Fourth African Development Forum

ADF IV

Governance for a Progressing Africa

11-15 October 2004, Addis Ababa, Ethiopia

Economic Commission
for Africa

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FOREWORD

At the opening of the Fourth African Development Forum (ADF IV), Ethiopia's Prime Minister Meles Zenawi described the ADF as "the leading Forum for serious and intellectually rigorous discussion and exchange of views on critical issues relating to the development challenges of Africa". This accolade is a testament to the extent that the ADF has become a seminal meeting place for anyone and everyone with a commitment to developing Africa, to talk openly, share ideas and chart the way forward for our beloved continent.

Indeed, the ADF has galvanized action around some of our key development challenges. ADF I, held in 1999, took ECA's vision of information and communications technologies (ICTs) as a key to in leapfrogging some of Africa's development constraints to a wider audience, and resulted in major initiatives and actions that have catapulted us into the information age. We devoted ADF II in 2000 to HIV/AIDS, arguably the defining challenge to development of our times. Our intention was to strengthen and broaden coalitions fighting the pandemic, and we stressed the centrality of leadership at all levels of society. As a result, Africa is taking bold steps to banish HIV/AIDS. In March 2002, we convened ADF III to define priorities for regional integration in Africa, reflecting the commitment by our leaders to create an African Union (AU). The detailed and wide-ranging proposals reflected in the Consensus Statement of that Forum speak for themselves.

Through rigorous research and unrelenting policy advocacy, we at the Economic Commission for Africa (ECA) have striven to sustain the momentum and bring new levels of commitment to addressing Africa's key development challenges. Our

hallmark is to gather the evidence and present it to our key stakeholders as a means of stimulating debate and new levels of commitment.

Our most recent study, *'Striving for Good Governance in Africa'*, fits well within this tradition. Working with national institutions in 28 countries, we sought to ascertain public perceptions of the state of governance in Africa. The good news is that we have made steady progress in the last decade or so, in liberalizing the political space, respecting human rights more widely, and in promoting the rule of law. Nevertheless, there are many hurdles to overcome if our states are to be capable enough to deliver development.

It is for this reason that we dedicated ADF IV to the theme *'Governance for a Progressing Africa'*. As participants in the Forum will testify, this year's Forum resulted in the most wide-ranging and in-depth discussions on the different aspects of the governance challenges that Africa has seen to date. He consensus on the need for capable states was broadened and deepened. For the first time, issues such as the role of traditional systems of governance in the modern state were subjected to detailed debate, and Africa's most progressive traditional leaders spoke from their own rich experience. And the pivotal role of civil society actors was emphasized – to such an extent that it was agreed that the role youth in developing Africa would form the theme for ADF V, to be held in mid-2005.

This short publication is intended to capture the highlights of the knowledge shared during ADF IV, in the hope that it will lead to stronger partnerships and initiatives around good governance in Africa. In this regard, we at ECA are excited at the prospect of broadening and deepening our partnership with different institutions, agencies and other important actors, and look forward to hearing from you!

K.Y. Amoako

Executive Secretary

INTRODUCTION: GOVERNANCE FOR A PROGRESSING AFRICA

A strong consensus has evolved across Africa on the critical importance of good governance as a precondition for Africa to meet the Millennium Development Goals (MDGs). Nowhere is this consensus more clearly articulated than in the New Partnership for Africa's Development (NEPAD), which recognizes that sound economic and corporate governance, political governance, peace and security are necessary preconditions for Africa's development. NEPAD constitutes a pledge by African leaders to be accountable to one another and to their own people and is predicated on Africa's ownership of the development process.

The African Peer Review Mechanism (APRM), to date acceded to by 23 countries, spells an unprecedented and new commitment to self-monitoring and review of progress towards good governance. NEPAD's demonstration of the collective political will of African leaders and their commitment to mutual accountability through NEPAD represents a watershed in Africa's quest for revitalization and renewal in the 21st century.

There is widespread agreement that the capable state is the foundational prerequisite for a rejuvenated development effort on the continent. The capable state has many attributes, but four key characteristics stand out:

First, it is a state in which security is guaranteed over a sustained period. Without peace, there can be no long-term development. And without good governance, there is seldom peace.

Second, the capable state creates an enabling political and legal environment for economic growth, allowing the private sector to work effectively without excessive bureaucratic interference and constraint, so that jobs and incomes may increase. At the core of this is political and policy stability and a fair and consistent application of the rule of law.

Third, the capable state promotes the equitable distribution of the fruits of growth, advancing policies that deliberately attack poverty and promote education, health, and social safety nets. This requires sound macro-economic management, institutional reform, and investment in human resources development. Sustained poverty reduction results when growth is equitable. And the best way to achieve that is by building strong forms of democratic governance at all levels.

Fourth, the capable state deals head on with corruption, which impedes development and minimizes the ability of governments to reduce poverty.

Some progress in building capable states…

Over the last decade, Africa has taken impressive strides forward in building capable states. ECA has identified four positive governance trends in Africa: the steady consolidation of democracy; greater political inclusiveness; expanded voice and accountability; and improved economic management.

Many African countries have made significant strides, evolving from authoritarian or military regimes to more democratic dispensations. A new social pact is emerging, where state institutions and processes are gradually being reconstructed to promote the values of good governance. Elections are now the only acceptable basis for choosing and alternating leadership, competition and pluralism are now the norm rather than the exception, more and more citizens are voting, electoral processes are more transparent and credible.

There is greater political inclusiveness – as evidenced by the unprecedented levels of participation by women in politics. Constitutions are being rewritten all over Africa, involving widespread consultation with civil society. In many countries efforts are being made to ensure that the executive and legislative arms of government reflect regional, ethnic, racial and religious balance.

New and multiple avenues are being created to allow citizens to participate in the political process and express their demands, without fear of retribution. This is, in turn, making the government more responsive to its constituents. Most governments are expanding the political space for non-state actors to participate in various aspects of public decision-making. Civil society actors – including the media, trade unions and business associations – are playing an increasingly important watchdog role in ensuring accountability and transparency in government, defending human rights and upholding democratic practices. Increasingly, governments are also putting into operation mechanisms and processes to check executive power, ensure judicial and legislative independence, and fight corruption.

The promotion of better economic governance has also reaped dividends. On public financial management and accountability, more countries are running smaller

deficits, meeting their targets for revenue mobilization, managing their tax systems more effectively, improving fiscal transparency and creating institutions and arrangements for better auditing of public funds. On corporate governance, African countries have clearly recognized the need to promote the development of the private sector. They are also targeting the informal sector so that it can become part of the formal sector, and expanding and improving infrastructure facilities.

… but still a long way to go

Yet, despite this laudable progress, there is still a long way to go before fully capable states can truly be said to be the norm, rather than the exception, in Africa. It is in light of this context, and with a view to charting the way forward, that the Commission – in collaboration with the African Development Bank (ADB) and African Union (AU) – organized the Fourth African Development Forum (ADF IV) in Addis Ababa from 11-15 October 2004 around the theme 'Governance for a Progressing Africa'. The Forum's objective was to provide interactive space for a wide range of actors in Africa's development to reflect on the key challenges to good governance in Africa.

As ECA's Executive Secretary, Mr. K.Y. Amoako explained in his welcoming address, the Commission had devoted this ADF to governance because of its critical importance to peace and security and economic development. "We focus on governance", he said, "because no matter what sectoral problem or national challenge we face, over and over again, governance turns out to be pivotal." Mr. Amoako cited the HIV/AIDS pandemic as one such colossal challenge currently facing the continent.

Governance was also timely, said Mr. Amoako, because many African leaders had also decided to prioritize it in their national policies, in the shared belief that a highly active and progressive state is required to meet the current challenges facing the continent. "Development is impossible in the absence of true democracy, respect for human rights, peace and good governance," he stressed. While commending the political will of key African leaders who have made governance a central issue, Mr. Amoako emphasized the critical importance of public and private sector stakeholder participation.

Two keynote addresses in the first plenary session were instrumental in articulating Africa's governance challenges in some detail. Speaking on the theme 'Governance, the Challenge for our Leaders', Ms. Gertrude Mongella, Chairperson of the African Parliament, sought to address governance from a broad and popular perspective. In her view good governance, the respect for dignity and human rights are not new themes but are deeply embedded in African history and culture. The challenge for current leadership is therefore how to resuscitate these values and bring the concept of good governance closer to the people. An important dimension of this leadership, she emphasized, is in "containing the destabilizing elements that lead to conflict" and ensuring that human rights are respected in the broader context of peace and security.

In ensuring the right conditions for economic and human growth and development, leadership also entails the sound, accountable and transparent management

of resources so as to ensure major benefit to the lives of citizens. In this regard, and while the APRM constitutes a welcome development, the importance of institutions such as the Pan-African Parliament cannot be overstressed, since they provide a direct channel for citizen participation in regional governance in Africa. As the Secretary General of the landmark Beijing World Conference, Ms. Mongella also highlighted the importance of empowering women to participate fully in the decision-making process as their concerns are often ignored, particularly in the economic empowerment discourse.

Ms. Ellen Johnson-Sirleaf, speaking on the theme 'Building a Capable State', provided a sobering analysis of the continent's progress to date in putting in place the required institutions. The Chairperson of Liberia's Governance Reform Commission pointed out that even though seven years had elapsed since South African President Thabo Mbeki proposed an 'African renaissance', the continent was still struggling to achieve the momentum and enthusiasm needed to make the vision a reality. "The lessons of experience suggest clearly that good governance practiced by a capable state is a pre-requisite for the achievement of those goals," she insisted.

The legitimacy of many governments in Africa continued to be challenged due to fraudulent electoral practices and "the tendency of leaders to resist the good practice of limiting their term in office", Ms. Johnson-Sirleaf said, warning that only bold leadership, based on the legitimacy established by the will of the people, could address many of the continent's issues. In her view, the continent needed to adopt a system of governance that could ensure a regular and peaceful transfer of power and consolidate progress in accountability and respect for human rights. Only then would the African renaissance become a reality.

Transparency and accountability, stressed Ms. Johnson-Sirleaf, were also key elements in the practice of good governance. The former required that the public be given access of information on the decisions making process in the management of the affairs of the state, while the latter required that the public make its voice heard on the effect of policy decisions. She noted with satisfaction that there is increasing demand for adherence to these principles.

Participation was also highlighted as a key aspect of capable states. Participation, implying that citizens have a say in the decision that affect their lives, is deeply embedded in the principle, if not the practice, of democracy. Freedom of association, of belief and of conscience is fundamental, and must be promoted and enabled through such fundamentally important mechanisms as democratic elections. The respect for and promotion of human rights is also a sine qua non for capable states. So too are dependability and predictability in the management of the affairs of state, which are key to promoting an enabling environment that attracts private capital and investment. Capacity and institution development in both public and private sectors are also needed to ensure sustainability in the development effort. All this implies a redefinition of the role of the state, and stronger partnerships between the state bureaucracy, the private sector and civil society.

What this report contains...

The aim of this report is to provide a thematic account of the issues discussed in the plenary and stakeholder breakout sessions, and to highlight some key recom-

mendations emanating from the rich discussions that took place. The rest of the publication will proceed as follows:

Chapter 2 focuses on the challenges of measuring and monitoring governance in Africa. It highlights the key points addressed in presentations on ECA's African Governance Report (AGR) and African Gender and Development Index (AGDI); discussions on progress to date in applying the APRM; and deliberations on concrete mechanisms for monitoring partner commitments in the spirit of mutual accountability.

Chapter 3 focuses on the challenges associated with strengthening accountability and transparency mechanisms. It reflects the rich presentations and discussions on traditional systems of governance and the modern state; steps needed towards an independent and effective judiciary in Africa; political parties and legislative effectiveness; and public voice and accountability, including the burgeoning role of civil society.

Chapter 4 is dedicated to improving local governance and strengthening participation, identified as a key prerequisite to the building of capable states in Africa. It focuses on wide-ranging discussions on public institutions and effective service delivery; local governance and participatory development; the role of technologies in improving e-governance; and the challenge of scaling up treatment and support for those affected by HIV/AIDS.

Chapter 5 addresses a dimension of the debate on governance in Africa that has tended to escape scrutiny – the challenge of integrating aspects of traditional governance systems into the workings of the modern, capable state. The chapter synthesizes the presentations delivered by African traditional rulers, as well as the extensive discussions on the role of traditional systems in strengthening service delivery, rule of law and local ownership of development.

Chapter 6 reflects the strong private sector presence at ADF IV. It seeks to capture the detailed and wide-ranging discussions predicated on the pivotal role the private sector can play, if properly enabled, in fostering growth and development in Africa. The chapter addresses the need for sound economic and corporate governance, and highlights the discussions on corruption as a major bottleneck.

In Chapter 7, the goal is to present, in succinct form, some of the large number of proposals for follow-up that emanated from ADF IV. The recommendations in this chapter constitute a sub-set of those articulated, in more detail, in the Consensus Statement, which is included in its entirety as an annex.

This short publication is not intended to be exhaustive. While the Consensus Statement, Addis Ababa Declaration on Youth and Governance, and other texts are appended, the full record of presentations, statements and background documents is included in the archival CD-ROM that is a companion to this publication. The compete ADF IV archive can also be accessed from the ADF website at **www.uneca.org/adf**, along with the latest information on follow-up activities as they happen.

MEASURING AND MONITORING GOOD GOVERNANCE IN AFRICA

The vast majority of African countries recognize and accept that political and economic mismanagement, denial of democracy and human rights, and the existence of weak institutions all deepen the continent's poverty and global marginalization and make achieving any sustainable development goal more elusive. Further, with donor assistance, debt relief, and foreign investment frequently hinging on proof that governance is improving in Africa, countries have a keen interest in benchmarking their successes and advancements.

The New Partnership for Africa's Development (NEPAD) is embraced as the overall framework for measuring and monitoring progress toward better governance on the continent with the explicit commitment to systematic peer learning and self-monitoring through the African Peer Review Mechanism (APRM), adopted at the 6th Summit of the Heads of States and Government Implementation Committee (HSGIC) in March 2003.

Numerous regional and international codes of conduct and good practices also already exist on the basis of which to compare countries' adherence to accepted governance principles. ECA's work in creating Africa-specific indicators on governance, as well as on gender and development, constitutes an important contribution to the broader NEPAD goals.

Furthermore, in the context of NEPAD's call for greater mutual accountability for development outcomes, development agencies are continuing to address in-

stitutional and technical capacity gaps in governance systems and processes in Africa and to make their assistance programmes more transparent and accountable. Africa's partners have pledged to intensify their efforts to enhance the quality and quantity of their support to the continent in line with the Monterrey Consensus and other initiatives such as the G-8 Africa Action Plan. Mutual accountability can therefore be achieved through monitoring of commitments and actions.

ADF IV came at a critical juncture, and provided an important opportunity for reviewing the various mechanisms and modalities for measuring and monitoring Africa's commitments as well as those of its development partners.

Monitoring Africa's Commitments

The African Peer Review Mechanism: Under NEPAD, the APR is a permanent, voluntary mechanism that fosters the adoption of policies, standards and practices in four areas: democracy and political governance; economic governance; corporate governance; and socio-economic development. In this process, the road to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration involves conforming to agreed-upon values, sharing experiences and reinforcing successful best practices with other countries, including identifying capacity deficiencies and needs and ascertaining ways of overcoming those gaps.

In her presentation to the Forum, APRM Eminent Panel Chairperson, Ms. Marie-Angelique Savane, while conceding it would be a "long learning process", hailed progress with the Mechanism to date, stating that it "… may play a significant role to promoting courageous reforms that are needed to bring about changes in the political and economic environment of our countries, and in the living conditions of our populations". To date, 23 countries have acceded to the APRM and have agreed to undergo assessment and abide by a number of principles: the process must be nationally driven and owned, with participation by all stakeholders and a commitment to transparency, accountability and credibility. As Ms. Savane and other speakers made clear, throughout the evaluation process, the peer review is not meant as a way to punish or ostracize countries. Neither is it a means for donors to attach conditionalities.

The APRM is comprised of four stages. To begin with, countries are required to set up national structures that will manage the process. Next, a self-evaluation of governance is carried out through a national commission involving members of parliament and other   representatives of civil society. Third, a plan of action is drawn up by the country itself to identify areas for future interventions, and lastly, a team of international experts meet separately with all stakeholders to discuss the country's report. So far, while all the acceding countries are going through the first stage of actions, country support missions have been conducted in Ghana, Kenya, Mauritius, and Rwanda, with the active participation of experts from the Strategic Partner Institutions – namely the African Development Bank, ECA, and the United Nations Development Programme (UNDP).

In his intervention, Mr. Peter Anyang' Nyong'o, Kenya's Minister of Planning and National Development and a NEPAD Steering Committee Member, pointed to the common misperceptions as to the nature of the APRM. He stressed the importance of being clear as to its role, as a means of countering skepticism in some circles, as manifested by the onset of donor fatigue, and the erroneous belief that events are much more important than processes. In his view, the APRM was not developed to please donors. It was neither a case of a donor-led initiative or donor conditionality, not a process of punishing 'wrong-doers'. Furthermore, the objective was not to validate a country's involvement in the NEPAD initiative.

The APRM, Mr. Anyang' Nyong'o insisted, was a process of auditing Africa's democratization processes, of supporting its strong performers, and encouraging poor ones. African countries must have the opportunity to learn from their neighbours as a means of benefiting from the process. All this was being carried out, he added, in an international context that was not favourable to Africa's interests. African countries were taking a historic step in a globalized world economy in which Africa has marginalized itself. As such, governments must be in charge of the agenda, and debate must take place within the context of the State.

