good governance campaign cannot be sustained without broad popular support and the dedication and hard work of all citizens. This essential fact of development was formally recognized at the 1990 International Conference on Popular Participation in the Recovery and Development of Africa in Arusha, Tanzania. Virtually all African countries, including those in Southern Africa, unanimously endorsed the African Charter for Popular Participation in Development. The Charter placed the issues on the front burner of the region's development agenda. As a result, more and more people are voting in local, regional and national elections and there is a marked increase in people's willingness to interface with national institutions and processes. New civil society organizations (CSOs) and NGOs are springing up spontaneously all over the subregion.

1.3 The African Governance Project

10. The Economic Commission for Africa (ECA) has been at the forefront of the good governance debate, repeatedly pointing out the centrality of governance factors underlying the contemporary African predicament and stressing the interrelationship between good governance and sustained economic development. While it may be true that mismanagement and inefficiency can be tackled by reducing the size and role of government, ECA has maintained that reconstituted proactive, democratized developmental States that hold the best prospects for the region's recovery and development are essential. It continues to advocate that reversal of economic decline requires engaged, proactive governments with improved policy formulation and essential services management capacity, and ability to endure public scrutiny through accountability and transparency.

11. In its renewed efforts to serve Africa better, and in its capacity as the lead agency of the governance component of NEPAD, ECA has recommitted itself, to help strengthen government capabilities and effectiveness and to consolidate institutions and practices of good governance. It is against this background of recognizing the importance of good governance for economic and social development that ECA has embarked on an ambitious programme to study and measure the many complex aspects of governance in Africa. The African Governance Project seeks to monitor and keep track of the progress that various countries are making towards enhancing democratic values and governance. The project is complementary to government efforts and it seeks to establish a consensus among a wide range of stakeholders on how good governance may be enhanced on the continent.

12. With the introduction of the African Governance Project in 2001, out of the 11 Southern African countries covered by the ECA/SRO-SA, the project has been launched in 10 countries, namely: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa,

Swaziland, Zambia and Zimbabwe. There is only one country, Angola, for which the project has not yet commenced. Out of the 10 countries in which the project has been initiated, only two, Mozambique and Zimbabwe have not yet completed the reports.

1.4 Conclusions from the Country Reports

13. A cursory review of the completed studies indicates that there is a general consensus that good governance is a *sine qua non* condition for sustainable human development. Good governance guarantees resource prioritization and targeting and ensures people-level participation in development programmes. In order to achieve this, Southern African countries need to develop strong, people-centred governance institutions and establish a culture of political and social inclusion.

14. Most Southern African countries are signatory to the major international conventions on civil and political rights and liberties, including women's and children's rights. Most constitutions provide for participation in politics across race, colour, creed, religion, tribe, origin and ethnicity. The political regimes are generally accepted as legitimate although popular participation is constrained by, *inter alia*, low levels of literacy, gender biases and the rural-urban divide. While freedoms of expression and association are relatively recognized, opposition political parties sometimes suffer from inadequate protection from the police, public order forces and other law enforcement agencies.

15. This is the case particularly during elections when instances of intimidation, harassment and use of brute force by party cadres become rampant. Some constitutions do not provide for funding of political parties while the ruling party has access to various forms of public resources. This gravely disadvantages opposition political parties during election campaigns in Africa.

16. In most countries, the electoral process provides for free and fair elections. Any citizen is free to stand and campaign for any political office. In practice, this is severely limited due to inadequate enforcement mechanisms for electoral laws and regulations. The role of public watchdog organizations in governance is acknowledged in most countries, but their operational efficiency and autonomy are grossly compromised by the excessive powers vested in the executive.

17. Since the re-introduction of multiparty politics in most countries, there has been a welcome proliferation of independent print and electronic media. Unfortunately, governments tend to scoff at the media, whenever media persons criticize poor performance.

18. The quality of public service delivery has deteriorated over the years in many countries, with the result that education, health, water and sanitation infrastructure services are shells of what they were some years back. It is encouraging, however, to observe that most African governments are addressing these constraints at the policy and resource level. Re-introduction of free markets and free primary education has been a welcome step that has also increased Southern Africa's contribution to intra-Africa economic cooperation. Such cooperation has increased with the functioning of such bodies as the Common Market for Eastern and Southern

Africa (COMESA), Southern African Development Community (SADC) and, eventually, through NEPAD.

19. In Southern Africa, since the beginning of the 1990s, many governments in the subregion have recognized the deficiencies afflicting public sector agency operations and non-responsiveness to national developmental needs. Public sector management interventions, including downsizing of bureaucracy, cost or public budget containment, tighter financial control systems; improvement of management skills and other organizational reform measures have been implemented in many countries. The rationalization exercises, which many countries, including Mozambique and Zambia implemented in the late 1980s and early 1990s, have resulted in abolishing of many public agencies, amalgamation of functions and reduction of the size of civil services.