In assessing the lessons and challenges from the APRM to date, and in distilling country experiences shared by representatives from Ghana and Rwanda, Ms. Savane, Country Focal Points and other participants identified a number of areas. There was broad consensus that raising awareness among key stakeholders is essential to ownership and to counter misconceptions and skepticism about the process. The support missions in the first four countries had undoubtedly helped to create a common understanding of the APR's procedures, philosophy and instruments. Horizontal learning was underscored as an essential ingredient to the process with the need for continuous encouragement from the APR Panel.

In light of the proliferation of international initiatives, which already challenge national capacities, it was agreed that resource issues must be anticipated since the APRM is a lengthy and expensive process. It was suggested that it should be programmed into national budgets with the understanding that the National Programme of Action for the APRM, which although related, should remain distinct from national development plans and Poverty Reduction Strategy Papers (PRSPs). Technical assistance from partner institutions could and should help cover human resource capacity gaps. Partners were encouraged to be patient as the auditing process is to be viewed as long-term until concrete results can be produced. A key point stressed by Ms. Savane in her closing remarks was the depth and democratic nature of the APRM, which, unlike the OECD peer review process, was nationally owned.

African Governance Report (AGR): ECA conceptualized this project in the late 1990s in response to the emerging consensus that good governance is central to Africa's development agenda and progress. The project has been conducted in phases; by the end of 2003, it encompassed 28 countries, which cover about 72% of Africa's population (see box 1).

ECA's work gauges citizens' feelings about the state of governance in Africa, as reflected by the political, economic, and social affairs in each country, in order to

Box 1: Participating Countries in ECA's Governance Study

Benin, Botswana, Burkina Faso, Cameroon, Chad, Egypt, Ethiopia, Gabon, Gambia, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe.

Source: 'Striving for Good Governance in Africa', ECA 2004

gather information on best practices and to identify the main requirements for capacity development in the region. Partnership with a local research institute or consortium in each country enabled ECA to gather the necessary data. A research instrument with three components was designed to obtain information on the state of governance in each of these countries. The first component comprises an opinion-based study using a national Expert Panel (i.e., anywhere from 70 to 120 individuals who were carefully drawn to ensure representation with regard to age, gender, social status, education and field of training, political orientation, and ethnic, regional and religious background). They were asked to rate their country with respect to a number of issues (see box 2).

Box 2: Expert Panel Survey Subject Matter

Questions were asked about the following topics:

- Political representation, which included the political system, distribution of power, political party freedom and security and the credibility of the electoral process;

- Institutional effectiveness and accountability, which included the effectiveness of the three branches of government;

- Economic management, which looked into investment policies, the tax system and the impact of corruption;

- Human rights and rule of law;

- Civil society organizations, which looked into their independence, operational environment and their effectiveness.

Source: Development Policy Management Division, ECA 2004

Next, a national sample survey that ranged from some 1,300 to 3,000 households in each country to represent a cross-section of the population (i.e., rural and urban, poor and middle class, the educated and the illiterate) was used to assess perceptions of principal national problems and the accessibility, adequacy, and efficiency of government services. The household survey was carried out in close collaboration with the National Statistical Office. Lastly, desk-based research of factual information and hard data was conducted to supplement and complement the Expert Panel perceptions and national household surveys.

The findings in each country were validated and diffused through a number of national stakeholder workshops with representatives of government, civil society,

and other stakeholder groups to introduce the project, promote a suitable implementation environment and ensure the development of national ownership. The findings from each country were also presented at three sub-regional workshops (North Africa and the Horn, Southern and Eastern Africa, and West and Central Africa) during the months of November and December 2003.

As was noted during the Forum, at the request of NEPAD's HSGIC, and based on its work, ECA helped lay the groundwork for the APRM by preparing guidelines on enhancing good economic and corporate governance in Africa. A comprehensive account of ECA's findings on the state of governance on the continent is due be published in early 2005 as the *African Governance Report*.

African Gender and Development Index (AGDI): It is widely documented and accepted that if women are not incorporated into social and economic development, including all aspects of decision making, progress will be limited and outcomes unsustainable. Women have long been "integrated" in all aspects of social, cultural, political and economic life, albeit under subordinate and unequal conditions. In fulfilling its mandate to monitor the translation of the Beijing commitments to action in the Africa region, ECA has not only endeavoured to stimulate socioeconomic development by integrating women into development processes but has also placed emphasis on measuring and evaluating progress.

To ensure that African governments are making inroads in implementing the gender policies they have developed, ECA introduced the AGDI, which is designed to measure the gap in the status of women and men in Africa. The AGDI has been piloted in twelve countries and undergone an extensive validation process, whose results will be published in the *African Women's Report 2004*, to be launched in early 2005. ADF IV, which took place concurrently with the 7th Regional Conference on Beijing + 10, was therefore a timely venue for the preliminary findings of the AGDI to be unveiled.

The AGDI is a composite index made up of two parts. The first, the Gender Status Index (GSI), measures relative gender inequalities based on readily available quantitative indictors on education and health; income time use, employment, and access to resources; and formal and informal political representation (see box 3). Secondly, the African Women's Progress Scoreboard measures progress in women's empowerment and advancement.

Sample indicators used to gauge progress include measuring number of:

- Seats in Parliament held by women (including numbers of women chairing commissions and committees in Parliament);

- Cabinet ministers (including under-secretaries of State) who are women;

- Women who are members of Higher Courts;

- Women in local councils;

- Directors and secretary generals in the various ministries; ambassadors; and regional governors directors of government institutions;

- Senior positions (disaggregated by sex) of political parties, trade unions, employers' associations and professional syndicates;

- Women, as compared to men, who are heading or managing

NGOs;

- Women leading community-based or grassroots associations or unions.

Source: *African Centre for Gender and Development 2004*

Monitoring Development Partner Commitments

The following issues arose out of a plenary session titled on Day Four of the Forum titled 'Mutual Accountability and Good Governance in Africa: The Role of Development Partners'. Chaired by Mr. K.Y. Amoako, ECA Executive Secretary, the panel featured Ms. Anna Maria Agnes Van Ardenne-van der Hoeven, Netherlands Minister of Development Cooperation; Mr. Bengt Säve-Söderbergh, former Secretary-General, International IDEA and Ambassador in the Ministry of Foreign Affairs, Sweden; Mr. Richard Carey, deputy director of the Organization of Economic Cooperation and Development's Development Assistance Committee (OECD/DAC); Mr. Shinsuke Horiuchi, Ambassador in Japan's Ministry of Foreign Affairs; and Mr. Dave Fish, director of the Africa Department at the United Kingdom's Department for International Development. Mr. Gerald Ssendaula, Ugandan Minister of Finance, Planning and Economic Development, responded to the panel presentations.

Given that NEPAD is a compact between Africa's leaders and its people on one hand, and international development partners on the other, the principle of mutual accountability is key as the basis for structuring relationships in a globalizing world where interdependence is inevitable. The harmonization and increased effectiveness of aid modalities and a genuine move toward developed country policy coherence are now widely acknowledged as being central to the implementation of the global development agenda. However, despite commitments by partners

to increase overseas development assistance (ODA), such as the 2002 Monterrey Declaration, progress has not been good. The targets for 2015, under current circumstances, do not appear as if they are going to be met. During ADF IV, priority actions for improving ODA were reiterated and discussed by partners and country representatives alike.

To begin with, and as related to aid flows, partners agreed on the need to deliver on the commitment to contribute 0.7% of their Gross Domestic Product (GDP). While Denmark, the Netherlands, Norway and Sweden have fulfilled this commitment, the majority of developed countries fall far short of this pledge. It was suggested that the European Union (EU) should set more of an example on this. Further, more aid should be focused on the poorest countries: at present, around 49% of EU aid goes to middle-income countries.

Next, related to aid quality, there is a need to step up the harmonization of aid flows to overcome the current system of a multitude of actors with divergent priorities and strategies, all of which pressure local institutions with diagnostic exercises and reporting demands, many of which are unclear to the recipients. Predictability of aid flows and policy support is difficult due to political circumstances but a goal worth aiming for in order to better ensure programme planning and outcomes in country. Both sides agreed that national development strategies and partner country budget cycles should be the basic frameworks within which actions are planned and taken.

Third, and with respect to aid coherence, developed country policies must at the very least be sensitive to where they are possibly harming the interests of the developing countries they are seeking to support. Ms. van Ardenne-van der Hoeven urged development partners to harmonize their policies towards Africa as a matter of urgency to ensure positive outcomes, citing the European Common Agricultural Policy as particularly harmful to Africa, along with policies on generic drugs and immigration. Her call on OECD countries to work towards a fairer international trading system by achieving a development outcomes in the forthcoming Hong Kong meeting of the World Trade Organization highlighted perhaps the strongest item on the list of as-yet unimplemented partner actions on the mutual accountability watch list.

Related to Millennium Development Goal 8, a global partnership is envisioned with effective development assistance that also eases a country's debt burdens and reduces its barriers to trade. Support for greater debt relief is expected by both sides, with the Highly Indebted Poor Countries (HIPC) Initiative falling far short of delivering the needed results to date. Increased market access for agriculture products and an integrated set of freer and fairer policies that improves Africa's trade capacity and competitiveness are urgently needed, such as bolstering infrastructure for export-oriented agriculture and Northern removal of heavy subsidies for farmers. It was also underscored that foreign assistance alone is not enough: donor support for increasing foreign investment and unleashing domestic capital are both key to ensuring the basis for a dynamic economy.

Other items touched upon included the joint efforts needed to fight supply-side corruption, the imperative of more effective public resource management systems, and the ongoing reform in international global governance so as to give Africa

a better voice in the running of the World Bank and the Security Council of the United Nations. Further, the role of the African Union needs to be strengthened and the EU may have a lead role to play in this regard.

ECA and the OECD/DAC are conducting a mutual review of development effectiveness that, among other things, looks at the issues raised by participants. An update on progress made by Africa and its partners will be available in March 2005 and the content of the full report will be presented at the ECA Conference of African Ministers of Finance, Planning and Economic Development, to be held in Abuja in May 2005. The OECD Finance Ministers will also be invited to this meeting for further discussions on mutual accountability.

In his response to the presentations, Mr. Ssendaula called on development partners to live up to their numerous commitments to Africa, particularly regarding the quality and quantity of development assistance. He also highlighted the fact that the deep reforms carried out by many African countries such as Uganda have not resulted in the expected increase in foreign direct investment, but rather in an increase in domestic debt levels. He called for 100 percent debt relief to Africa so the continent could start with a clean slate, reflecting the view of many participants from African governments.

STRENGTHENING ACCOUNTABILITY AND TRANSPARENCY MECHANISMS

The separation of powers between the three branches of government and the upholding of the rule of law form an integral part of most African constitutions today. Yet, in practice the Executive continues to dominate the other core institutions of the state: the Legislative and Judiciary. This imbalance featured as a common thread in the debate on the need to strengthen accountability and transparency in governance in Africa.

As the Hon. Mr. Justice A. M. Akiwumi, Chairman of the Tribunal to Investigate the Conduct of Judges of Appeal in Kenya, emphasized in his presentation: "So long as judges are appointed, paid, promoted, or removed from office by persons or institutions directly or indirectly controlled by the Executive, the Judiciary's independence is more theoretical than real".

According to participants, this lack of independence from the Executive affects many, if not most, African parliaments, which need to achieve complete autonomy in order to exercise their constitutional mandates of representation, legislation and oversight. Parliamentary autonomy requires appropriate constitutional and legal frameworks that enable parliaments to control their own budget and to employ qualified staff supporting its members in the exercise of duties.

Transition countries emerging from war, totalitarian or one-party regimes are particularly prone to Executive overdominance and therefore need special attention when institutionalizing the separation of powers. Indeed, lacking experience and

appropriate institutions, old 'one-party' practices tend to persist in countries undergoing a transition towards democracy.

Furthermore, as pointed out by Mr. Shekou Sisey, Minister for Presidential and Public Affairs in Sierra Leone, institutions related to good governance in post-conflict countries have often been funded externally with the help of donors, and are thus not sustainable.

Issues Related to the Executive

Another problem specifically related to the Executive concerns the continuity of states whenever a regime change occurs. The consistency in the policy and practices of the Executive, including the dependability and predictability in the management of state affairs, needs to transcend individual regimes and regime changes, which need to be managed by systems designed to ensure a regular and peaceful transfer of power.

Perpetual constitutional amendments are another major source of instability in Africa. Constitutions therefore need to be better protected from amendments that are most often designed to increase or maintain the power of the incumbent government. Indeed, there still is a tendency among leaders to resist the good practice of limiting their term in office in order to perpetuate their rule and system of patronage. The legitimacy of governments also continues to be problematic in the evolution of the modern African state. Fraudulent electoral processes and vote buying, for instance, are still widespread and prevent the emergency of legitimate, capable states.

In view of the above there is an increasing demand for transparency and accountability on the side of the Executive. As Ms. Ellen Johnson-Sirleaf, Chairperson of the Governance Reform Commission in Liberia, told participants in the first ADF IV plenary session: "Transparency requires that the public has access to knowledge and information regarding the decision-making process in the management of the affairs of state. Accountability requires participation and responsiveness to the public regarding the effect of policy decisions".

Towards an Independent and Effective Judiciary in Africa

As has been noted, the independence of judicial organs and proceedings has to be further entrenched, as constitutional provisions cannot by themselves guarantee the independence of the Judiciary. The role of the Chief Justices and Presidents of Constitutional Courts in particular is crucial to ensure this autonomy.

At the same time, the aim is not to create an 'absolute' independence of the Judiciary, but rather a 'relative' independence which, in the words of Justice Akiwumi means "the protection of judges from improper or unlawful influences, direct or indirect, on the way in which the judicial officer carries out his/her judicial functions". What those improper influences are, he added, may even change over time.

A further major impediment to rendering the Judiciary effective in Africa concerns the existing discrepancies between the Francophone and Anglophone systems. Most Francophone African countries have tended to entrust constitutional matters to a Supreme Court or special tribunal. These courts or chambers are generally not composed exclusively of members of the Judiciary, and are – to varying degrees – more political in nature, ad evidenced when they are called upon to pass judgment on the constitutionality of laws. Such discrepancies with the English-speaking African countries demand reconciliation in order to make the role of the Judiciary in Africa an independent and effective arm of government. In this respect, attention must be paid to related issues concerning existing African regional courts, and to the possibility of having a conference of African judges to make suitable proposals.

Another crucial role of judicial institutions is to fight corruption. As pointed out by several delegates, there is an urgent need to form an alliance of the Judiciary together with the media, the legislature, churches and other branches of civil society to fight corruption. At the same time, the prosecution of corrupt individuals must remain the exclusive mandate of the Judiciary, without interference from the Executive or other institutions. Where the Judiciary is overburdened or not sufficiently independent, special judges need to be appointed to handle corruption cases expeditiously and effectively.

Finally, the image and role of the Judiciary as well as its proceedings need to become more transparent and intelligible to the people. The Judiciary is perceived by many as mystifying and aloof because of its coded language and the high cost of accessing legal services. Women and children especially have difficulties accessing justice and are often discriminated against. Furthermore, the confidence of the people in the justice system is generally low because of widespread corruption problems, the general unawareness of laws and rights among ordinary citizens as well as frequent incidents where the weaker parties involved in a dispute are being intimidated.

The Legislature's Role in Ensuring Checks and Balances

Most African parliaments are in need of fundamental reforms if they are to become more effective as checks and balances. For example, mechanisms need to be created to prevent vote buying by parliamentarians in their constituencies whilst rules and guidelines need to be established concerning the funding of political parties. Parliaments should also be encouraged to elect an independent ombudsman to supervise, inspect and investigate cases of misadministration and corruption.

The biggest challenge facing many African parliaments is their acute lack of capacity. Training is urgently needed to enhance the competency and skills of members of parliament (MPs), especially those who belong to critical parliamentary committees such as the public accounts or budget committee, and parliamentary staff. In addition, parliamentary infrastructures need to be strengthened through research and resource centers as well as access to information and communication technology.

The composition of parliaments also requires urgent attention. Opposition and minority parties as well as independent parliamentarians broaden the spectrum of

political choice, offer legitimate dissenting views, and provide a check on executive power. Parliaments should therefore establish norms and standards for electing MPs to ensure a level playing field. At the same time, quota systems should be adopted to provide for gender balance and minority representation.

One of the primary roles of parliament is to ensure the transparent and accountable conduct of the Executive branch. One effective way of achieving this is by building public confidence through providing better public access to parliament deliberations and procedures in public hearings, expert committees, and public galleries. Simultaneously, the media should increase its coverage to raise public awareness and better inform citizens of the legislature's role and activities. Finally, the use of electronic communication (including via the Internet) should be enhanced to strengthen public outreach.

Reforming Public Institutions

Corruption among civil servants is still a widespread problem in Africa that needs to be addressed by introducing a culture of performance, meritocracy and transparency in the public service. At the same time, public officials need to be better remunerated, whilst directors of public financial institutions should be competitively hired rather than appointed.

Bureaucratic procedures need to be clearly described and published so as to avoid malpractices and the role of information technology in public administration should be enhanced to reduce discretion and the number of administrative steps needed in the delivery of services.

Finally, auditing practices and institutions such as the office of the Auditor-General have to be independent, well resourced and transparent in order to become more effective.