20. To deal with corruption and raise professional ethics in the public sector, for instance, governments have initiated reform measures such as review and adjustment of compensation packages for employees, merit-based recruitment and promotion, establishment of public assistance and complaint service, continuous technical and management training of staff, and establishment of anticorruption commissions. In countries such as Botswana, South Africa and Zambia, there are very active and ongoing campaigns by governments, donor agencies and civil society organizations (CSOs) to promote the values of integrity, transparency and accountability in public affairs and to fight against corruption, bureaucratic red tape, and other practices that are contrary to the public interest. Moreover, most countries, including Mauritius and Namibia, are striving to build capacity in policy analysis and review, in performance evaluation and monitoring, strategic planning and management and modern information management system.

21. In addition to the effort being made to fashion *a capable developmental State* by reforming the public management system, there is a parallel movement towards popular participation and the empowerment of civil society. More and more people are voting in local, regional and national elections and there has been a marked increase in people's willingness to interface with institutions and processes. New CSOs and non-governmental organizations (NGOs) are springing up spontaneously all over the subregion to strengthen a culture of pluralism, participation, accountability and democratic governance.

1.5 Some Important Observations

22. Southern African countries have made notable progress towards good governance, in both its technical and political dimensions. However, there remain many challenges along the way. All the country reports indicate that good governance is an important and necessary precondition for African countries, in order to build the capacity of the State to deliver on its economic and social mandate of eradicating poverty and improving economic growth and human development.

23. While some countries are striving to establish firm political foundations and the necessary environment for promotion of good governance, the degree of commitment and the

speed of change vary from one country to another. Along with these political changes, Southern African countries are seriously rethinking such challenging issues as:

- The appropriate scope and role of the State;
- How to get the State play its assigned role better;
- The need to establish and consolidate democratic governance;
- The need to nurture the private sector; and
- How civil society can be fostered and encouraged to facilitate citizen participation in the economy and in politics.

24. Most reports indicate that political representation is hindered by organizational problems with regard to elections and by a numerically haphazard drawing of constituency boundaries. Institutional effectiveness and accountability in government institutions also suffer from lack of resources. However, while the resources at the Government's disposal are undoubtedly inadequate, many have suggested that the resources available are often inappropriately and inefficiently used. Similarly, the judiciary has also suffered from problems caused by lack of finances. Corruption too has taken its toll on institutional effectiveness in most countries. All the above cited problems in Southern African government institutions have taken their toll on service delivery.

25. While print media may appear to be relatively free (albeit reported incidents of harassment of journalists), a heavy government bias in the state-run broadcast media is having negative implications for political representation, as the public is not exposed to a broad spectrum of opinion, but rather that of government alone.

26. While economic management is undoubtedly hindered by lack of resources, misuse of scarce resources has also hampered development in many countries. Inability to restrain public expenditure has led to high inflation and high interest and exchange rates in most countries. Macroeconomic instability of this nature makes any attempt at poverty alleviation and economic growth virtually impossible.

PART II

SOUTHERN AFRICAN PERSPECTIVES ON GOVERNANCE

2.1 Subregional Consultation

27. Consensus building is an important feature of the mechanism for measuring and monitoring progress towards good governance in Africa. In this regard, a preparatory workshop to the Africa Development Forum IV (ADF IV) was held in Lusaka, Zambia, between 24 and 26 November 2003. The core aim of the preparatory workshop was to debate issues of governance in Eastern and Southern Africa; put these issues into thematic and coherent contexts, make recommendations on solutions and measures to be taken, and compile a report for presentation at ADF IV for further debate, consideration and appropriate action. Thus, the Lusaka workshop gave an opportunity to a wide range of country and institutional delegates and experts on governance from Eastern and Southern Africa to consolidate issues and problems of governance from the situational analyses and from the country studies conducted.

2.2 The Challenges of Governance and the Way Forward

28. The challenges and recommendations of the Lusaka workshop add perspectives on governance in the Southern Africa subregion, at least as perceived among the delegates and experts participating in the workshop. Issues were examined around three broad thematic areas, namely:

- Political representation;
- Institutional effectiveness; and
- Economic and corporate governance.

2.3 Political Representation and Institutions

(a) Electoral systems and processes

29. The Southern Africa subregional group identified various electoral issues that need to be rectified:

- Ineffective electoral systems;
- Outdated and repressive electoral laws;
- Undemocratic electoral principles, values and codes of conduct; and
- Lack of intra-party democracy.

30. As a way forward, the subregional group suggested strategies, actors and resources that needed to be deployed and mobilized. The multi-pronged proposal covered short-term, medium-term and long-term programmes and included advocacy, information dissemination, dialogue

and observation. The actors to implement the strategy were selected on the basis of their capacity, resources, stance on sharing of good governance values, and political will and commitment towards achievement of good governance in the subregion. Actors included electoral bodies, governments, civil society organizations, donors, political parties, the grassroots people and elite/leaders.

31. The subregional group also recommended ways in which these issues and problems should be tackled. The recommendations are as follows:

- The nature of some of the electoral systems should be examined and reformed to suit local conditions – whether they are the first-past-the-post, majoritarian, proportional representation, or hybrid-type systems;
- The legitimacy of the electoral systems in terms of their inclusiveness, participation and transparency of the electoral process needs constant scrutiny;
- A culture of intra-party democracy needs to be inculcated in political parties;
- Standards and norms for validation of electoral processes used by both internal and external observers should be universally acceptable;
- Codes of electoral conduct need to be enforced for all players;
- Competency and autonomy of electoral bodies and stakeholders monitoring the entire pre-election, election and post-election periods need to be assured;
- Voter apathy and voting trends need constant monitoring and evaluation;
- Electoral reforms including review of electoral Laws and Acts are needed as a basis for guiding the electoral process;
- Harmonization of SADC norms and standards with those of the Electoral Institute of Southern Africa (EISA) and of the African Union (AU), with a view to establishing regional standards applicable at country level, in other words, regionally developing commonly agreed country norms and standards for election management. More importantly, the electoral systems in the countries of the subregion should be entrenched in the respective national constitutions and legal systems.

32. The consensus emerging from the Lusaka Workshop reflects the importance of issues discussed in other forums such as EISA. In such forums, for example, it has been noted that:

“Each SADC State should adopt an electoral system in accordance with its own political dispensation, history and party system” (EISA 2003: 9). The role played by national legislation and the legal framework to harness the process of good governance was also widely noted. This observation is in keeping with the view that “the electoral system should be entrenched in the constitution; the form, content and operation of the adopted electoral system should be

elaborated in the Electoral Act; all stakeholders, particularly the electorate, should fully understand the type of electoral system in use in the SADC States and how they determine allocation of legislative seats, the nature of representation and the political consequences; electoral systems should promote and protect fundamental human rights as well as the secrecy of the ballot; positive measures such as affirmative action, including quotas for women and other disadvantaged groups, should be adopted as part of intra-party and national electoral systems, and mechanisms put in place to ensure their enforcement” (ibid: 10).

33. In principle, therefore, the electoral systems in the subregion should adhere to the following principles:

“Broad representation of diverse political interests and population groups; inclusiveness and political participation of key actors; political accountability of the MP to the voters; transparency and legitimacy of the election process and outcome; a culture of intra-party democracy must be entrenched in order to ensure credibility and legitimacy of the nomination of candidates within political parties” (ibid.).

(b) Gender representation – quality and quantity

34. The Southern Africa group further noted the constraints affecting the role of women in governance. Women were still underrepresented in public and private sector decision-making positions, both in terms of *quantity and quality*. Not only were the numerous social, cultural, political and economic impediments to women participation and representation in public and private offices acknowledged but it was also noted that where it existed, women representation often did not have the level of authority and resources needed to be effective and impactful.

35. The group came up with a multi-pronged strategy and identified actors able to help to resolve gender inequalities in the region. It was underscored that both men and women have to be involved in the fight for gender equality and good governance, as well as government, private and civil sectors, the youth, advocacy bodies, donors and development partners, and community and civic leaders, including at the grassroots level.

36. The group recommended the following measures for dealing with gender imbalances, as follows:

- Gender should be understood as being more than equal numerical representation (*quantity*) of women in public and private decision-making offices because good *quality* gender representation means “effective representation”;
- To ensure gender equity, systems of governance should be inclusive of all social groups and be accountable to the people and their institutions;
- Gender policies must include both sexes; it must cut across all ages and be based on cultural and attitudinal change. To achieve gender equality, we need to raise awareness among all the actors identified, build capacity and empower women for participation through the quota system, electoral and other legal reforms, affirmative resource

allocation, institutional reforms, free and equitable flow of information about gender to both sexes, and integration of continental and international treaties on gender into national legal systems and culture;

- The indicators for progress towards gender equality for good governance should include the integration of gender concerns in political party agendas and that the SADC benchmark should shift upwards from a 30% to a 50% threshold by 2020.

(c) Political party funding

37. The group observed that political parties are central institutions in the governance process. However, political parties often face several constraints that affect their role and function for good governance. These constraints are financial, material and moral in nature. Party funding is a prerequisite for political party capacity building. Adequate funding enables political parties to play an effective role for good governance and also for leveling the political playing field.