Political Parties and Legislative Effectiveness

Political parties are the vehicles through which the people express their preferences for public policies, capture power by forming the government and control the legislative agenda of parliament. However, in the words of Mr. Wycliff Bakandonda of the Forum for Democratic Change (FDC) in Uganda, "political parties need to get sufficient time for formation, popularizing and growth for them to play effective roles [...] For most of Africa this natural growth has not been given the appropriate opportunity".

Moreover, as pointed out by the Hon. Peter Oloo Aringo, MP and Vice Chairman of the Parliamentary Service Commission in Kenya, in many African countries opposition parties disappear between elections, allowing "ruling parties or coalitions to behave like they operate under single party systems long after transition has been realized".

Hence, regional, continental and international organizations should prepare to help the success of transition. Support will be vital in the areas of funding genuine opposition parties. Donor countries sometimes tie their aid to the existence of multipartyism, however, resulting in misguided efforts to hastily establish poorly organized parties that are not part of any legitimate democratization effort but exist solely to qualify for donations.

What is clear is that most political parties in Africa need to undergo comprehensive internal reforms if they are to become sustainable. Too often, the dearth of public funding and limits on fundraising leave parties dependent on a few wealthy individuals to finance their activities and campaigns whilst ruling party systems of patronage entice politicians to opportunistically switch party affiliation.

Moreover, the organizational structure of most political parties in Africa is anything but participatory. But parties that are not open and transparent are unlikely to become democratic in their policy commitment, as charismatic leadership more than party platform becomes the pivot that drives party loyalty. As the Hon. Peter Oloo Aringo emphasized: "Creating a culture of democracy and nurturing the spirit of dialogue in political parties is the most essential and vital determinant to their strength, harmony and existence. At the very least this should involve open, structured and competitive elections for party leadership".

Another major shortcoming of most African political parties concerns the participation of minorities and women, as political parties have indeed been a major institutional factor behind the under-representation of minorities and women in Africa's political landscape.

Improving the overall governance within political parties is also key – with ethical standards, training, discipline, and better financial management driving a process of professionalizing the running of the party. A priority here is to limit the distorting influence of money in politics. The reform of political finance must be debated actively in African countries with the aim of improving transparency, levelling the playing field (by setting limits on spending and contributions), encouraging public subsidies and grassroots contributions, and managing undue corporate and international influences on public policy.

Finally, political parties should be at the forefront in championing electoral reforms that produce parliaments representative of the views and majorities in the country.

Civil Society as Governance Watchdog

The diverse range of actors united under the umbrella of 'civil society' is playing an increasingly pivotal role as a societal watchdog. As defined by Nigerian Appeal Court Justice, Amina Augie, it includes: "…a free media serviced by a cadre of professional, courageous and responsible practitioners (see box 4); independent Judges, Magistrates and lawyers determined to uphold the rule of law; an efficient, effective and adequately remunerated public service; and an independent

Box 4: The Challenge of Building a Vibrant Media in Africa

Much of the discussion on civil society coalesced around the role of the media as societal watchdogs. Participants agreed that most African countries possessed weak independent media, including radio. Nevertheless, it was still possible for media, whether state-owned or private, to build their capacity to act as guardians of public accountability and transparency. One solution proposed by participants in media focus group discussions was to encourage African journalist unions to adopt a Media Charter that would spell out the roles and responsibilities inherent to a responsible media. However, as one observer noted, participation in communication should be open to society at large, rather than left to journalists alone. As a profession, the media is often limited within the confines of those who attend journalism schools, often run by the state and where investigation is often not encouraged. Opening the media professions to those from other sectors to write as journalists/communicators on their specific subjects can also change the culture of dominion over information. The media has a crucial role not only in denouncing corruption, but also in raising awareness among stakeholders as to the aspirations of a given society. As a watchdog, it is important that the media maintains its objectivity, reporting and questioning what it witnesses. Part of the challenge of maintaining media neutrality on the continent is the very low salary-base of those in the profession, which increases favour exchange policies between newsrooms and politicians, for example. For a society to consider that the press is actually free, there needs to be a guarantee of financial independence. If the media relies solely on government advertising as its primary source of revenue, it is likely to remain bound to government policy. However, legislation can be promoted to guarantee that government advertisement revenue will be equitable amongst all of a country's media. The ideal is a demand-driven media, where there is commercial advertising in a prospering market economy, as well as an informed audience that demands quality objective programming.

and transparent Parliament, democratically elected and with a cadre of Parliamentarians that are honest… [and] trade unions, professional associations, human rights leagues, development non-governmental organizations, women's organizations, youth associations, etc". Also included are the private sector, professional guilds and independent accounting bodies that monitor public spending. CSOs in Africa are primarily concerned with justice in the economic, political, social and civic domains, with gender equality, youth empowerment, capacity development and fighting HIV/AIDS seen as key areas of struggle. Their watchdog role involves monitoring, advocating, defending human rights, invoking international mechanisms, and mobilizing a wide cross-section of society (see box 5).

As Kumi Naidoo, Secretary General of CIVICUS, a leading NGO umbrella based in South Africa explained, two governance challenges loom large for coalitions fighting for rights in Africa. The first is to overcome the democratic deficit at national level, characterized by a growing lack of faith in national leaders and the political system. Civil society can help in four important ways: by breathing new life into democracy, through such initiatives as voter participation drives; by offer-

ing citizens an opportunity to reflect on policy and try to shape it in between elections; by protecting democratic space when governments move in the direction of authoritarianism; and by finding common approaches to various global challenges, on issues such as the environment, trade, debt, terrorism and security.

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Box 5: The Many Faces of African Civil Society

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"Some of us work at the local level, others at a provincial or state-wide level, yet others at the national, regional or international level. Some of us are primarily focused on providing services to communities in need. Others are more focused on influencing the policies adopted by governing institutions at the local, national, regional and global level. Yet, others are focused on the improvement of the governance of our public institutions, recognizing that policy is made within particular parameters determined by political arrangements that require not only reform but in many cases substantive and fundamental change. Of course, many civil society groups are involved in more than one level of intervention as well." Kumi Naidoo, CIVICUS.

The second is to address the global governance deficit. According to Mr. Naidoo "… decisions affecting the lives and well-being of people around the world increasingly lie with supranational institutions that are not directly accountable to those people and which are not accessible to citizen voices". Frustrations with representative democracy are leading citizens to find new means towards participatory democracy, implying a new notion of governance that requires political leadership to engage with citizenry in ways that allow for on-going input into decision making and policy formation. This involves vigilance outside and beyond the electoral process.

The Social Watch network in Uruguay is cited as a good example of how civil society groups have been pro-active in monitoring progress on international commitments and reporting publicly on findings, a mechanism for ensuring public accountability that is now widely regarded as an essential part of good governance. To address this global-level deficit, civil society groups are also transcending the constraints of nations by mobilizing globally – as evidenced by their direct participation in UN conferences, either independently or as part of governmental delegations. Many innovative international commissions now involve civil society groups as equal stakeholders in policymaking, rather than in an after-the-fact consultative role.

As emphasized by Mr. Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda based in Arusha, Tanzania, CSOs must take the lead in determining which aspects of governmental policy, if influenced, would be of greater benefit to society as a whole and best serve the democratic process. They must protect human rights, advocate for economic development and fight against corruption. Crucially, political development must take place for economic development to happen. As Mr. Dieng explained: "It is when the institutional framework responds adequately to the populations' aspirations and expression that peoples' energy can be mobilized towards economic development. In other words, the

touchstone must be democracy in action, and social progress and economic development must stem from the will of the people. However, it must be recognized that this in turn helps political development be further consolidated."

Mainstreaming human rights in government policy and strengthening the infrastructure to protect human rights is therefore of crucial importance. Governments should be encouraged to form Human Rights commissions within the legislative and Judiciary branches, as awareness raising mechanisms within government and as self-monitoring vis á vis abuse of power. It is essential to encourage in countries the establishment within the legal profession of thorough human rights learning. At the same time, it is important to maintain human rights watchdogs that are independently funded and administered. This independence from government guarantees the participation of citizens in human rights monitoring and exercise.

While CSOs were instrumental in pushing African countries to create an independent African Court for Human and People's Rights, the African Union's decision to locate it as a specialized court within the new African Court for Justice demonstrates that much remains to be done to ensure the independence of human rights institutions in Africa.

Given the current lack of institutional capacity to protect human rights in many African countries, the onus falls on actors in civil society. If they are to be effective in their watchdog role, however, they too must enshrine good governance in the way they do business. Some progress has been registered in this area, with the adoption of self-regulation mechanisms, such as codes of ethics and standards of excellence, in several countries. A culture of transparency in governance structures is also gaining strength across the sector, with mandates and legitimacy for civil society activities being gained through extensive consultative processes. Perhaps most critically, CSOs must "perform or perish". Whereas most governments and inter-governmental organizations benefit from guaranteed revenue flows even if performance is mediocre or sub-standard, and as Mr. Naidoo stressed, "resources will not continue to be available if civic organizations are not performing on the basis of their vision, mission and objectives".

IMPROVING LOCAL GOVERNANCE AND STRENGTHENING PARTICIPATION

The extreme centralization of the African state that was commonplace immediately after the independence period has given way to a wave of progressive decentralization policies across the continent during the 1990s. Whether arising from internal political reforms, evolutionary administrative change and/or external donor pressure and programmes, the recent revival of local governance has been one of the most significant aspects of state restructuring in Africa since independence and is linked to a drive to recover or reinvent political legitimacy. The drivers of decentralization are therefore primarily political, and only secondarily technocratic.

Decentralization reforms of intergovernmental political, fiscal and administrative systems are an effective way of strengthening the downward accountability of a state to its citizens and generally improving local governance. Its fundamental aim is to create more open, participatory societies by promoting greater accountability and transparency in public affairs at the local level. As articulated in ECA's presentation of the findings of its study, decentralization, if properly effected, is therefore a *sin qua non* for good governance, and provides for a political system that creates the conditions that encourage broad input into decision-making from all elements of civil society.

Devolving Public Administration

In his presentation, Mr. Hans Binswanger of the World Bank highlighted that a country is more likely to make a rapid and sustained transition from a centralized to a decentralized state structure if a number of enabling conditions are in place. There needs to be, for instance, a powerful political coalition with both the incentive and authority to push through policies of decentralization. Furthermore, stakeholders at the community level need to be sufficiently engaged to be supportive of, and responsive to, initiatives by political elites to shift resources and accountability downwards.

In addition, for decentralization to lead to more a responsive and pro-poor government there needs to be a strong central government that provides the direction and ensures that there is adequate supervision of the development process. In other words, the existence of a "capable state" is essential for decentralization to succeed and for the provision of an enabling environment that comprises institutional arrangements and practices that are favorable to local initiatives (see box 6).

The effective implementation of fiscal decentralization is essential for the success of other forms of decentralization. However, and as borne out by ECA's research, resources allocated to local governments are low in many African countries. There is a need therefore to increase local budgets and simultaneously strengthen the fiscal autonomy of local governments. In the formation of Medium Term Expenditure Frameworks (MTEFs) and Poverty Reduction Strategies (PRSs), the needs and demands of the local governments should be systematically integrated and taken into account when formulating national budgets. In The Gambia, for example, national development plans are used as frameworks for PRSPs and MTEFs, which helps with capacity building at the local level whilst ensuring that the National Assembly assures budgeting that is pro-poor. Not only can financial constraints seriously hamper the effective operation of decentralized structures but also, and as stressed by an Ethiopian delegate, financial considerations are a significant factor that affects the type and depth of decentralization strategy that a country should undertake.

Similarly, poor human capacity is a major challenge for the effective implementation of decentralization strategies. Significant latent capacity exists at the local level in Africa that could be actualized into functional capacity by ensuring that personnel are well trained and equipped to respond to the demands of local governance. Some of the bottlenecks to enhancing local capacity at the local level lie in the environment and fiscal systems more than in the communities themselves.

Mr. Binswanger highlighted three models of local development – decentralized sectoral, local government and direct community support – all of which emphasized many of the same principles, i.e. empowerment, beneficiary demand, administrative autonomy, downward accountability and enhanced local capacity. However, though desired, decentralization is not always the preferred alternative for effecting change in the short and medium term. Reformers should therefore consider the desirability and feasibility of the range of alternative strategies for strengthening downward accountability and improving local governance systems.

Whichever route taken, local development remains primarily the responsibility of local actors. Although enabled and constrained by broader social, environmental, economic and political factors and supported by external resources and institutional systems, sustainable local development depends upon agency and action at the local level rooted in the commitments by local actors to assume responsibility for improving their own well being.

Box 6: The Role of National Governments in Promoting Local Development

Local development requires an institutional environment favourable to local initiative. Both formal institutions of governance and the informal institutions of the wider society and economy contribute to an environment that supports or constrains local responsibility, local capacity, local participatory collective action, and local accountability. PRS implementation and framing of MTEF goals is but one of such actions.

This enabling environment includes the formal institutional arrangements of the public and private sectors as we as the informal social institutions and practices that influence the behaviour of people and organisations. These factors can significantly enhance or constrain local efforts to improve empowerment, governance and service delivery at the local level. The enabling environment for local development can be improved by following measures:

- Make national governance more supportive of local development by defining laws, policies and procedures that: clarify the rights of individuals, strengthen the legal standing of voluntary organisations, recognise the role of formal and informal or traditional CBS in governance and service delivery, and make sectoral policies and systems compatible with LG and CBO empowerment.

- Foster a civil society more supportive of local development by initiatives that: legitimise social capital and local collective action, promote democratic norms and promote societal values such as equity, social justice and local responsibility.

- Enhance local capacity through investments that: re-orient the local public sector to improve horizontal co-ordination among public sector organisations, strengthen local organisations to improve participatory planning, and increase knowledge and skills to enhance the capacities of local actors

- Provide external support for local development in order to: finance local development through government budget allocations, provide technical assistance to local organisations to assist in developing and implementing decentralised participatory governance and management systems, increase the availability of information to local actors, and promote the transfer of expertise among both local and national actors regarding lessons learned in similar settings about how to improve empowerment, governance and service delivery through more integrated approaches to local development.

Source: *Presentation delivered at ADF IV Local Governance and Participatory Development Breakout session 4, by Mr. Hans Binswanger, World Bank*

Strengthening Local Participation in Decision-Making

In her statement on the capable state, Ms. Ellen Johnson-Sirleaf emphasized that participation is embedded in the principle of democracy. It is not a luxury, and should therefore be an integral part of any development programme. Local governance promises that government at the local level can become more responsive to citizens desires, increase their participation, and encourage civil society to respond to opportunities to make decisions that affect their lives.

As the ECA study on governance has however noted, and as stressed during ADF IV, participation levels remain low in Africa, indicating that improved participation through decentralization is not an automatic process. A "community" is not necessarily homogenous, and local elites often influence programmes and over-shadow the poorest in society. There is therefore a need to define the constituency that is to be empowered and what quality is attributed to it to make it a viable community. In other words, the target population, programme objectives, and the processes to be achieved must well defined and focused.

Regarding decision-making in local government, the idealized model of representative democracy in local government suggests that through free and competitive elections, citizens make known their needs and priorities. Elected councilors then formulate strategies, make key decisions, and prioritize expenditure choices through formal policy and budgetary processes. However, it is not often in Africa that local needs, priorities and choices are identified though the electoral process in sufficient detail for the purposes of planning and budgeting. In practice, much decision-making is informal, and formally approved budgets are often not adhered to due to lack of financial resources. Representative democracy therefore needs to be complemented by mechanisms of citizen participation to enable those elected to gauge better what the needs and priorities of the citizens are, as well as to create a sense of ownership on the part of the citizens of the services provided by the government.

As Ms. Gertrude Mongella stressed in her presentation, governance is above all a leadership issue. A number of participants however expressed concern over certain officials within government who perceive citizen participation as a threat to their autonomy and position. The core challenges of establishing an effective and integrated local government system therefore rest on changing entrenched attitudes and practices that militate against the effective operation of systems, managing complex processes that emanate from multiple institutions and processes, and overcoming institutional boundaries. Decentralization is fundamentally about changing the seat of power and realigning relations of power to favour local actors rather than national actors, and to favour communities and civil society rather than public officials.

Improving Service Delivery and Tackling HIV/AIDS

ECA's study on governance in Africa indicates that the provision of basic services is increasingly gaining priority in a number of countries, especially via poverty reduction strategies. However, as the study points out, on average less than one-third (31%) of the population in sampled countries are satisfied with the performance of

the main service delivery agents, i.e. local governments. All public institutions have a responsibility to deliver services to the public in an effective manner, especially those that are essential for economic growth and social investment. However, and as noted by Mr. Seward Cooper of the ADB, public institutional failure in Africa and hence ineffective service delivery is primarily a manifestation of poverty and underdevelopment, but is also a reflection of weak institutional arrangements and weak capacity of local governance structures. In addition to this, there is also a general lack of local and stakeholder participation in the *design* of service delivery in Africa.

Because they are closer to the ground, decentralized local governments are best placed to provide services that reflect local needs and priorities and to ensure that they are better targeted for service users. Reliance on existing structures can also ease the demand on limited resources and therefore decentralization policies should explore ways of including interlocutors for programmes at the local government level. In light of this, and as stressed by participants in the discussions on traditional governance, the inclusion of traditional leaders is therefore a decisive factor for successful local governance because the delivery of services demands the kind of resources that many African governments do not have at the local level (see Chapter 5).

Local governance is not just about local government. There are a number of local institutions that contribute to local governance e.g. village committees, parents organizations linked to schools etc. Therefore, transparency and information sharing is a key element in the practice of good governance. Indeed, transparency requires access of the public to knowledge and information regarding decision-making processes and the management of the affairs of the state. There is a need to increase cooperation and client responsiveness between local authorities and community based organizations. This can be achieved in part by harnessing the role of information as well as appropriate technologies in local governance. Institutions should explore more 'e-governance' options and designate responsible officials and at the same time governments should develop legal frameworks to provide citizens with the right to information. As emphasized in a wide number of interventions and presentations during ADF IV, a lack of awareness of citizens of their rights and access to appropriate information essentially reduces the downward accountability that decentralization is aiming to improve.

There is now a strong consensus on the need to address HIV/AIDS as a critical challenge to governance in Africa, largely due to the ECA-led UN Commission on HIV/AIDS and Governance in Africa (CHGA), whose commissioners met in parallel to ADF IV. In his opening remarks, Mr. Amoako described the HIV/AIDS pandemic as "a colossal challenge currently facing the continent" and mentioned that with several African countries losing their teachers, civil servants and military faster than replacements can be trained it is important to understand and "...pre-empt the likely impacts on governance". It is without doubt that the HIV pandemic has had a devastating impact on African governments' ability to deliver services in vital sectors such as health, education and agriculture, mainly due to the loss of skilled human capacity. Although research in this area is still in progress and not conclusive, examples from Zambia indicate that there has been an increase in by-elections due a rise in the number of HIV-related deaths of MPs. This has had implications on government expenditure but also, in the long-term, on the ability to govern. In his presentation, leading HIV/AIDS academic Professor Alan Whiteside presented

data from Zambia showing a correlation between non-registration to vote and HIV prevalence – indicating that the pandemic has led to negative consequences for electoral participation, an important precondition for functioning democracy.

One of the many challenges facing African governments in this regard is mitigating the impact of HIV/AIDS related to scaling-up treatment and human capacity. In his statement, former Zambian leader and HIV/AIDS campaigner Mr. Kenneth Kaunda expressed frustration that twenty years after the first cases of AIDS were diagnosed, little progress has been made in treatment strategies and provision of care for people in the rural areas of Africa, where challenges related to accessibility and monitoring of Anti-Retrovirals (ARVs) are particularly pertinent. Mr. Kaunda also emphasized the need to break the stigma surrounding HIV/AIDS in order for the scaling-up of treatment to be accelerated and for the quality of life of those affected with HIV/AIDS to be improved. In a moving account of his personal decision to reveal that his son had died in 1986 of an AIDS-related illness, he encouraged people to "break the wall of silence" by discussing HIV/AIDS openly.

Improved access to ARVs prolongs lives, reduces the number of orphans, and in the process renders HIV/AIDS an outpatient disease. This reduces the burden on rural health infrastructure. However, up-scaling prevention treatment and care programmes is not limited to anti-retroviral provision, access to Voluntary Counselling and Testing (VCT) and the prevention of mother-to-child transmission and nutrition must be addressed simultaneously.

The scarcity of human resources (particularly doctors), inadequate information, lack of capacity to avail ARVs, and weak transport and communication infrastructure in rural areas are all frustrating treatment efforts in Africa. It has therefore been recommended that treatment strategies encourage the use of simplified guidelines and drug regiments using local resources and systems as much as possible. Lessons from Malawi on scaling up treatment through the provision of ARVs are insightful. Malawi has managed to mobilize resources to mainstream the provision of free ARVs in all public sectors. To date, there are 21 centres, the majority of which are in the rural areas. Similarly in Botswana, and as emphasized by Ms. Joy Phumaphi, a CHGA commissioner, integrating VCT and ARVs into routine healthcare systems has been cost effective in Botswana and also less demanding on the diminishing human resource pool.

There was overwhelming consensus at ADF that the scaling-up of treatment for HIV can be made more effective through the forging of partnerships with local governments and also via participatory strategies that involve recipient communities. An appeal was therefore made to recognize and facilitate the role of community-level movements against AIDS and also to make better use of teachers, mosques, churches and traditional healers for prevention and other HIV programmes. As Mozambican Prime Minister and CHGA Patron Mr. Pascoal Mocumbi noted, the most critical measure of adequate response in the coming years is keeping people living with HIV/AIDS in Africa alive. This requires systematic thinking on how access to ARV therapy can be scaled-up in resource poor settings that are typical of much of rural Africa.

SYNERGIZING TRADITIONAL GOVERNANCE AND THE MODERN STATE

Much of the current research and analysis of democratization in Africa has focused on issues concerning the state and its institutions rather than society or cultural values and systems. In order to be legitimate and to meet its societal responsibilities, however, the democratic state ultimately needs to be founded on indigenous social values and it is in this context that traditional governance has come back into the spotlight, particularly with regard to its complementary role to the modern governance system in Africa.

The roles that traditional authorities can play in the process of good governance can broadly be separated into three categories: First, their advisory role to government, as well as their participatory role in the administration of regions and districts; Second, their developmental role, supplementing the government's efforts in mobilizing the population for the implementation of development projects, sensitizing them to health hazards, promoting education, encouraging economic enterprises, inspiring respect for the law and urging them to participate in the electoral process; and third, their role in conflict resolution, an area where traditional leaders across Africa have already demonstrated success. In terms of justice, it appears that many African citizens eschew the adversarial national court system, tending to opt for a more consensual approach based on customary law in traditional courts. This is especially the case in rural areas, where traditional justice is meted out more speedily, and at lower financial and social cost.

The question, therefore, is not whether the traditional and modern systems of governance in Africa are competing against each other, but how to rise to the challenge

of integrating the two systems most effectively to better serve citizens in terms of representation and participation, service delivery, social and health standards and access to justice. By bringing together some of the continent's most articulate traditional leaders, ADF IV significantly contributed to the emerging debate.

Accountability is the Key: Testimony from their Majesties

Two of the most commonly cited criticisms of traditional forms governance are that its leaders are not elected and that they are not accountable to anyone. In reality, most traditional systems involve many actors in a complex and largely consensual system of devolved decision-making containing ample provisions and mechanisms for checks and balances including sanctions and the removal of a leader in case of misconduct. This point was emphasized, among others, by Chief Eone Batha Bienvenue, Division of the Matomb, Nyong and Kelle of Central Cameroon, who described the multiple dimensions of hierarchy consisting of first, second and third degree chiefs who are nominated by different levels of the traditional government.

Contrary to conventional belief, it seems clear that existing mechanisms of accountability in traditional governance systems are sophisticated and effective, to a large extent counterbalancing the lack of democratic method in the selection process of traditional leaders, which is usually through nomination or ascription. As highlighted by His Majesty Kgosi Lemo Tshekedi Molotlegi, King of the Royal Bafokeng Kingdom in South Africa: "The bottom line is that there is no mode of selection, including the most free-and-fair election, that can guarantee that the person in office will have integrity, compassion, and the best interests of his constituents at heart. Accountability in office is the only way to really measure, monitor, and promote these things."

Furthermore, rather than being static and archaic as they tend to be portrayed by their critics, traditional systems have evolved and adjusted to changing contexts and circumstances over centuries and are thus perfectly able to adapt to contemporary political realities. As King Molotlegi declared: "We are rooted in – but not bound by – tradition."

Part of the reason for the endurance and resurgence of traditional systems lies in the administrative divide between urban and rural areas in most African societies. Whilst the former sets itself apart through the application of modern western-oriented laws, a functioning physical infrastructure, the existence of health and other social facilities, a vibrant cash economy and functioning economic institutions, the latter and vastly more populous segment often remains largely untouched by these developments. This point was captured most eloquently in the address delivered His Royal Majesty Otumfuo Osei Tutu II, Asantehene of Ghana, when he stated: "The people in this world largely have a traditional worldview and look to their chiefs and elders for development, settlement of disputes, allocation of land, financial support to the needy and other elements of social insurance. They hardly speak English or any European language. They have limited access to health facilities or other social amenities. They are mainly farmers or peasants and the quality of life is significantly lower than that of the other world. No chief who commutes from the first world to

the second world can fail to appreciate the reality of this dualism and the challenges it poses for an integrated national development which is equitable and sustainable."

This proximity between traditional authorities and their constituents is another key feature of most traditional systems of governance. Through frequent direct consultations in the form of general meetings or indirectly through village heads or councilors, traditional authorities have privileged access to information about the situation and concerns on the ground, whereas central governments often have only rudimentary knowledge and limited reach. This allows traditional authorities to be more responsive to citizen needs, which in turn forces them to be accountable to them – often indeed much more so than an inaccessible, distant elected representative governing from a provincial or national capital.

Harnessing Traditional Governance Systems for Development

In order to exploit the complementarities between modern and traditional systems of governance formal mechanisms for participation by traditional leaders in politics and governance structures need to be explored and guaranteed by the constitution. As already practiced in some countries, for instance, Houses of Chiefs can be created at the district, provincial and national levels with various levels of responsibilities and duties depending on the particular circumstances in each country. In Cameroon, for example, traditional leaders are not only recognized by the state but also remunerated by it and thereby fully integrated into the local government system. For this to happen elsewhere in Africa, the prevailing perceptions of traditional governance systems need to be readjusted. In the words of King Molotlegi: "As traditional leaders and members of traditionally-governed communities, we are not opponents of the national government, but rather its constituents, ready to participate in the wider national debate. What's needed is a mindset in which traditional structures are viewed as valuable partners, rather than as competitors or opponents, in the formation of African democracies."

At the regional and continental level traditional rulers should also be represented in key intergovernmental bodies such as the African Union where their contributions can be most valuable in the areas of peace and security as well as economic and social development.

Another critical interface between the traditional and modern forms of governance concerns the reconciliation between the customary and modern judicial systems. Besides incorporating customary laws into the modern judicial framework, various models of legal pluralism are already being successfully practiced such as in the Bafokeng system of South Africa where attorneys with national credentials supervise tribal courts to ensure that court decisions made in reference to customary laws do not contradict the national constitution or the Bill of Rights.

The developmental role of traditional leaders can also be reinforced through, for example, the creation of community trusts as well as public private partnerships.

More specifically, local governments that often lack the resources and capacity to deliver services on a regular and equitable basis should be encouraged to form partnerships with traditional leaders who could fill those gaps with in kind resources. Raising awareness of HIV/AIDS and fighting corruption are other areas where traditional leaders as the custodians of moral and social values can play a critical role in disseminating information and engage in other preventive measures (see box 7).

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Box 7: The Asantehene's Role in Development

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Upon assuming his role as King of the Ashanti people in May 1999, the Asantehene quickly sought to identify the urgent development needs in his community. In his own words: "Our economy was not in the best of shape as a nation. In the Ashanti community itself, educational standards were falling, children were dropping out of school at an alarming rate to chase jobs for a living; and some children were attending school under trees. In the health sector, HIV/AIDS was threatening our population and our entire social and economic fabric, and our children were being bombarded with foreign cultural material. Added to this were a large number of chieftaincy, succession, land and litigation cases before the courts, which were impeding social cohesion and economic development." To reverse these alarming trends, the Asantehene undertook a number of initiatives, among them:

- The creation of an independent Otumfuo Education Fund, accessible to children from all over Ghana and with contributions coming from Ghanaians overseas. To date, more than 2,000 children have benefited from scholarships offered by the Fund.

- The establishment of a Health Committee to advise on measures needed to reduce the HIV/AIDS prevalence in the region. The Committee was also charged to work closely with the Regional and Metropolitan Medical Team to find support for the reduction of infant mortality, eradication of glaucoma and other eye diseases, buruli ulcer, guinea worm and other water-borne diseases.

- The implementation of a joint partnership project with the World Bank which is assisting in building the management capacity of chiefs, rehabilitation of schools and sanitation facilities in 41 communities, developing health education modules for traditional authorities to lead in raising awareness of HIV/AIDS, and building programmes to preserve traditional values and culture. A further project funded by the World Bank after lobbying by the Asantehene involves the creation of water and sanitation facilities for 1,000 communities in five regions of Ghana to supplement existing government interventions.

- In the area of conflict resolution no less than 500 land, chieftaincy, succession, criminal and civil cases were settled amicably in customary courts over the last 5 years and in accordance with the provisions of Ghana's constitution.

Source: *Statement delivered at ADF IV by His Royal Majesty Otumfuo Osei Tutu II, Asantehene of Ghana, 12 October 2004*

Mr. Olara Otunnu, the United Nations Under-Secretary General and Special Representative for Children and Armed Conflict, summed up the consensus succinctly when he stressed: "The two sources of legitimacy of governance are not incompatible and Africa cannot move forward with one leg leaving the other behind. Both pillars of governance must move forward together." In practice, what this means is that African countries should look beyond the weaknesses of traditional systems of governance and incorporate the many positive roles they play as partners in the socio-economic development of the communities. In order to achieve this, the
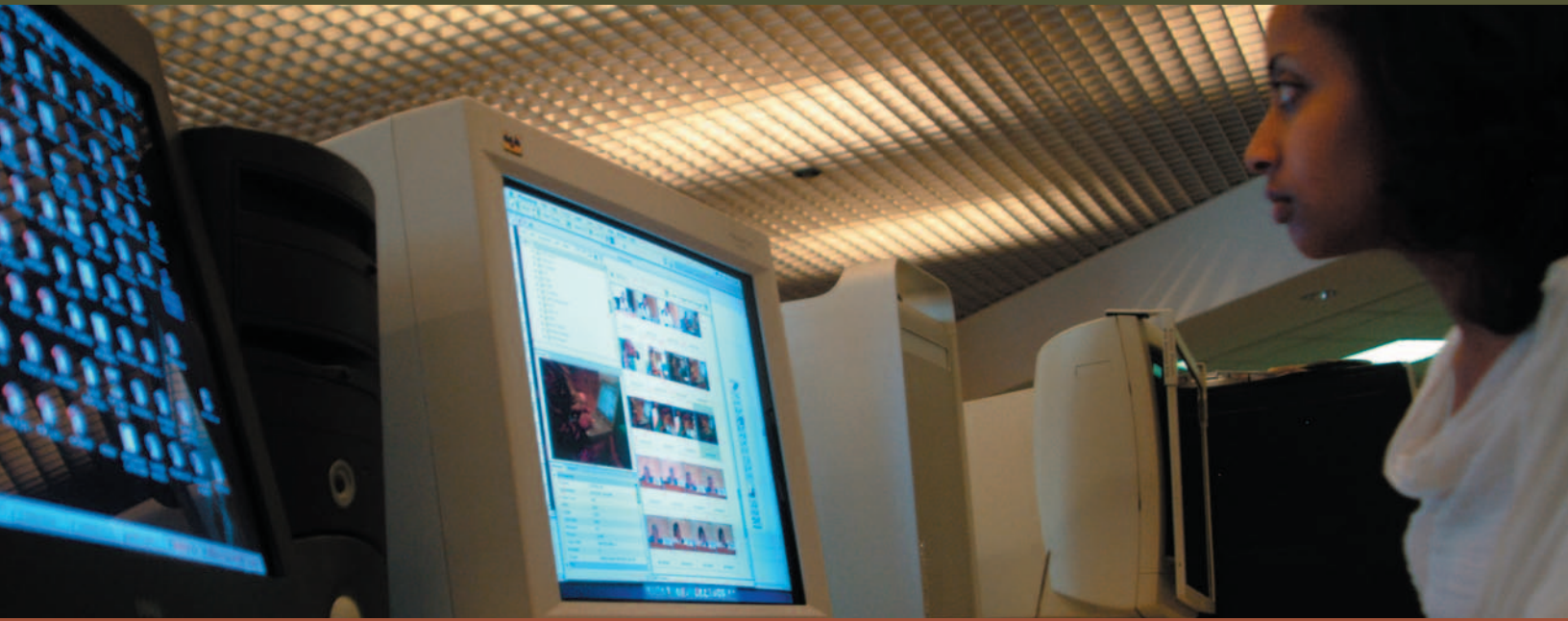
IMPROVING PRIVATE SECTOR ECONOMIC AND CORPORATE GOVERNANCE

The private sector has in recent times become the main engine for economic growth and poverty reduction in Africa as most governments have withdrawn from direct involvement in economic activities (see box 8). However, the private sector cannot develop Africa single-handedly. The recent history of economic development in other parts of the world, in particular the experience of East Asian countries, clearly demonstrates the importance of state direction in private sector development. The state must provide the right incentives to enable private sector operators to seize opportunities to invest and grow. As the NEPAD document points out: "The State has a major role to play in promoting economic growth and development, and in the implementation of poverty reduction programmes"(NEPAD document, para. 86). It is only the capable state that abides by the principles of good governance as outlined in the introductory chapter of this report, that can fulfill this crucial role of providing direction to the private sector.

The private sector is also very important to governance issues because, development assistance aside, it provides the major source of revenue for governments through taxation. It is therefore difficult to have good overall political governance without good economic and corporate governance within the private sector. Good governance in both sectors mean adherence to recognized and transparent rules and regulations, which are rigorously enforced. Herein lies the symbiotic relationship between good political governance and good corporate governance. In other words, a functional capable state needs financial resources, and the private sector is a major source of such resources. It is also the main source of employment and

the best hope for the vast majority of Africans, the youth, of finding gainful employment in adulthood.

Such an important sector cannot be left to develop in a haphazard manner. If it is to fulfill its potential as the engine for growth and wealth creation, the private sector needs the support of a cross-section of society, including governments and civil society at large. In order to gain this support, the private sector must behave in a socially responsible manner. It must look beyond microeconomic goals of profit maximization and embrace the macroeconomic goal of economic development.