38. There are three sources of funding for political parties namely state-subvention, private funding and external donor support. The parties that came into focus are those representing certain constituencies in parliament. In other words, funding in the subregion is given to political parties and individual representatives with a political base. Access to state-subvention by opposition parties was perceived to be difficult, at the same time that ruling parties have more access to state resources for party functioning (indirect funding); private funding is secretive and foreign donor funds may carry strings harmful to national interests. One factor that makes parties fail to raise funds on their own is the negative image some have – whether as former rulers of the discredited one party state, semi-military organizations or nationalist entities.

39. In order to enhance the role of political parties in consolidating good governance, the group made the following recommendations:

- There should be clear criteria guiding the extent to which parties may be supported by public funds;
- Clear rules should be put in place to govern the amount of funds allocated and the period/time for disbursement;
- Laws should be passed to govern party funding that it is accountable to the electorate. The laws should include disclosure of funding sources and accountability of public funds to parliament, among others;
- Ruling party functions should be separate from State/government functions, to reduce ruling party dominance and abuse of public resources at election and other times;
- Internal democracy in parties should be encouraged as one way of attracting external financial support;

- Equitable access to public media is needed to encourage easy and free flow of information;
- The youth and women leagues/wings of political parties need rationalization so that they are not mere avenues for marginalization and political abuse of women and the youth.

40. In coming up with these recommendations, the subregional group took cognizance of, and supported similar resolutions by regional bodies on this matter. EISA (ibid: 18) has pointed out that:

- Public funding should be extended to all parties (and independent candidates) contesting parliamentary and presidential elections, who can demonstrate a track record of support in the most recently held elections, based, for example, on their share of the popular vote;
- The Electoral Management Bodies (EMB) should be responsible for regulating use of these public funds and the beneficiaries of these funds must provide verifiable accounts to the EMB;
- Consideration should be given to the establishment of rules governing the disclosure of all funding sources to political parties.

41. The strategy for implementing these recommendations is multi-sectoral and involves actors such as political parties, parliaments and other government bodies and leaders including auditor generals, as well as donors, private sector and civil society representatives.

(d) Constitutions and constitutionalism

42. The centrality of constitutions in governance was clearly appreciated by the group. Constitutional issues that emerged included the fact that some constitutional formats and contents in the subregion are not clear and concise. In fact, there is a lack of constitutionalism generally, weak separation of powers, ineffective checks and balances, constitutional rigidity and the existence of authoritarian political cultures in some parts of the subregion.

43. In view of this, the group recommended that:

- There is need to strengthen constitutional institutions, to entrench separation of powers and to establish checks and balances;
- A culture of constitutionalism and democracy has to be developed;
- Constitutions have to become more enabling and flexible, balancing the powers between and among branches of government (reducing executive dominance in some cases);

- Constitutions need alignment to particular political and electoral systems that preserve and implement the constitutional order;
- Constitutions should be translated into the respective local and/or vernacular languages.

44. These recommendations reflect the same spirit behind articulation of the SADC Protocol on Politics, Defense and Security Cooperation (2001: 5), to:

Promote the development of democratic institutions and practices within the territories of State Parties and encourage the observation of universal human rights as provided for in the Charters and Conventions of the Organization of African Unity and the United Nations respectively.

45. The group noted some strategies and actors that could be deployed to harness rule of law and entrench constitutionalism in the subregion. Strategy in this sector should be multi-sectoral, allowing for the participation of constitutional bodies, legal experts, grassroots communities, government bodies, political party leaders, business sector and civil society representatives for constitutional debates and reform.

(e) Traditional and state governance systems

46. The group acknowledged that traditional systems of governance remain key to attainment of good governance in the subregion, and were not necessarily inferior or superior to modern systems of state governance. It was noted that the two value systems lacked mutual compatibility, creating conflict of value when they interact.

47. The following measures were recommended:

- Reconciliation of the two governance systems and their sub-systems and the introduction of checks and balances between and among them so that they are harmonized in terms of their basic governance values; and
- Respect for human rights should be the guiding benchmark.

48. To resolve the problem of incompatibility, a bi-sectoral strategy involving the two systems and the actors and stakeholders was urged. To harmonize the two systems, the strategy should cut across the two systems and the actors should include traditional authorities, state and local government officials and other political leaders, constitutional bodies, civil society organizations and grassroots communities.

(f) The youth and development

49. The youth were acknowledged to be the largest human sector in the subregion irrespective of gender and other differences. The youth were categorized according to UN benchmarks; that is, they are those people aged between 18 and 35. The youth remain largely marginalized on subregional policy issues. They are sometimes abused for various economic and

socio-political reasons and they frequently lack effective institutional support, empowerment and a policy framework for youth participation in governance.