> ## Box 8: The Private Sector Defined
>
> The private sector can be defined as the part of a nation's economy that is not directly controlled by the government. This broad definition includes service providers, non-governmental organizations, for-profit, nonprofit, formal and non-formal entities. The definition can also include the few remaining state-owned enterprises whose sole purpose is commercial activities and that make decisions primarily on commercial basis. In the African context, this will include informal sector operators, family businesses, community-based business enterprises, micro finance businesses, small and medium-sized enterprises, national and international corporations, and the few remaining state corporations whose activities are solely commercial. In addition, it is important to recognize that small micro-enterprises and informal sector actors provide the bulk of private sector employment in Africa. Any attempt to empower the private sector should therefore pay close attention to the needs of this sub-sector in order to maximize the impact on economies.
>
> **Source:** *ADF IV private sector stakeholder group, 2004*

Enforcing Good Private Sector Governance

Good governance principles should also apply to the private sector as much as to the state. The two sectors rely heavily on each other and practices in one part can easily impact on the other. For example, the state procures most of its requirements of goods and services from the private sector at huge annual cost. While such procurement arrangements are nominally subject to competitive tendering in most countries, the reality can be different. This is because standards of transparency and accountability in both sectors remain minimal.

In addition, in an environment where private businesses are subject to several bureaucratic rules and regulations, and where the rules are applied in an uneven manner, temptations will arise to bribe public officials in order to by-pass the system. Corruption therefore becomes a mutually reinforcing activity, which damages both the public and private sectors. Several participants at ADF IV cited corruption as the most dangerous phenomenon for governance in the private sector. Although business people cite numerous examples of why corruption becomes "the cost of doing business" (see box 9), this is contrary to behaviour as good citizens and works against the long-term interest of both the state and the business community.

During ADF IV, The Attorney General of Lesotho, Mr. Lebohang Fine-Maema, shared his country's experience in tackling public and private sector corruption. The most high profile cases arose from the multi-million dollar Lesotho Highlands Water Project (LHWP), in which several western companies allegedly paid huge bribes to local managers in order to win contracts. Lesotho first successfully prosecuted the local director of the project, and then turned its attention to the foreign firms. One Canadian firm was successfully prosecuted for paying US$ 2 million in bribes to local associates over the project. "The firm was convicted and fined a sum of US$ 15 million," the attorney general said to applause from the audience. Other European firms were still being prosecuted regarding the project, including firms from Germany and Italy. Most people considered it unfeasible for a small country like Lesotho to take on such huge multinationals. Indeed, the process was expensive with an initial unwillingness on the part of Lesotho's development partners to contribute funds to the litigation. As a result of the initiative's success, funding is now more forthcoming, with the World Bank, for example, re-instituting a rule that bars corrupt companies from bidding for contracts.

Some key lessons were learned from the Lesotho case, among them that companies and individuals who solicit and receive bribes can be successfully prosecuted; that corruption is clearly not just an African problem but also exists in developed countries; that those who bribe tend to stick together so it is difficult to obtain information; and that it is important to get the cooperation of others. Lesotho managed to get cooperation from Switzerland, which provided details of bank accounts where the illicit gains were deposited.

Participants cited several examples of bad practices in the corporate sector. These include discrimination against women entrepreneurs when applying for loans from private sector banks, even though they often have superior collateral.

Box 9: Why Businesses Engage in Corrupt Practices

- If billions can be made, millions will be offered and paid!

- If you cannot beat them join them

- Greasing the wheels of Bureaucracy

- Because public officials demand it and competitors are paying

- In business, like in love and war, all is fair and you may have to bribe to gain an advantage

- It is a tax allowable expense and it creates an advantage

- It creates a monopolistic market for us

- Everybody does it and it is a way of doing business down there

Source: *Presentation by Karugor Gatamah, chief executive officer, Centre for Corporate Governance, Nairobi, Kenya, at ADF IV*

Key Outstanding Challenges

Corporate governance: Karugor Gatamah, chief executive officer, Centre for Corporate Governance, Nairobi, Kenya, noted that current standards of corporate governance in Africa vary widely with no clearly defined codes of conduct. He said legislation in most African countries simply requires any private company director to be "of sound mind" and not to have been declared bankrupt. These appear to be the bare minimum and no guarantee that the individual is capable of directing and providing strategic leadership.

Participants concurred with the recommendations of the NEPAD task force on economic and corporate governance for African countries to adopt internationally recognized standards. Such transnational standards are important because they strengthen predictability and build investor confidence, two key ingredients for attracting investment. Uniform or compatible standards across the continent will also facilitate cross-border investments, both by African and international firms. Two such examples recommended for consideration are OECD and Commonwealth standards for corporate governance. The Forum recommended that such best practices be adapted to specificities of Africa in order make them more relevant.

Macroeconomic environment: The ADF challenged governments to create an environment that is conducive for private sector operations. Investors are entitled to expect from governments legal protection in terms of enforceable commercial law, guaranteed property rights and a secure environment within which to operate. Many African countries have already undertaken widespread structural reforms resulting in stable macroeconomic environments with low inflation rates, fiscal discipline and tight monetary policies. This stable macroeconomic environment is indeed necessary for the private sector to flourish, but is not a sufficient condition for it to do so.

Evidence from several African countries shows that although widespread reforms have taken place, the expected surge in private investments has not materialized. In addition, due to the current rapid pace of globalization, the private sector is increasingly being exposed to stiff competition from imports. Within the context of World Trade Organization (WTO) negotiations, tariffs are being reduced and the margin for using industrial policy is rapidly closing. Governments should therefore rigorously pursue the development dimensions of the current WTO negotiations and the right to special and differential treatment for African countries to enable them to develop a viable and competitive private sector. This will provide the necessary policy space to enable African governments to facilitate private sector development on the continent.

Partnership and responsibility: There needs to be a broad alliance embracing government and civil society to boost the capacities of this sector. All stakeholders therefore have responsibility to ensure its success. There remains widespread suspicion of the private sector in many development NGOs and civil society organizations. The sector is seen as motivated by prospects of profit maximization alone without a broader consideration for society and its developmental goals. Indeed, the private sector, particularly the larger operators, is seen as enriching itself at the

expense of society at large. This perception needs to be reversed, and it can only happen with concerted effort from the private sector itself.

The private sector should therefore organize and seek to improve its image. It has certain fundamental responsibilities as employer, key among them to pay all staff a decent wage and provide security of employment. A happy workforce is a productive workforce and such policies will certainly lead to wider externalities that will improve the image of the private sector. Employees expect good governance from businesses employing them. They will expect their salaries to be paid on time and to work in safe environments. Part of this responsibility falls on shareholders and company directors to exercise good governance for the sake of all stakeholders.

Building networks: There is a need for strong national, sub-regional and regional associations to interact with governments in order to close the gap between policy pronouncements and policy implementation. These associations are better placed to find sources of finance and have capacity to fulfill requirements to access them. For example, the Islamic Development Bank has been offering soft-loans for private sector development in Africa but many firms lack the capacity to access these funds or knowledge of their existence.

Enhancing capacity: A well-educated and healthy labour force is an important element in raising productivity and competitiveness within the private sector. The question of enhancing labour force quality is one for the state and society as a whole to address rather than the private sector on its own. African leaders have made several pledges to boost education and health spending, which must be fulfilled if the labour force is to be more productive. The private sector can also invest in providing training opportunities to its workers. Leading firms can collaborate in funding institutions or courses that will provide training, and can offer apprenticeships to young people.

Transaction costs: The cost of doing business in Africa is very high for a number of reasons, including poor transport and telecommunications infrastructure and inadequate, expensive and often unreliable energy supply. Some participants at ADF IV, for example, began their journeys at points within Africa, but had to transit through points in Europe before reaching Addis Ababa. Telephone lines remain low in number and the cost of phone calls, particularly abroad, are among the highest in the world. Internet connectivity also remains low. Only 23 percent of Africa's population have access to electricity, and much of the available supply is unreliable and subject to power rationing and/or unscheduled power cuts (ERA2004). This entails additional costs to the private sector. Many African countries are looking at innovative ways to solve some of these infrastructure problems, particularly using public-private partnerships. It is clearly in the interests of the private sector and the economy at large that these infrastructure issues are resolved, with the state taking the lead in a collaborative effort with the private sector and other stakeholders.

Financial incentives: Governments are very adept at inviting foreign corporations and international investors, giving them every manner of financial incentives, tax breaks. The same effort should be used to encourage domestic resource mobilization and investment. As one participant remarked: "There is a lot of money under pillows and mattresses in Africa which need to be utilized". Governments need to

develop mechanisms to bring these resources into circulation by, for example setting appropriate interest rates. Additional incentives to business could also come in the form of soft loans that are affordable, particularly to small and medium sized enterprises, which provides the bulk of private sector activities. Some countries are already addressing such issues and one example is Senegal, which has set up a Ministry of Enterprise Development. Elevating private sector issues to the level of a government ministry is a positive step that should be emulated by more countries.

Market access: In the final analysis, the private sector can only flourish if it finds markets for its output. In most African countries, the domestic markets remain small and therefore regional integration and greater access to international markets are important issues. Regional integration will create a larger market enabling domestic firms to benefit from economies of scale. It will also have the longer-term effects on industrial and business organization, contributing to creating a competitive environment and guarding against policy reversals, which usually result from domestic political pressure. Possibilities for greater domestic and foreign investment would also be enhanced, including the promise of attracting superior technology. This could also serve as a stepping-stone to Africa's greater integration into the global economy, as African firms could initially develop their competitiveness in the wider regional context. However, a successful conclusion of the Doha round of trade negotiations will be essential in order to open up industrial country markets to African exporters.

The Way Forward

Partnerships, particularly between the government and private sector, will be key to establishing a viable private sector in Africa. This is because of the symbiotic relationship between the two, and the crucial role each sector plays in the success of the other. This will provide the private sector with a channel to lobby for the kind of legislation and assistance necessary for it to flourish. Close interaction between the two will also foster a better understanding of the needs and constraints of each sector, making it easier to forge ahead on a common agenda. This may also help close the gap between policy pronouncements and effective delivery.

Capacity building within the private sector is a key element. While the education sector is important in this regard, it is also important to have work-based training for the many who have left the formal education system and are engaged in the private sector. Capacity building should also be expanded to include the provision of financial resources, information on investment opportunities and technical assistance to private sector operators to enable them to invest and grow.

Actions needed: A number of recommendations emerged from ADF IV on what African governments must to do help the private sector fulfill its potential as an engine for growth and poverty reduction. These include: creating good operating environment for the private sector, including establishing the right regulatory and legislative framework, capacity building, institutional and physical infrastructure; assisting in opening up foreign markets to enable exports by local private sector;

streamlining rules and conditions that private operators need to comply with prior to setting up their operations; ensuring availability of low cost credit; encouraging maximum transparency (including declaring money paid to government by the private sector) to discourage corruption; motivating private banks to extend credit at affordable interest rates, particular to women; and introducing transparent codes of conduct that include non-discrimination against women.

On its side, the private sector should implement the following measures: organizing and speaking with one voice to better influence government; adopting principles of cooperate citizenship, including exposing corruption within governments and within the private sector, investing in local communities, providing secure and safe employment and respecting the environment; and helping the government to develop sound accounting and auditing standards in addition to other commercially related legislation.

ECA and other regional institutions can also assist in building and strengthening the operations of regional networks of private sector operators. They can encourage governments to create enabling environments by generating and disseminating knowledge in the form of technical studies and examples of best practice that can be emulated elsewhere. This would include the codes and standards for good economic and corporate governance prepared by ECA at the request of the NEPAD HSGIC.

THE ADF IV AGENDA FOR ACTION

A number of major recommendations emerged from the deliberations at ADF IV. The more specific, time-bound actions, for which a lead role can be assigned, are listed below. A full version of the Consensus Statement, which exhaustively lists all the key action points, including more general proposals, is appended to this publication as an annex.

Improving Checks and Balances:

- A parliamentary index of core areas of intervention, so as to identify capacity gaps, strengthen autonomy and entrench independence.

- Programmes to build capacity for parliamentarians as well as parliamentary staff in the areas of finance, technology, drafting of legislation, and communication, among others.

- The promotion of internal parliamentary reforms to ensure parliamentarians will promote and protect good governance, and the deepening of existing initiatives to promote inter-parliamentary cooperation.

- Urgent work to deepen legal and judicial reforms, including transparent processes for the appointment and dismissal of judges, capacity building for court officials and appropriate remuneration of court personnel, more open and active court systems, the use of languages citizens can understand, and steps to support and bolster traditional judicial systems.

- A meeting between chief justices across Africa to develop a blueprint for harmonizing policies aimed at entrenching judicial independence.

- Compliance by African governments with international human rights conventions they have signed and ratified, including international instruments aimed at protecting children, advancing the status of women and preventing discrimination against people living with HIV/AIDS.

- The need for the AU to reconsider its decision to place the African Court for Human and Peoples' Rights under the African Court of Justice as a specialized court.

- The need to develop an African Youth Charter as a means of enshrining the centrality of Africa's youth to governance and development.

- Special measures for political parties to develop their capacity if they are to efficiently assume a key role in democracy for good governance – including assistance in better understanding national constitutions and electoral laws, deepening funding of independent electoral commissions, and efforts by the AU and UN to promote free and fair elections in Africa.

- A dedicated conference or African initiative to undertake further, in-depth consideration of issues of capacity building of political parties, including discussion on defining or refining the ground rules for elections.

Strengthening African Media:

- The repealing of all laws and cessation of all official practices that curtail or undermine media freedom.

- Urgent action by Africa's media houses to address key governance challenges such as. adequate remuneration, access to new technologies, and better self-regulation towards higher standards.

- The development and dissemination of a charter for African journalism to promote high standards that can be measured.

Harnessing Traditional Governance Institutions:

- The contingency of lifetime rule for traditional leaders upon good conduct, with failure resulting in removal based on clearly defined mechanisms for accountability.

- The need to institutionalize structures for accountability as part of the modern practice of statehood – such as the creation of houses of chiefs at the district, provincial and national levels.

- The need to reinforce the role that traditional systems of governance play in socio-economic development of communities at several levels, by creating community/private/public partnerships and trust funds, strengthening traditional Judiciary systems and addressing the HIV/AIDS pandemic, etc.

- Formal representation for traditional authorities and institutions in AU bodies and other regional development fora.

- ECA requested to develop a project to map traditional systems of governance, including their consensual decision making models, as part of the broader effort to better define and advocate their role in achieving good governance in Africa.

Tackling Corruption:

- Improving the salaries of public officials as an immediate option for reducing their vulnerability.

- Standardizing the use of ICTs in public administration (e-governance) as a means of reducing the discretion of public officials and enhancing transparency.

- Stepping up domestic and multinational private sector involvement in the fight against corruption, ensuring that the requisite mechanisms for accountability are in place.

- Brokering strong alliances between CSOs, the media, political parties, the Judiciary, the Legislature, the churches, traditional institutions and progressive corporations, to monitor and denounce corrupt practices, inform the citizens of their rights and duties, and promote the values of integrity, accountability and honesty in society.

- Advocacy at the regional and international level by the AU and other institutions for the enforcement of laws and exchange of best practices in the fight against corruption.

Improving Public Sector, Local Governance and Service Delivery:

- Using African languages to help improve the quality of information available to citizens, bearing in mind low literacy levels.

- Support for private sector service provision where it is working, with NGOs enlisted to monitor and evaluate impact.

- Adapting institutional decentralization to country specific conditions and human resources.

- Adoption of special measures to ensure participation of women, youth, ethnic minorities, and vulnerable groups.

Leveraging ICTs:

- Development of appropriate policy frameworks, supported by legislation for e-governance, that are linked to strategic development objectives.

- Adoption by governments of legislative and regulatory measures on free open source software use in African public administrations so as to reduce the dependence on restrictive and expensive proprietary software.

- Support from governments for research and development institutions and bodies in their effort to develop appropriate e-government systems and applications for Africa.

- Promoting the deployment and use of ICTs within national administrative structures, including support for e-governance, with l'Organisation Internationale de la Francophonie and other entities providing increased financial resources and capacity building to support e-government initiatives at all levels throughout Africa.

- Various fora should be created to raise awareness on the relevance of e-governance to development, as well as to develop an inventory.

Unleashing the Potential of the Private Sector:

- Special efforts are needed to create strong African private sector associations that reach out to state and non-state small and medium enterprises (SMEs);

- Need for more focused and integrated public–private-CSO partnerships in sponsoring home-grown national and regional development strategies;

- Need to promote reliable and dependable information and analytical interfaces between the African private sector, international business and capital, and the NEPAD Secretariat;

- The need to develop timely, credible, structured, comprehensive and usable information on business opportunities to advance private sector development; and promoting regional integration efforts more focused on building productive capacity, as opposed to an overemphasis on trade.

- The urgent need to organize an Africa-wide forum on the role of the private sector in development, to include chambers of commerce, stock exchanges, business associations and other key players.

- Advocacy and education programmes to promote the private sector as an engine for growth.

- The establishment of task forces to translate for national use standards of corporate governance, such as those developed by NEPAD, the Africa Business Round Table, the OECD and the Commonwealth, among others.

- The provision by relevant regional institutions of training to formal, informal, small and medium scale enterprises on corporate governance and social responsibility, with subregional hubs and networks serving as conduits for knowledge sharing.

Fighting HIV/AIDS as a Governance Issue:

- Increased support for ongoing initiatives, such as the Commission on HIV/AIDS and Governance in Africa (CHGA).

- The need for better coordination of their efforts by organizations like UNAIDS, CHGA, and WHO, working in collaboration with the AU, sub-regional organizations and national governments.

- Institution of workplace prevention programmes as well as new methods of workplace planning, including creating incentives to attract and retain employees, outsourcing to attract the best expertise, de-skilling certain functions to widen participation in provision of services, and integrating HIV/AIDS interventions into existing wider development programmes.

- Reviewing and improving overall laws that relate to the well-being and protection of those affected by HIV/AIDS, such as anti-discrimination laws and property rights protections.

- Measures to ensure greater involvement of vulnerable groups, women and youth in programme planning at all levels, particularly the community level.

- Need to combine treatment and prevention in the fight against HIV/AIDS, with governments ensuring access to treatment of PLWA by complementing the 3x5 initiative with simplified regimes of drugs based on local resources.

- Critical need to improve health infrastructure in rural areas to ensure access to, and upscaling of HIV/AIDS treatment to rural dwellers.

- The development of programmes to address stigma and denial by involving PLWA, emphasize the role of leadership, and provide consistent and accurate information.

Mainstreaming Gender Concerns:

- The imperative of replicating and implementing the AU 50:50 gender parity principle at national, regional and local levels of governance. All political and governance bodies must institutionalize policies that guarantee gender equality.

- The need for leadership training programmes for women, especially young women, to enable them to rise to the challenges of elected or appointed office. Independent women's organizations should continue to be encouraged and supported.

- All international and regional human rights instruments must be domesticated. All remaining countries must sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women.

The highest consideration must be given to the statement arising from African Beijing + 10 Review.

- The use of a gender-sensitive and human rights-based approach to inform future planning, implementation, monitoring and evaluation of PRSPs, MDGs, and expenditure frameworks.

Building Strong, Effective Partnerships within Africa:

- Work is needed to strengthen existing regional institutional partnerships such as UNDP's African Governance Institute (AGI), which should coordinate knowledge sharing, the mobilization of human and material resources for agencies involved in governance projects on the continent.

- Tracking and monitoring good governance in Africa is of paramount importance. As such, all organizations and governments on the continent should actively support the APRM.

- Africa's international development partners should generously support the creation of an African Capacity Building Trust Fund, in recognition of the urgent need for capacity building of governance institutions such as parliaments, the civil service, Judiciary, political parties and civil society.

- All of Africa's Regional Economic Communities should be better integrated into the process of capacity building, improving governance and building capable democratic states.

- Partnerships need to be strengthened between institutions and networks that focus on pillars of governance, such as the African Parliamentary Union, African Parliamentarians Against Corruption, African Association of Ombudsman, the Parliamentary Forums and the Electoral Commissions of the RECs, the Electoral Institute of Southern Africa, African Human Rights Commission, the regional Local Government Associations, the African Women Parliamentarians and African Youth Parliament.

- Strengthening private sector networks (such as the African Chamber of Commerce, African Business Round Table, African Capital Markets Forum and the African Stock Exchange Association) is critical to promoting a culture of good corporate governance and helping develop small and medium enterprises, stock exchanges, and the informal sector.

- Undertaking an inventory to organize the activities of partners so as to harmonize programmes and maximize resources can also strengthen partnership.

A Transformed International Partnership:

- Africa's development partners should fulfil their long-standing commitments to deliver on volume of aid (the 0.7% target).

- Donors need to establish long-term partnerships with recipient governments that lead to more predictable aid and thus better planning.

- Africa must ensure sustained progress in building on emerging mechanisms for self-monitoring and peer review.

- Measures need to be deepened to reform governance of the international financial and political architecture, to involve Africa more in global decision processes and forums such as the World Bank and the Security Council of the United Nations, and strengthen the pivotal role of the AU. More external support is needed to make this happen.

ANNEXES

ADF IV Partners

- **African Parliamentary Union**

- **African Union**

- **Canadian International Development Agency (CIDA)**

- **Department of International Development (DFID)**

- **Government of Sweden**

- **Government of the Netherlands**

- **Institute for Democratic and Electoral Assistance (IDEA)**

- **Kara Heritage Trust**

- **Private Sector Corporate Governance Trust**

- **UN Children's Fund (UNICEF)**

- **UN Population Fund (UNFPA)**

- **World Bank**

ADF IV CONSENSUS STATEMENT

I. Preamble

1. There is a clear consensus that good governance and sustainable development are two sides of the same coin. Good governance is a sine qua non for development in Africa. It implies efficient and accountable institutions – political, judicial, administrative, economic, corporate – and entrenched rules that promote development, protect human rights, respect the rule of law, and ensure that people are free to participate in, and be heard on, decisions that affect their lives. Above all, good governance is a leadership issue, enshrining the effective, transparent, and accountable discharge of responsibilities within the framework of capable states.

2. Africa's overarching challenge is to create strong, capable, developmental states – states in which peace and security is guaranteed; states that create an enabling environment for equitably distributed economic growth coupled with the promotion of education, health and social services; states that encourage freedom of expression and vigorous exchange of views through a free and thriving media sector; states that pursue sound macro-economic management, institutional reform, and investment in human resources development, including in the critical area of gender equality; states that deal swiftly and effectively with corruption; and states that build an enabling environment for the private sector to generate economic growth, jobs and income. At the core of the capable state are political continuity and policy predictability and a fair and consistent application of the rule of law.

3. Nowhere is the consensus on the need for capable states more clearly reflected than in the New Partnership for Africa's Development (NEPAD), a leadership framework aimed at providing new impetus to continental development efforts. The NEPAD African Peer Review Mechanism (APRM) uses a number of innovative indicators to assess and monitor the progress of African countries in meeting the goals of achieving good governance and sustainable development. So far, 23 countries – covering some three-quarters of the population of sub-Saharan Africa – have signed up for peer review, opening up their policies and practices to scrutiny based on codes and standards for political, economic, and corporate governance codes. The Pan African Parliament, created as part of the African Union (AU), constitutes another important continental institution of accountability and oversight and a critical forum for the exercise of good governance in Africa.

4. While the principles of democracy are universal, the form it assumes is context-specific. As such, Africans must define an African-owned agenda for good governance, based on local realities and contexts, and communicated to populations in their own languages. Viable institutions and practices from the continent's past must be harnessed towards its future. The context of globalization, coupled with the tendency towards asymmetrical relations between Africa and its development partners – particularly in economic governance and trade – makes it all the more incumbent on Africa to develop its own paradigm of good governance as part of its quest for greater ownership of its development. As such, there is a need to caution against assuming that models borrowed from Western industrialized countries are the best, or only, route to progress.

5. While some may perceive traditional systems of governance as archaic and out-dated, there is growing evidence that such systems and networks are key in mediating the dualistic co-existence between tradition and modernity that characterizes African society. As such, traditional governance holds tremendous potential for enhancing the effectiveness of service delivery and ensuring that communities, especially in rural areas, are not bypassed by development. Furthermore, traditional systems of conflict resolution have proven relevant and effective in addressing some of Africa's most enduring conflicts. As such, a key challenge of the modern capable state is to find ways of harnessing the potential of traditional institutions of governance.

II. Key Challenges to Good Governance in Africa

6. In the first study of its kind to measure and monitor progress towards good governance in Africa, the Economic Commission for Africa (ECA), in collaboration with the African Development Bank (ADB) has identified four positive governance trends in Africa: the steady consolidation of democracy; greater political inclusiveness; expanded voice and accountability; and improved economic management. However, a number of major challenges need to be addressed with a view to building capable states in Africa, some of which are spelled out below.

7. First, the lack of effective checks and balances in some African countries undermines good governance. These relate to the three arms of government, which should be clearly separated and operate independently, but be coordinated. Political parties, civil society, the media also serve as important checks and balances. Problems are particularly evident with regard to the Executive, especially in countries emerging from totalitarian rule, where parliaments tend to enact laws serving narrow factional interests rather than the common good. While elected parliaments are generally mandated to provide oversight, propose and approve legislation, promote and protect government, as well as strengthen its institutions, in some cases, parliaments are either not elected, or are elected without a clearly defined mandate. Related to this, many parliaments lack the required autonomy and financial independence from the Executive. Human resources shortfalls, questions of legitimacy and other constraints affect the ability of many parliamentarians to perform basic functions of office, such as interrogating the national budget.

8. The independence of the Judiciary is central to the administration of fair justice in a democratic society. However, it is often more nominal than real. In some cases, structural biases arising from a range of circumstances undermine the credibility of the judicial system. Justice commissions often merely act as advisers to the Executive, rather than directly influencing decisions. In some cases, the Executive has been known to directly appoint members of their justice commissions. Meritocratic processes of recruitment for the Judiciary are sometimes lacking. More often than not, the Executive controls the process by which the Judiciary is appointed, the security of tenure and the purse strings. Added to this, language and cost remain barriers to access to justice, especially for women and the poor, who are often not familiar with their rights. Disparities also exist between judicial systems in French and English speaking countries, working against regional goals.

9. Political parties are playing an increasingly critical role in the consolidation of democracy in Africa. The challenge remains one of reform to ensure democracy of their internal structures. Parties often serve individual, rather than the public interest. This is evident in the lack of coherent political agendas and programmes, and in tendencies such as vote buying. The funding of political parties remains a major challenge. Many depend on private parties to finance electoral campaigns, particularly in countries where the incumbent party refuses to institutionalize funding for opposition parties. This works against a balanced political representation in parliament. Accountability mechanisms, voter education and requisite codes of conduct for elections are often missing, while electoral commissions are often anything but independent. Many parties have failed in their public education role, focusing instead on interests of wealthy funders. A related challenge is to build complementarity between political parties and NGOs so that both institutions can play an important role in society.

10. Civil society and non-governmental organizations provide the citizenry with a channel for their voices and the means to serve as watchdogs enforcing political accountability. However, many CSOs are often seen as adversarial to, rather than complementary to, government. Civil society attacks on state policies can sometimes undermine legitimate achievements underway. A large number of CSOs operate exclusively as service providers, abandoning an important policy advocacy role. Further, CSOs need to be differentiated based on their transparency and credibility since they are not all operating as independent watchdog organizations and may be opportunistic and partisan. CSOs as well as individuals also suffer from laws that restrict their activities and hamper their rights. Governments also question the legitimacy of human rights movements, thereby undermining their watchdog role.

11. The media also has a vital role to play as a public watchdog – in exposing corruption, checking abuses of power and human rights and casting light on the process of elections, the daily business of government and service delivery. Media organizations must be free from interference, manipulation or pressure so that they can do their work effectively and guarantee the independence of their work for the consumer. This places a particular obligation on government and politicians to respect the media's questions and to give open and honest answers, permit a diverse and flourishing environment for publicly and privately owned media and respect media workers' freedoms and rights. Yet only a healthy media sector can fulfill its obliga-

tions. If media publishers and broadcasters in both the public and private sectors lack financial resources and security, if they do not uphold professional standards, and if they use reporters and editors who are inadequately trained or experienced, they will fail to live up to the standards that underpin public confidence.

12. Second, weak institutions created through political rather than normative processes impact negatively on national and local governance, as well as on participation and the delivery of services. Historically, the civil service has tended to be supply rather than demand driven, lacking of focus on outputs, outcomes and impact, with the result that civil servants lack a full appreciation of their service orientation and mission. They may not be adequately skilled or trained to carry out their duties. Effective delivery of services is often hampered by lack of upstream stakeholder participation, donor imposition on selection of contractors and programme focus. The lack of adequate gender sensitive analysis constitutes a glaring omission that works against an effective approach. Furthermore, growing urban poverty, coupled with rising demand for services in urban slums, represents a new challenge in service delivery.

13. Weak institutions, particularly the Judiciary and Legislature, also stem from inadequate financial and other operational resources, which affect the delivery of services. Furthermore, insufficient human resources reduce the capacity of institutions to influence governance. Poor technical skills also impinge the quality of programme output. In addition, the lack of independence of governance institutions weakens their ability to function effectively and to establish accountability mechanisms.

14. The lack of participation at all levels constitutes a key weakness in governance, and serves to marginalize key stakeholders in development, among them youth, women, and civil society at large. At the local level, institutions for governance and participatory development remain weak, one reason why service delivery scores are low in ECA's governance study. Local government is of extreme importance, because it serves as a major means of empowerment, stakeholder participation, and enhanced accountability. It also is the major coordinator of service delivery and local development efforts between sector agencies, communities, civil society, traditional authorities, and the private sector. Effective decentralization is contingent on a strong and capable state that can relinquish power effectively to local governments and communities. While most countries in Africa have initiatives underway for decentralization and local development, the pace of transfer of powers and fiscal revenues remains slow. Often, what are being transferred to the local level are institutional control mechanisms rather than true devolution of power. The objective to mobilize all local and provincial latent capacities for development is therefore not achieved.

15. Devolution of power to the local level involves the integration of three processes: strengthening of local government, reform of sector institutions, and empowerment of communities. It needs to be carefully designed and adapted to the situation in each country. There is a danger of creating too many tiers of decentralized government and too many districts or provinces, which entails an excessive fiscal cost that poor countries may not be able to afford. There is also the problem of excessively empowering local elites, rather than the entire population, and measures

need to be put in place to monitor elite capture and speedily implement corrective measures. Widespread dissemination of information and large scale training efforts are an essential component of a local empowerment strategy, and a key measure to ensure accountability and limit elite capture.

16. Third, while it is generally accepted that traditional systems of governance have much to contribute, the key challenge remains one of finding ways to accommodate these systems into modern statehood. While important, democratization has failed to meet broad social responsibilities, as it has not been founded on societal values. Three possible models of traditional governance can be cited: the highly centralized or absolute monarchs; kingdoms with limitations on the exercise of powers by the kings; and consensual systems of decision making in which traditional leaders preside over assemblies but there are essentially no chiefs and no significant separation between the rule makers and the ruled. The consensus-based model, while probably the most relevant to democratization, has no strong advocates within the wider political system for contemporary institution building. There remains a dearth of specific cases studies on how modern political systems in Africa can borrow from this traditional model.

17. In the modern state, elections do not necessarily reflect the will of the people nor always bring the "best" people to power. A further aspect is the incorporation of participatory systems characteristic of traditional systems into structures of representative democracy, while yet another dimension is reconciling the consensual judicial system of traditional governance with the adversarial system in the modern state, dominated by those with the means to justice. Difficulties also arise when chiefs participate in party politics of statehood carrying their traditional support base with them. A further issue is the impact of globalization and economic change on systems of governance. In general globalization and economic development require that all stakeholders share responsibility for good governance. Traditional governance systems can play a vital role in strengthening societies to adapt to these changes, as has happened in Japan and South Korea.

18. Fourth, corruption continues to pose a serious challenge in many African countries, undermining the legitimacy of institutions and entire governments, impeding investor confidence and depriving citizens – women and the poor in particular – of essential public services. Although there has been a proliferation of anti-corruption commissions and bureaus across the continent, many lack the autonomy, resources and power to effectively trace and prosecute corrupt individuals at all levels of society. As a consequence, many of the well-intended anti-corruption campaigns tend to fizzle out over time and a culture of impunity and clientelism persists where a culture of performance, meritocracy and transparency is needed. The Judiciary in particular is a key institution in the fight against corruption, but often lacks the independence and capacity to deal expeditiously and effectively with all the cases brought before it. Other important factors contributing to corruption include insufficient remuneration of public officials, the vast income disparities existing in most African societies, external factors such as bribery by multinational firms to secure lucrative contracts, the ignorance among citizens about their rights, and the erosion of ethical and communal values to the benefit of materialism and acquisitiveness.

19. Fifth, while the private sector is well recognized as an engine of growth and development in Africa, its potential remains largely untapped. Success in creating adequate opportunities for fully productive employment is primarily dependent upon the existence of competitive, profitable and sustainable business enterprises. It is in this context that the good governance of the business enterprise - the wealth creating organ of society - becomes cardinal to the development and governance strategies of the African continent. However, the private sector generally lacks access to human and financial resources, knowledge, markets and labour, impacting negatively on its effectiveness in promoting growth and employment in Africa. Furthermore, it suffers from a lack of dependability and predictability in the management of state affairs – especially the consistent and fair application of the rule of law and the protection of property rights – which are more fundamental to growth and investment than providing tax holidays, investment incentives and subsidies. Many African governments pay too much attention to attracting foreign direct investment (FDI), to the detriment of strategies to support local industries and mobilize domestic investments for sustainable development. There also remain gaps between policy intentions and pronouncements made by some governments and actual implementation.

20. Sixth, the impact of HIV/AIDS as a governance issue has still not been fully understood or recognized. HIV/AIDS reduces economic growth potential and private sector employment opportunities, and erodes the tax base, negatively affecting domestic resource mobilization. It impacts severely on the ability to deliver services, and diverts resources that could be otherwise deployed toward provision of basic needs and the responsibilities associated with governance. It weakens people's energy to participate in democracy and hold state structures accountable, while burgeoning HIV/AIDS-related stigma and discrimination impacts on the state's ability to protect human rights. The specific socio-economic and biological vulnerabilities of women to HIV/AIDS are not adequately taken into consideration. The HIV/AIDS pandemic highlights the depth and urgency of the governance challenge for Africa's youth. Establishing a sense of positive futures among African youth is essential, not only for HIV/AIDS prevention but also for laying the social foundation for good governance.