50. Since the youth are a broad sector, there is need for a holistic and multi-sectoral strategy as well as actors committed to addressing the problems affecting them. The actors identified included the youth themselves, government offices involved with the youth, civil society and other advocacy bodies, political parties, and stakeholders in national forums.

51. The group further recommended that:

- There be a protocol within the African Union (AU) Charter on youth that should be integrated into domestic and subregional legal systems;
- Enabling national policies for youth participation in governance activities, including participation in setting the development agendas for youth and for the nation;
- There should be more resources committed to youth sectors; and
- Stopping the violent and partisan indoctrination of the youth, particularly through political party youth wings, so that they are free to play a positive and objective role in governance.

2.4 Institutional effectiveness

(a) Watchdog, civil society and media organizations

52. It was generally observed that without institutional effectiveness, delivery of social services to the people in the subregion could not be meaningfully achieved. Since the effective delivery of social services to the people is a measure of good governance, institutional effectiveness was agreeably perceived to be a prerequisite for good governance. Issues and constraints adversely affecting these institutions were pointed out and included the fact that CSOs lack democratic space and professional capacity to participate in governance. Their interests sometimes conflict with those of the State and opposition parties and they lack autonomy to play their role effectively in enhancing public accountability and in making use of the checks and balances to State power that are provided.

53. Development organizations were seen as donor-driven and fragmented, and the media as agents of public accountability did not always have a culture of investigative journalism. Watchdog institutions such as the Ombudsman, Auditor Generals, Anti-Corruption Agencies, Human Rights and Law Commissions and other such constitutional organs lack autonomy and capacity throughout the subregion. Often funded – or underfunded - by the State, and with senior staff appointed by the President, they must account for their activities to the Executive. Some of these institutions also suffer from brain-drain problems associated with personnel poaching and intra-regional and global staff turn over, and with the high mortality rates due to the HIV/AIDS.

54. The group specifically recommended that:

- Watchdog, civil society and media organizations should have codes of conduct;
- There should be an effective legal and policy framework that minimizes state controls and regulations;
- Activities of watchdog institutions should be de-criminalized;
- All public-funded agencies should be held accountable for use of public funds and should be free by law to operate in their chosen locale;
- The growth of private and responsible media should be encouraged by means of enabling legal and policy frameworks, among other measures, so that the media can play a transparent and accountable role in matters of funding and ownership; and
- Pluralist and equitable public media should be encouraged through creation of autonomous public media institutions and regulatory bodies.

55. The group then proposed a strategy and required actors to address these issues and problems. The strategy should be multi-pronged covering training for capacity building, enacting legal and policy instruments aimed at creating an enabling environment and consolidate the practice of good governance, give more autonomy in the appointment of senior staff and the provision of funding. In this strategy actors may include civil society organizations, governments, parliaments, donors, constitutional bodies, the media, and grassroots people.

(b) Effective public service delivery by public institutions

56. The public service remains the central government infrastructure for the delivery of social goods and services and development to the people in the subregion. It was, however, noted that the public services faces several issues and problems that need to be addressed. Some of the issues and problems are brain drain due to poor remuneration and incentives, the HIV/AIDS pandemic, staff poaching, scarcity of resources for human resource development, inefficient resource allocation and use and sometimes the politicization of the public service. Corruption is also a problem in the civil service. These issues and problems undermine effective delivery of social services and goods to the people of the subregion.

57. The group recommended the following:

- The Protocol on freedom of movement in SADC should be expedited and implemented as soon as possible to encourage free regional labour mobility;
- Open dialogue and debate should be initiated on labour mobility. ECA should urgently start to facilitate discussions on free movement of people and its implications within SADC;

- All sectors need to tackle overseas brain drain by diplomatically and otherwise talking to those who poach skilled labour from the subregion, and also by offering better incentives and remuneration to professional staff locally;
- Training and staff development should be encouraged with introduction of merit-based assessment criteria for recruitment and promotion, other than political or tribal considerations;
- Resource allocation and use in the public sector needs to be rationalized;
- HIV/AIDS needs to be tackled urgently from all fronts as a human resource crisis;
- All forms of corruption should be managed, if not eliminated, in the civil service.

58. The issue of free labour mobility was recognized as a sensitive and tricky subject but yet crucial for the socio-economic development of individual States and of the subregion. In spirit, the group echoed the recommendations of the ECA Expert Group on Labour Markets and Employment in Southern Africa (2002: 34-35). The latter, *inter alia*, stressed the need to:

- “Support the principle of free movement of persons in the subregion within the context of the draft Draft SADC Protocol on the facilitation of movement of persons;
- Recognize the potential importance of flexible movements of labour for regional and social integration and note that the provisions of certain regional management instruments have not been fully implemented;
- Create an enabling environment for free movement of persons with respect to:
 - a) Visa requirements;
 - b) Balancing gains and losses arising from free movement (compensatory policies);
 - c) Foreign exchange requirements;
 - d) Business/investor requirements;
 - e) Progressive harmonization of working conditions and labour-market policies and of proactive employment promotion at national level;
 - f) Addressing brain drain issues (including of students) as detailed in NEPAD for paying specific attention to actions recommended for reversing the brain drain, and as are also envisioned and addressed in the International Organization on Migration (IOM) “Migration for Development in Africa”(MIDA) and in recommendations of the International labour Organization (ILO) and other relevant agencies;

- Harness positive aspects of ‘Brain Drain’ e.g.:
 - Repatriation of income;
 - Investment of income;
 - Short term professional services in home country;
 - Capacity building; and
 - Dual nationality aspects of people in the Diaspora.
- Work with subregional organizations and the African Union to harmonize approaches to labour migration;
- Encourage and strengthen inter-ministerial collaboration and exchange of information among relevant ministries (e.g. Ministry of Labour and Ministry of Home Affairs);
- Ensure protection of migrant workers through the ratification and implementation of international labour standards on migrant workers; including both relevant ILO Conventions and the 1990 International Convention on Rights of Migrant Workers;
- Initiate dialogue with social partners on migration; and
- Promote good governance to retain labour. NEPAD objectives should be promoted in this respect.”

59. Because the issues arising on this matter have wide confluence, the subregional group suggested a strategy and some actors required to reform the public sector for effective service delivery. The strategy should be multi-pronged, broad based and phased into short-term, medium term and long-term. Actors to implement the strategy include governments, donors, international agencies, regional bodies, labour movements, the private sector, and educational and training institutions.

(c) Combating corruption

60. Being mindful of the serious nature of corruption, the subregional group observed that the SADC protocol against corruption (2001: 6-9) covers the meaning of corruption comprehensively, and that corruption is:

- (a) “The solicitation or acceptance, directly or indirectly, by a public official, of any article of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- (b) The offering or granting, directly or indirectly, by a public official, of any article of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself, or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;

- (c) Any act or omission in the discharge of his or her duties by a public official for the purpose of illicitly obtaining benefits for himself or herself, or for a third party;
- (d) The diversion by a public official, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party of any movable or immovable property, monies or securities belonging to the state, to an independent agency, or to an individual, that such official received by virtue of his or her position for purposes of administration, custody or for other reasons;
- (e) The offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
- (f) The offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of the influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
- (g) The fraudulent use or concealment of property derived from any of the acts referred to in this Article; and
- (h) Participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, in any collabouration or conspiracy to commit, any of the acts referred to in this Article.

61. The group specifically noted that corruption is a big issue and a complex problem in the subregion. It affects nearly all sectors of public and private life and poses a major challenge for good governance. The use of anti-corruption institutions for “political persecution” rather than “prosecution of corruption” undermines the integrity, capability, public trust and confidence in anti-corruption institutions. The politicization of these institutions weakens the fight against corruption altogether.

62. This is because some cases of corruption brought to court in some countries lack credible evidence leading to costly acquittals of suspects and a waste of scarce public resources. It was noted that part of the reason arises from the fact that *political corruption* is often not treated as a serious form of corruption in its own right and that it is a problem of governance that requires urgent action if good governance is to become reality in the subregion.

63. The group recommended the following:

- Urgent domestication of the SADC protocol and other international treaties on corruption at national level among member states;
- Strengthening anti-corruption institutions by making them truly autonomous as related to their functions, control, accountability, funding and senior staff appointment;
- Expedite the production and dissemination of audit reports on public institutions;
- There is need for political will to implement recommendations of audit reports by government authorities;
- There is need to institute follow up mechanisms on implementation of audit reports and recommendation.
- De-politicize corruption prosecution institutions and provide them with adequate resources;
- The role of an investigative media on corruption needs to be enhanced through constitutional frameworks and institutional set ups, professional appointments, and security of tenure;
- Put in place mechanisms that deal with both internal and external accomplices on corruption;
- Political corruption should be clearly defined, entrenched into law and tacked as a serious impediment to good political and economic governance.

64. The group, therefore, suggested some ways and actors for tackling corruption. Corruption as a problem that affects nearly all sectors of life needs a multi-pronged strategy to deal with. The central actors in this combat, however, remain the constitutional anti-corruption bodies, donors, the police, courts, parliaments, governments, grassroots people, political parties, SADC and African Union (AU) protocols on corruption.