21. Seventh, and in spite of African women's mobilization, advocacy, and increased representation in governance at regional and national levels, normative gains are not yet reflected in substantial changes in women's lives. In fact more women are living in absolute and relative poverty today than ten years ago. Furthermore, and despite 31 countries signing and 4 ratifying the AU Protocol on the Rights of Women to the African Charter on Human and People's Rights, challenges remain. Women's access to the justice system is limited by legal illiteracy, lack of resources and gender insensitivity, as well as by bias among law enforcement agencies. In some countries, women are denied property rights. The incidence of violence against women, including rape and domestic violence, remains staggering.

III. An Agenda for Action

22. Above all, fostering good governance in Africa means building a capable democratic state with strong institutions promoting the public interest and including the participation of all stakeholders, with a particular emphasis on women and youth. Urgent and coordinated action is needed to address capacity deficits in key areas:

23. **Improving Checks and Balances:** Strengthening the capacity of parliaments to perform their key functions constitutes an urgent task. Action is needed to establish a parliamentary index of core areas of intervention, so as to identify capacity gaps, strengthen autonomy and entrench independence. Programmes are needed to build capacity for parliamentarians as well as parliamentary staff in the areas of finance, technology, drafting of legislation, and communication, among others. Internal parliamentary reform must also be promoted to ensure parliamentarians will promote and protect good governance. And existing initiatives to promote inter-parliamentary cooperation need to be deepened.

24. Work is also needed to deepen legal and judicial reforms. Governments need to set up transparent processes for the appointment and dismissal of judges. Governments must invest in capacity building for court officials, as well as in proper remuneration of court personnel to discourage rent seeking. More open and active court systems need to be fostered where files are readily available to solicitors and their clients. By improving access to technology, informed citizens can make informed choices regarding the exercise of their rights, including the right to legal redress. Judiciaries need to be closer to the people by using languages that they understand, tailoring legal access to include the poorest, and raise people's awareness of the laws. This should include steps to support and bolster traditional judicial systems, which are readily accessible to the public. Significant reform is needed of the various institutions of justice. A meeting between chief justices across Africa should take place to develop a blueprint for harmonizing policies aimed at entrenching judicial independence. African governments need to comply with international human rights conventions they have signed and ratified, including international instruments aimed at protecting children, advancing the status of women and preventing discrimination against people living with HIV/AIDS. However, they should also encourage independent monitoring of human rights instruments, and demonstrate to citizens that they have rights and freedoms – particularly in expressing their choice in leaders and expressing their opinions. The AU should reconsider its decision to place the African Court for Human and Peoples' Rights under the African Court of Justice as a specialized court, but maintain the African Court for Human and People's Rights as a distinct and separate court. There is a need to develop an African Youth Charter as a means of enshrining the centrality of Africa's youth to governance and development.

25. Political parties require special measures to develop their capacity if they are to efficiently assume a key role in democracy for good governance. This should include assistance in better understanding national constitutions and electoral laws. Of primary importance is funding which must be addressed to improve their independence, accountability, and organizational structures, reduce parliamentary carpet crossing, mitigate corruption and help parties better assume their function

of civil education. The funding of independent electoral commissions should also be deepened so that they can assist political parties to abide by their code of conduct and also provide supervision. The AU and the UN should jointly collaborate to promote free and fair elections in Africa. There is need for further, in-depth consideration of issues of capacity building of political parties, including discussion on defining or refining the ground rules for elections. This should be the subject of a separate conference or African initiative. The role of CSOs and other watchdog organizations in improving checks and balances should be strengthened through the provision of civil education that enhances their effectiveness, particularly in enforcing greater accountability. Measures should be taken to provide training to women to enhance their participation in political decision-making processes.

26. **Strengthening African Media:** African governments should accept an obligation to be transparent and accountable by providing information to the media when it is sought and answering questions about their performance to the best of their ability. They should allow both the private and public media to function without interference and to respect media workers' freedoms and rights without resort to violence, intimidation or detention to curtail reporters' activities. All laws and official practices that curtail or undermine media freedom should be repealed or ceased. Africa's media houses urgently need to address a number of challenges if they are to meet the standards required by good governance. Media owners and editors must ensure that journalists are adequately remunerated, well trained, and can benefit from new technologies, since editorial production, research and communications depend so heavily on access to computers and the Internet. Furthermore, media owners and workers should urgently seek to raise standards in their profession by instituting and where appropriate supporting key institutions – such as media monitoring and complaints bodies and journalists' organizations. Media owners and practitioners in Africa have an ethical and professional obligation to institute and promote accurate, fair and objective reporting. A charter for African journalism should also be developed and widely disseminated via media networks and associations and, once agreed, widely subscribed to so that media organizations themselves are transparent about their goals and can be measured against them.

27. **Harnessing Traditional Governance Institutions:** Traditional governance structures and systems should continue to enshrine the devolution of power with the ruler subject to laws and codes of conduct. Contrary to popular belief, the selection of leaders is not arbitrary, but based on consultation. However, more accountability must be institutionalized. Leaders installed to rule for life must earn their stay in office through good conduct, or otherwise be subject to removal based on clearly defined mechanisms for accountability. Further, structures for accountability must be institutionalized as part of the modern practice of statehood – such as the creation of houses of chiefs at the district, provincial and national levels. There is also a need to explore the role that traditional systems of governance play as partners in the socio-economic development of communities. The role of the chiefs in socio-economic development needs to be reinforced at several levels. This includes the creation of community/private/public partnerships and trust funds, strengthening traditional Judiciary systems and addressing the HIV/AIDS pandemic, among other issues. Where relevant, the role of traditional authorities and

institutions as custodians of moral and social values should be deepened, and they should be formally represented in AU bodies and other regional development fora. A project to map traditional systems of governance, including their consensual decision making models, should urgently be conceptualized and implemented as part of the broader effort to better define and advocate their role in achieving good governance in Africa.

28. **Tackling Corruption:** There are both short-term and longer-term measures that need to be taken to eradicate corruption across all levels of society. Improving the salaries of public officials is one immediate option for reducing their vulnerability. The use of information technology in public administration (e-governance) can also play a major role in reducing the discretion of public officials by helping to condense the number of administrative steps taken in the completion of an administrative or service delivery process whilst simultaneously enhancing its transparency. At the higher levels of authority, leaders should serve as role models in the fight against corruption by declaring their goods and revenues upon assuming office, talking about corruption openly and publicly, ensuring that budgets at all levels of government are published, comprehensible and accessible to all citizens, and that government procurement practices are both competitive and transparent.

29. Outside of governments, the private sector, including multinational and transnational corporations, needs to become more sensitized and involved in the fight against corruption, corruption, ensuring that the requisite mechanisms for accountability are in place. A strong alliance is also needed between CSOs, the media, political parties, the Judiciary, the Legislature, the churches, traditional institutions and progressive corporations, to monitor and denounce corrupt practices, inform the citizens of their rights and duties, and promote the values of integrity, accountability and honesty in society. At the regional and international level, institutions such as the AU and other international organizations need to encourage the enforcement of laws and exchange of best practices in the fight against corruption.

30. **Reforming the Public Sector, Institutions of Local Governance and Improving Service Delivery:** In terms of public sector reform, governments must improve the quality of information available to citizens, and bear in mind illiteracy levels as well as African languages. Institutions should also endeavor to sensitize all employees about the service orientation of their jobs. Institutions should work to simplify procedures for citizens inquiring and accessing government services. Public sector providers should be placed on performance contracts and have their budgets increased only if they satisfactorily meet their targets. Private-public partnerships and privatizations should also be considered, as appropriate.

31. To improve delivery, services should be more targeted at beneficiaries, allowing them to participate more fully in decision making, bearing in mind the specific needs of women and the poorest. Where private sector provision of services is working, it should be supported and continued, with NGOs enlisted to monitor and evaluate impact. Where they exist and add value, local governments should delegate responsibilities to traditional institutions. A serious shift of attention toward the new challenges of urban poverty should take place immediately in an-

ticipation of mushrooming needs and demands. Institutional decentralization should be adapted to country specific conditions and human resources. It should be carefully planned so that it effectively devolves powers and fiscal resources and authority to the local level. The risks of excessive administrative costs and of elite captures need to be mitigated by making the local institutions truly accountable to the population, and by widespread dissemination of information, training and careful monitoring and evaluation. Special measures must be put in place to ensure participation of women, youth, ethnic minorities, and vulnerable groups.

32. **Leveraging ICTs:** E-governance, which incorporates the principles of e-government, is an important innovation for enhancing good governance and strengthening the democratic process, and can also facilitate access to information, freedom of expression, greater equity, efficiency, productivity growth and social inclusion. Successful e-government initiatives can have demonstrable and tangible impact on improving citizen participation and quality of life as a result of effective multi-stakeholder partnerships. African governments need to develop appropriate policy frameworks, supported by legislation for e-governance, that are linked to strategic development objectives; enlist high-ranking political e-government champions; focus awareness, outreach and training efforts on the less privileged segment of targeted users, particularly women and neglected rural communities; and promote local content and supports local language development. Governments need to adopt legislative and regulatory measures on free open source software use in African public administrations in order to reduce the dependence on restrictive and expensive proprietary software. They should also support research and development institutions and bodies in their effort to develop appropriate e-government systems and applications for Africa.

33. Improving governance in Africa is ultimately a national project. As such, a participatory political process that allows political freedom and human rights, the unfettered operation of the media and civil society, the institutionalization of languages understood by African populations, and the promotion of private sector development and e-government is key. In the area of ICTs, for example, the African Information Society Initiative (AISI) advocates the implementation of National Information and Communication Infrastructure (NICI) plans in each country and has stipulated the need for government to promote the deployment and use of ICTs within their administrative structures, including support for e-governance. In terms of partnerships, national parliaments are responsible for passing legislation to promote environments that are conducive to the success of e-government. Furthermore, the RECs should also promote the implementation of e-government systems among their member states through adequate policy and regulatory environments. International agencies and donors, such as l'Organisation Internationale de la Francophonie, and other entities, should provide increased financial resources and capacity building to support e-government initiatives at all levels throughout Africa. There is a need to organize various fora to raise awareness on the relevance of e-governance to development, as well as to develop an inventory.

34. **Unleashing the Potential of the Private Sector:** This calls for the creation of an enabling environment through effective partnerships between the government, the private sector, and civil society to enhance the spirit of participatory

development and increase citizen engagement in creating a secure and stable environment in which corporations can grow and thrive. NEPAD advocacy for proactive public–private dialogue and partnership in areas such as infrastructure and e-governance is therefore timely. It will, however, involve heavy investment in labour at all levels and mutually beneficial business relationships at the continental and international levels to attain the goals of creating strong African private sector associations that reach out to state and non-state small and medium enterprises (SMEs); more focused and integrated public–private–CSO partnerships in sponsoring home-grown national and regional development strategies; promoting reliable and dependable information and analytical interfaces between the African private sector, international business and capital, and the NEPAD Secretariat; having timely, credible, structured, comprehensive and usable information on business opportunities to advance private sector development; and promoting regional integration efforts more focused on building productive capacity, as opposed to an overemphasis on trade. Given that SMEs accounting for close to 90% of African enterprises, they constitute a pivotal sector for providing the continent's youth with creative employment opportunities. There is an urgent need to organize an Africa-wide forum on the role of the private sector in development, to include chambers of commerce, stock exchanges, business associations and other key players.

35. Governments can overcome existing constraints by promoting good corporate governance, developing genuine partnerships with the private sector, underpinned by strategies to effectively utilize the considerable resources of African women, and harnessing regional integration to expand trade and access to markets. Advocacy work and education programmes are needed to promote the private sector as an engine for growth. National task forces should be formed to translate standards of corporate governance, such as those developed by NEPAD, the Africa Business Round Table, the OECD and the Commonwealth, among others. Relevant regional institutions should provide training to formal, informal, small and medium scale enterprises on corporate governance and social responsibility, and subregional hubs and networks should serve as conduits for knowledge sharing in this area. Consumers should ensure that they get value for money, obtain the highest quality products and be able to trust and rely on the enterprise to supply the goods or services timely and cost-efficiently. Investors and shareholders should be confident that their investments are secure, productive, sustainable, growing and profitable with a full protection of their rights. Suppliers, contractors, lenders and financiers should ensure that enterprises are well run and governed, and remain viable and solvent. Finally, employees should ensure that enterprises remain viable, sustainable and able to secure jobs, wages and pensions.

36. **Fighting HIV/AIDS as a Governance Issue:** Fighting HIV/AIDS in Africa implies an urgent recognition of its devastating impacts on governance, as well as concerted and coordinated action to mitigate its effects. In the next ten years, Africa could lose over ten million of its work force if urgent actions are not taken. Ongoing initiatives, such as the Commission on HIV/AIDS and Governance in Africa (CHGA), should be supported while national governments must develop practical but effective strategies to combat the disease. Organizations like UNAIDS, CHGA, and WHO need to better coordinate their efforts and work in collaboration with the AU, sub-regional organizations and national governments in evolving a com-

mon workable strategy to arrest the spread of the disease and provide adequate treatment for people living with AIDS.

37. Actions should include: the institution of workplace prevention programmes as well as new methods of workplace planning, including the creation of a more favorable work environment with pay rises and other incentives to attract employees and retain them; identifying and working with the best available actors through outsourcing; de-skilling certain functions so a broader range of people can provide services, such as in the context of health workers; integrating HIV/AIDS interventions into existing wider development programmes; and reviewing overall laws that relate to the well-being and protection of those affected by HIV/AIDS, such as anti-discrimination laws and property rights protections. Vulnerable groups, women and youth should be more involved in programme planning at all levels, particularly the community level.

38. Related to treatment, governments should operate from the basic premise that "the right to life" is enshrined in most if not all constitutions and that free access through the public health system is everybody's right. Treatment and prevention needs to be combined in the fight against HIV/AIDS. It is important that governments promote access to treatment of PLWA by complementing the 3x5 initiative with simplified regimes of drugs based on local resources. Increased access to treatment should be met with mobilization of domestic resources and also an increase in aid flows that are more targeted and predictable for African governments to be able to manage. Urban areas tend to be favoured over and above rural areas in terms of access to treatment. Improving health infrastructure is therefore critical for upscaling of HIV/AIDS treatment and providing access to treatment in rural areas. Stigma and denial remain key barriers to addressing HIV/AIDS effectively. Political will needs to be complemented by programmes that address stigma and denial by involving PLWA, emphasizing the role of leadership, and providing consistent and accurate information. Legislation also needs to be adapted/ aligned to the imperative of protecting the rights of PLWA.

39. **Mainstreaming Gender Concerns:** All political and governance bodies must institutionalize policies that guarantee gender equality. The AU 50:50 gender parity principle must be replicated and implemented at all levels of governance, national, regional and local. Leadership training programmes for women, especially young women, should be developed and supported to enable them to rise to the challenges of elected or appointed office. Independent women's organizations should continue to be encouraged and supported. All international and regional human rights instruments need to be domesticated. All remaining countries must sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women. The highest consideration must be given to the statement arising from African Beijing + 10 Review. Further, a gender-sensitive and human rights-based approach should inform planning, implementation, monitoring and evaluation of PRSPs, MDGs, and expenditure frameworks. Partnerships between men and women in addressing practices that have a negative impact on gender equality should be developed.

40. **Building Strong, Effective Partnerships within Africa:** First and foremost, and in line with the shared aspiration to develop an African-owned agenda for good governance, work is needed to strengthen existing regional institutional partnerships. Among these is UNDP's the African Governance Institute (AGI), a welcome development. The institute should coordinate knowledge sharing, the mobilization of human and material resources for agencies involved in governance projects on the continent. This includes research and policy institutes, national, regional and international organizations. Organizations such as ECA, ADB, the African Capacity Building Foundation (ACBF), Council for the Development of Social Science Research in Africa (CODESRIA), the Development Policy Management Forum (DPMF), and the Organization for Social Science Research in Eastern Africa (OSSREA) – all undertaking work related to African governance – should benefit from the institute, while the institute may also launch new creative initiatives on governance in Africa.

41. Tracking and monitoring good governance in Africa is of paramount importance. As such, all organizations and governments on the continent should actively support the APRM. Institutions involved in the technical and logistical processes of its actualization, such as the AU, ECA and the African Development Bank (ADB) should work closely to ensure its smooth operation. African governments should ensure that there is national ownership and participation in the APRM through the active involvement of the civil society and the people in the national process. The APRM process, along with the national dialogues conducted as part of the ECA governance project, constitute important innovations.

42. Capacity building of governance institutions such as parliaments, the civil service, Judiciary, political parties and civil society is key to improving governance in Africa. Africa's international development partners should generously support the creation of an African Capacity Building Trust Fund. The initiative by the African governors of the World Bank to create a Partnership for African Capacity Building (PACT) in 1998 should be revisited in support of this new idea. Africans should manage the Fund, and set its priorities for capacity development. All of Africa's Regional Economic Communities should be better integrated into the process of capacity building, improving governance and building capable democratic states. They should set complementary standards on good governance and democracy to that of the AU and NEPAD, and work closely with the ADB, ECA, UNDP, and other relevant organizations in developing the institutional capacity of their member states on governance. The rationalization of regional institutions is necessary for their effective operation and coordination in promoting good governance on the continent.