2.5 Economic and corporate governance

(a) Privatization and local economy – foreign investment

65. The group noted that governance needs to be looked at both as an economic issue as well as a political one. As an economic issue and problem, the group focused on privatization as a form of external and internal stripping off national assets/resources through State sanctioned sales instead of empowering the local people; irresponsible borrowing by governments that destabilizes the macro-economic environment and creates unsustainable foreign debt; improper debt management and procurement procedures; poor conditions for Highly indebted Poor Countries (HIPC) attached to Debt relief in relation to NEPAD; the stealing of African Property

rights through bio-piracy of patents; lack of economic empowerment of the local people through direct foreign investments (FDIs) and effective loan schemes; Foreign Aid dependency and poor management of natural resources.

66. The recommendations of the group, however, were that:

- There is need to interrogate the issue of privatization so as to see whether it is always needed or whether it adds value to national economic growth and development;
- Privatization should be done to empower the local people and promote the local private sector;
- Loan procurement and debt management should constitute critical elements in economic management, empowerment and corporate governance;
- Southern Africa should adopt a cautious approach to the whole issue of Foreign Direct Investment (FDIs); the subregion should give particular attention to the protection of African patent rights within the context of the World Trade Organization (WTO) Agreements;
- Empower local people to manage and diversify their own natural resources and benefit from the same;
- The subregion needs a voice on the governance processes of the World Bank and IMF and the capacity to interrogate Foreign Aid (FA) with a view to see if it adds value to our economies and development.

67. These are serious national and regional issues and problems in the subregion that required concerted effort and an integrated strategy to deal with. These issues and problems need national, regional and international strategies – legal instruments, political commitment, diplomacy and dialogue to resolve these issues and problems. The actors in this regard may include national governments, private sector, foreign investors, donors, the local people and civil society organizations.

(b) Role of the informal sector

68. The informal sector in Southern Africa is becoming increasingly relevant to the needs of the economies. That is to say, as the formal sector shrinks due to its lack of competitiveness globally and lack of productivity nationally many people resort to undertaking their economic transactions and activities in the informal sector. Thus the informal sector has taken an important position in the economic management, development and corporate governance of the subregion. However, the informal sector is also facing some problematic issues that require attention for it to grow and effectively contribute to national development. This sector has generally been overlooked in different economic management and corporate governance debates. It lacks formal

and official recognition by public officials and the support of relevant legal and policy instruments and business incentives for growth.

69. The group thus recommended the following:

- A review of existing business incentive regimes, legislation and policies to create an enabling environment for growth and development of the informal sector;
- Facilitate access to resources and market information for the informal sector;
- Provide it with the necessary support;
- Introduce legislative and financial support and create a favourable policy framework for entrepreneurship with affirmative actions for the informal sector.

70. To address problems of the informal sector the group suggested an inclusive corporate governance strategy that will enable the informal and formal sector partnership to emerge, grow and function positively along side the public and private sector. The actors in this process include government, private sector, banks, financial intermediaries, parliaments and regional and international development institutions.

(c) Ownership of assets

71. At the group meeting, it was noted that ownership of assets is both a political and economic governance issue and that ownership of assets creates some problems in the southern Africa subregion. Issues and problems here include lack of equitable and fair distribution of assets, inacceptance of traditional assets including tribal land and cattle as bank collateral and poor tenure systems; sub-optimal use of available assets, ineffective protection of ownership of local assets; increasing conflicts as a result of mismanagement and inheritance and non accountability of national resources and assets; and collusion of public authorities entrusted with the responsibility of managing national assets with external forces in plundering these national resources and resources.

72. Having identified these challenges, the group recommended the following:

- That land reforms should be carried out to fairly re-distribute and formalize land ownership and security of tenure;
- States should ensure equitable distribution of land and natural resources, and their optimal use; interrogate historical imbalances and traditional approaches to the colonial, private and customary land ownership issues with a view to harmonizing the three systems so that they are fair and equitable;
- Put measures in place to make customary land and other natural assets owned by the local people acceptable as bank collateral for private capital formation;

- Enhance economic empowerment of local people for better utilization of their resources and improved participation in the national economy;
- States should prioritize environmental protection and management issues wherein lies their natural resources.

73. Some of the strategies to be deployed in this regard are selective privatization, joint ventures in foreign direct investments and economic empowerment of the local people. Some of the actors to be considered for the implementation of the strategy are the governments, the private sector, civil society agencies, traditional authorities, grassroots people, the banks, academia, foreign investors and the donors.

(d) HIV and AIDS

74. HIV and AIDS are serious issues and problems in the Southern Africa subregion. These are crosscutting issues and problems. As such, their impact on all sectors of the polity and the economy is self-evident. Good governance can have an impact on HIV/AIDS and vice versa.

75. To deal with the crises of HIV and AIDS, the group suggested that there is need for a multi-sectoral strategy and one that is all-inclusive in terms of the contribution and participation of actors to be deployed and implemented. The actors for implementation may include government, private sector, the international community, the church and civil society.

76. It was strongly recommended that:

- All sectors and actors of the economy and polity should prioritize the HIV and AIDS pandemic and mainstream it in all their programmes;
- Implement the Abuja declaration on AIDS, the SADC Maseru declaration on HIV and AIDS and increase budgetary allocation for prevention, care and impact mitigation;
- Encourage medical research on HIV/AIDS Vaccines and Treatment.

2.6 Conclusion

77. The Southern Africa subregional group meeting in Lusaka at the preparatory for the forthcoming ADF IV appreciated the centrality of political and economic governance issues and processes in the socio-economic and political development of the subregion today. This appreciation is also apparently evident in other reports, treaties, resolutions and protocols coming out from other similar forums. At the Lusaka workshop, however, state and traditional governance systems were extensively discussed; constitutional values and principles, electoral institutions, management and processes, citizen and voter behavior and economic management. The consensus that emerged was that these are, however, complex and multi-sectoral issues that require comprehensive strategies, multiple actors, resources and concerted efforts to resolve as part of the development agenda of countries in the subregion.

78. Accepting the centrality of governance issues in national and regional development is not enough. What is required is a true renaissance whereby this realization should be followed by appropriate action and implementation efforts to improve political and economic representation, participation, gender equality, accountability, constitutionalism, economic empowerment, public service and goods delivery and decisively combat the HIV/AIDS pandemic and corruption in the region. In order to achieve positive results in the form of good governance, internal and external resources and actors need to be mobilized and committed to tackling these challenges and problems. The subregion needs to develop a clear sense of mission and act under clear and harmonious guiding rules and principles. It is, therefore, recommended that issues and problems raised and presented herein be seriously debated and considered for further input and subsequent action at the ADF IV in Addis Ababa, March 2004 for the benefit of the subregion and the entire continent.

PART III**PLAN OF ACTION MATRIX**

ISSUE/PROBLEM	ACTIONS	STRATEGY	ACTORS	RESOURCES
Electoral systems, codes of conduct & laws	Legal and policy reforms, domestication and harmonization of instruments and protocols	Multi-sectoral approach	Electoral bodies, government, civil society	Funds, moral & political will, human resources, material resources
Gender inequality	Awareness, legislation, empowerment, policy and advocacy	Multi-sectoral approach	Men, women, youth, governments, civil society, private sector, political parties	Funds, human resources, moral and political will, material and economic resources
Youth marginality	Policy and legislative reforms on youth empowerment, participation and development	Multi-sectoral approach	The youth, men & women, governments, civil society, private sector	Funds, moral and political will, material and economic resources, human resources
Constitutions without Constitutionalism	Constitutional reviews, entrench constitutionalism and a democratic political culture in the political systems and among political actors and reduce executive dominance in political systems	Multi-sectoral approach	Political parties, government, civil society, community leaders, donors	Funds, technical support, human resources, political and moral will
HIV/AIDS	Be more pro-active on research& dissemination, enact policy and legislation, commit more resources, fight stigma through attitudinal and cultural change	Multi-sectoral approach	Government, donors, the people, civil society, the church	Moral and political will, funds, material resources, human resources
Corruption	Give more autonomy and resources to watchdog institutions, de-	Multi-sectoral approach	Government, donors, the people, civil society, courts,	Political and moral will, funds, technical support, human resources,

	politicize corruption cases, strengthen the role of investigative media and encourage public ethics and accountability		constitutional bodies on public accountability	material resources
Economic mismanagement & bad corporate governance	Entrench social justice, economic reforms for the empowerment of the poor, redistribute resources and ensure property rights & ownership	Multi-sectoral approach	Government, private sector, donors, civil society, the people, the informal sector	Funds, human resources, technical support and advice, investments
Poor public service delivery	Improve efficiency of the public service, reform the public service and ensure public service integrity	Multi-sectoral approach	Government, donors, private sector, civil society, the people	Funds, technical support and advice, human resources, political will
Lack of political party funding	Fund political parties in parliament adequately, legislate on party funding for accountability and transparency purpose, separate the activities of the ruling party from those of government	Multi-sectoral approach	Political parties, government, donors, private sector, individual well-wishers, international community	Funds, technical support and advice, political will, party human resource base and accounting infrastructure
Incompatibility of traditional & state governance systems	Reconcile the state and traditional systems of governance, use respect for human rights as benchmarks	Bi-sectoral approach	Government, traditional authorities, civil society, constitutional & research bodies	Political will, funds, technical support and advice, human resources

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