43. Partnerships can also be forged with institutions and networks that focus on pillars of governance, such as the African Parliamentary Union, African Parliamentarians Against Corruption, African Association of Ombudsman, the Parliamentary Forums and the Electoral Commissions of the RECs, the Electoral Institute of Southern Africa, African Human Rights Commission, the regional Local Government Associations, the African Women Parliamentarians and African Youth Parliament. Building alliances around such institutions will help to deepen governance principles and standards and build consensus on best practices. Such

coalitions help to reinforce commitment and encourage experience sharing. Building upon private sector networks such as the African Chamber of Commerce, African Business Round Table, African Capital Markets Forum and the African Stock Exchange Association could promote a culture of good corporate governance and help develop small and medium enterprises, stock exchanges, and the informal sector. Partnerships between national, sub-regional and continental CSO umbrella groups will also serve to strengthen their collective influence on policy and decision-making. Undertaking an inventory to organize the activities of partners so as to harmonize programmes and maximize resources can also strengthen partnership.

44. **A Transformed International Partnership:** Rule of law, the separation of powers, the role of civil society, and transparency are paramount to good governance in Africa. These are precisely the kind of issues that homegrown initiatives like NEPAD and the APRM are designed to tackle. Given that NEPAD is a compact between Africa's leaders and its people on the one hand, and international development partners on the other, the principle of mutual accountability is key as a basis for structuring international relationships in a globalizing world in which interdependency is inevitable. The HIV/AIDS pandemic, environmental degradation, corruption, international terrorism, among many other issues, are common problems that require common solutions. In resolving these problems, our development partners clearly have to bear their part of the responsibility.

45. Mutual accountability is therefore aimed at monitoring progress on both sides. Africa's development partners should fulfill their long-standing commitments to deliver on volume of aid (the 0.7% target). Private capital flows towards Africa have also been low. Moreover, much of the FDI flowing into the continent has been associated with privatization programmes, and has not necessarily been brought about any increase in real investment. European Union and U.S. policy in agriculture has been a great disappointment for African countries, and a source of constant frustration. Low commodity prices and high levels of debt payments have caught many African countries in a trap. The Highly Indebted Poor Countries initiative has not succeeded in delivering the expected faster, deeper debt relief, and needs to go much further. Donors need to establish long-term partnerships with governments – the very low predictability of aid flows impedes planning by ministries. In view of the envisioned scaling-up of aid flows in the coming years, this last issue will be of vital importance in the near future. Africa's development partners should provide support to the continent's development by facilitating freer and fairer terms of trade, greater market access and debt relief.

46. At the same time, Africa must put its own house in order. Establishing mechanisms for tracking compliance on both sides is crucial. There is particularly a need to develop capacities in the management of public resources through effective management structures and systems. The APRM is a fundamental initiative in this respect. African countries are opening up in an unprecedented fashion, unleashing the energy of the whole society. Good governance requires that this energy be channeled towards promoting more effective development and the common good. However, the concept of good governance should not be restricted to the domestic arena. Indeed, many improvements for Africa are contingent upon changes in the

international financial and political architecture. In areas such as trade or finance, international global governance needs to be improved. Africa requires more involvement in global decision processes and forums such as the World Bank and the Security Council of the United Nations. The role of the AU also needs to be strengthened. The AU embodies the ambitions of African states to form an integrated, active, actor on the world stage and achieve our long-standing goal of regional integration. But capabilities, especially financial ones, are lacking. External support to help this is clearly required. Finally, in order to facilitate the rebirth of African civil, political and economic society, African countries need to build on traditional culture and religion, and the donor community should recognize these as viable alternatives to their own forms of governance.

Pre-ADF Symposium on Civil Society and Governance Plan of Action

October 10, 2004, Addis Ababa, Ethiopia

The Pre-ADF Symposium on Civil Society and Governance was convened in recognition of the fact that civil society organizations (CSOs) have an essential role to play in fostering good governance for a progressing Africa. Their contribution to African development is rapidly increasing. In this respect, ADF IV provided an opportunity to help set an agenda for the enhanced participation of civil society in governance and development. The meeting aimed to catalyze an Africa-wide discussion and coordinated action. It was attended by participants representing CSOs from ten countries, as well as other partners such as the African Union. Thematic discussions covered four topics.

Thematic Session 1: Civil Society and Public Policy Formulation

Wealthy and socially dominant groups, using their resources and social status, frequently exercise considerable influence over public policy, whether directly or by supporting intermediary organizations that effectively represent their interests. Conversely, the comparatively poor and socially disadvantaged sectors of the population often have virtually no chance of influencing public policy and resource allocations. Institutional innovations, such as decentralization of decision-making, are often advocated for as mechanisms doing something to redress this imbalance and promoting more widespread popular involvement, though the extent that this is accomplished is a topic of continuing debate.

Participants reflected on the following issues:

- Under what socio-economic and political conditions can grassroots mobilization be effective in influencing public policy?

- What kinds of strategies appear to be most effective in promoting high rates of civic engagement in national policy formulation?

- What kinds of institutions are conducive to achieving higher rates of political participation?

- Is decentralization always, or normally, or only sometimes conducive?

In the discussions that followed, participants deliberated on major problems related to policy formulation and noted that:

- policy formulation was influenced by particular dominant groups, e.g. business communities, to the exclusion of the ordinary citizens;

- problems of mutual suspicion between governments and CSOs often resulted in the perception that CSOs spend more on overhead than on programmes;

- problems in competing for external funding existed, particularly between governments and CSOs;

- some CSOs have credibility problems as they themselves are not transparent and accountable and are not internally democratic;

- there can be a lack of networking among CSOs as they are very protective of their operational turf;

- many CSOs are working for their own survival rather than for the effective delivery of services to their constituencies, which undermines their credibility.

On the basis of the above observations, the meeting recommended the following priority actions by respective parties:

CSOs:

- Be accountable and transparent with respect to sources of funding to communities, donors and governments;

- Attempt to be self reliant as much as possible to enhance credibility;

- Adhere to democratic principles within organizations;

- Present arguments on issues based on facts rather than sentiment;

- Promote better awareness of national laws and regional and continental treaties, programs or initiatives and other important issues;

- Network to promote mutual interests and add value by working to influence the decisions of policy makers;

- Communicate development information using the media, especially the radio.

- Accept CSOs as partners, take their views into account, and involve them in the policy formulation process in a proactive manner, e.g. the PRSP process;

- Engage CSOs and the private sector in promoting good governance;

Thematic Session 2: Civil Society and Transparency and Information

CSOs can have an impact on the quality of governance by increasing the availability of information about the implementation and monitoring of government policy. Cases will differ, however, and there is a need for reflection upon past and recent experiences in order to determine when and how civil society activities most decisively promote transparency and information dissemination about the functioning of the legislative process, public expenditure allocations, the implementation of approved policy and programmes, and so forth.

Participants considered such questions as:

- What types of information and dissemination activities pursued by civic organizations can help to further transparency and accountability?

- What are the best ways for civil society groups to strengthen government commitment to implement recommendations of special inquiries, relevant legislation and programmes?

- How can citizens work most effectively to stem the misappropriation of resources by bureaucrats and local elites, and to bring about the indictment of public officials involved in malfeasance?

- What determines the effectiveness of public advocacy and campaigning designed to increase governmental commitment to probity and responsiveness across the board?

The meeting recommended the following priority actions by respective parties:

CSOs:

- Advocate for and facilitate the dissemination of Auditor General/Controller reports, especially on local governments and demand action against misappropriation;

- Call upon multinational companies involved in extractive industries to publish what they paid to governments as part of promoting transparency in revenue and budget processes;

- Simplify legislation for ordinary citizens' better understanding;

- Take into account how information is communicated to stakeholders. In this regard, method and language used should be the one accessible to the majority of the population; for example, radio communication could be more effective to dominantly illiterate communities;

- Be engaged in monitoring and whistle blowing regarding corruption in public and private offices and adopt own codes of conduct;

- Take note of governments' international, continental and regional obligations as signed in transparency and anti-corruption protocols and work to develop better implementation standards;

- Establish media, including private radio stations;

- See corruption not just as a moral issue but also publish its economic implications;

- Establish a reservoir of information, to which the public has an easy access.

Governments:

- Facilitate the establishment of independent media, including private radio stations by CSOs for effective information dissemination;

- Decriminalize anti-corruption and watchdog activities;

- Involve CSOs in setting up of special commissions and inquiries and disseminate results accordingly.

Thematic Session 3: Civil Society and Enhanced Delivery of Public Services

The quality of public services and the effectiveness of public expenditures are among the chief criteria of good governance. Yet, CSOs recognize they have some difficulties in enhancing public service delivery. Familiar proposals about the possible role of civil society in enhancing States' performance in these respects concern the following:

- Public-private partnerships in which CSOs work closely with State institutions in the design and delivery of services, and the monitoring of their quality and coverage;

- CSOs' mobilizing funds among client groups and other sources; and

- CSOs' directly delivering services themselves.

The most desirable outcome might be a kind of synergy, in which State institutions acquire greater legitimacy and improve their performance by developing responsive working relationships with civil society, and thereby drawing on reservoirs of social capital. However, this sort of flourishing partnership between the State and civil society may require specific institutional and political conditions, which are not easily replicable.

The following questions were raised:

- What is the nature of the policy environment and how conducive is this environment to the activities of civil society?

- How to strengthen the effectiveness of the various types of institutional innovations designed to foster complementarities?

- What types of leadership and forms of commitment among public officials and civic organizations can contribute to mutual trust and commitments towards partnership?

- How can cooperative relationships and alliance building between CSOs and sympathetic bureaucrats contribute to improving the quality of public services, and the effectiveness with which they are delivered?

The meeting recommended the following priority actions by respective parties:

CSOs:

- Create partnerships with local governments to ensure efficiency and effectiveness of social service delivery. This can also help meet institutional and human capacity needs of local governments;

- Inform the public about social services available to them;

- Decentralize organizations to reach the maximum rural target groups to enhance public service delivery.

Governments:

- Provide detailed breakdown of the national budget at local/district levels, which would help CSOs to better advocate for fairness and equity in resource allocation, as well as monitoring and evaluation of social services;

- Work in partnership with CSOs for purposes of overseeing and monitoring the effective delivery of social services.

Thematic Session 4: Civil Society, Social Justice, Rights and the Rule of Law

In both developed and developing countries an active civil society is essential for the combating of injustice. In some countries, violations of citizens' rights and widespread lapses from the rule of law are central problems; in others, the focus might instead be on the failure of the law itself to respect human rights and social justice. Regardless of the injustice, the potential of civil society to seek redress should not be discounted.

Participants reflected on such questions as:

- What are the conditions under which advocacy by specialist human rights organizations, whether in pressing for the implementation of existing laws, or for fresh legal initiatives and institutional reforms, is most likely to improve the functioning and accountability of state policing and security organs?

- How can civil society organizations best be enabled to shelter individuals threatened by repressive states and to arrange for the defence of their rights through official legal processes?

- How can concerned sections of civil society best address instances of inadequacy in the existing law, or low capacity of the courts and the legal profession to ensure its implementation?

- How can they best deal with political obstacles to efforts to resist injustice, or with a social environment that likewise tends to impede such efforts?

Participants were very concerned at the insufficient influence of CSOs in the process of law making. They also recognized the historical monopoly of power exercised by governments and how CSOs need to break this. They were of the opinion that CSOs could play a more significant role in social justice, though noting the lack of institutional capacity.

The meeting recommended the following priority actions by respective parties:

CSOs

- Renew commitment to mechanisms to hold governments accountable about protocols that they have signed on to but have not implemented and major elements of the constitution that are not supportive of human rights;

- Increase participation in the legislative drafting process.

Governments:

- Create an enabling environment for CSOs to play a role in protecting human rights and the rule of law;

- Accept CSOs vital role in the governance process and recognize the importance of CSOs as actors/partners in development;

- Neither consider CSOs as opponents nor hinder their activities;

- Facilitate the establishment of a national forum for dialogue with CSOs;

- Make every effort to implement all the conventions/protocols to which they are signatories;

- Develop internal peer review mechanisms in terms of economic and political governance and include CSOs in such peer reviews;

- Build adequate capacity of anti-corruption commissions, ombudsman's offices and the judiciary as these are central to harmony, security and good governance.

The Way Forward

The meeting underlined the importance of partnership between the CSOs and government and indicated that CSOs should approach government and seek appropriate information on any pertinent issue for their decision and policy making. The meeting felt however that the role of CSOs in the African Peer Review Mechanism (APRM) was not adequate; as such it was suggested that CSOs should have a defined and clear role in the process. The meeting also called upon all governments to sign on the APRM.

Pre-ADF Symposium on Youth and Governance Plan of Action

October 10, 2004, Addis Ababa, Ethiopia

The Pre-ADF Symposium on Youth and Governance was held to discuss the incalculable challenges and constraints that young Africans face in the areas of education, employment, health, information and communication technologies (ICTs) and participation. With the ADF V assigned the theme of "Youth for Leadership in the 21st Century," this pre-meeting provided a platform for dialogue among various youth groups, experts and individuals to enable young people to make contributions to current policy and programming debates and to help build linkages and create knowledge-sharing networks.

Representatives from various youth groups with national, sub-regional and continental scope from 23 countries participated. Many school and college students also attended as well as representatives from numerous nongovernmental organizations.

The pre-symposium consisted of two plenary sessions and three interactive breakout sessions on critical sub-themes. The discussions enabled the participants to draw a consensus on pressing priorities and policy actions in the form of the "Addis Ababa Declaration on Youth and Governance," which establishes key recommendations for addressing the challenges facing Africa's youth.

Thematic Session 1: Youth and HIV/AIDS

With 25 million people living with HIV/AIDS, many of whom are young people, the pandemic highlights the depth and urgency of the governance challenge for Africa's youth. The discussion identified strategies and plans for mitigating the pandemic, preventive measures and capacity gaps, while recommending policies and mechanisms that could help reverse the trend. As youth are a diverse group, interventions must be tailored to their individual needs, such as according to age, sex, marital status and domicile, and the many deep-rooted structural, social, and contextual issues that make young people vulnerable. The group identified the following as priority actions by respective parties:

Governments:

- Translate existing policies on HIV/AIDS and reproductive health into effective programs with a view to enhancing access to affordable and quality health services and care;

- Develop youth-friendly policies that will enhance access to affordable and quality healthcare, including access to anti-retroviral drugs;

- Provide an enabling environment for youth and youth-serving organizations and support youth-run services, including making health facilities youth friendly and enhancing the mechanisms for dissemination and access to information;

- Promote additional policies on reproductive health, the rights of people living with HIV/AIDS, and the need for destigmatization of PLWHA;

- Legislate harsh penalties for infecting young women/girls by way of rape;

- Work to remove the stigma attached to reporting rape and abuse;

- Empower young women/girls through education and training;

- Include adolescent sexual reproductive health and rights education in school curriculum and community and traditional forums and activities to encourage open discussions.

Civil society:

- Support child-headed households or orphans as a result of HIV/AIDS to enable them meaningful socialization embodying values towards confidence, education and away from despair and crime;

- Empower young women/girls towards negotiating sexual relations;

- Empower youth towards an active participation in societal issues and towards their personal development;

- Advocate alternative and varied methods of empowering youth towards prevention using faith-based approaches and creating youth activities related to the arts and sports.

Youth:

- Create groups to encourage discussions on reproductive health and HIV/AIDS;

- Aim to access resources and spearhead projects at all levels;

- Build their capacities for advocacy and lobbying skills.

Other organizations:

- Make sure that youth are represented in national, sub-regional and regional processes, such as NEPAD and the AU;

- Support youth organizations for capacity building of Africa's young people;

- Increase funding for youth organizations to ensure independence and sustainability of programmes.

Thematic Session 2:   Youth, Education and Unemployment

The potential of the youth needs to be further tapped through education to ensure their successful and consequential future endeavors. Similarly, though economic growth rates have constrained the capacity of most African countries to create new jobs at the rate new job seekers enter the market, the positive endowment of youth capital must not be neglected. Major problems still exist, such as the alarming upsurge of youth unemployment, the number of unskilled youth entering the job market, and the many available and occupied jobs that do not provide adequate income for young people to improve the quality of their lives. For women and girls, the cycle can be especially vicious. The group identified the following as priority actions by respective parties:

Governments:

- Provide free universal primary education for all.

- Provide the infrastructure and accelerate the introduction of ICTs into the education systems;

- Ensure quality and relevance of education to labour market requirements so that graduates find meaningful employment in their communities;

- Formalize leadership and entrepreneurship training through formal/informal institutions for youth to gain options for self employment;

- Promote micro-financing organizations to create an enabling environment for self-employment;

- Support scholarships, fellowships, and internship programmes;

- Address the issues of brain drain and strategize on reversing the trend;

- Formalize policies that mandate minimum working age as 16, prohibit child labour, and make adolescent training mandatory;

- Introduce stringent laws protecting youth, particularly females, against discriminatory practices by instituting mechanisms and processes to report abuse and exploitation and get redress.

Civil Society:

- Provide policy advice for governments on youth issues;

- Develop mechanisms of access for gainful employment in the private sector;

- Expose and attract international and national media to pertinent issues facing African youth;

- Mobilize political commitment and an action plan to rapidly increase employment opportunities for youth;

- Support and create programmes for post-conflict youth rehabilitation and reintegration into formal society;

- Help improve co-ordination between and among youth stakeholders, such as government ministries and youth service providers/networks and organs;

- Empower women/girls in the labour market and schools;

- Nurture informal education and mainstream similar notions as those prescribed for formal education above.

Youth:

- Develop skills and capacities to enable a role in nation building;

- Contribute to social-economic development at all levels, including through volunteerism;

- Take advantage of available education and training opportunities;

- Advocate and lobby government for youth-friendly policies.

Other organizations:

- Provide access to loan and credit systems to encourage self employment;

- Develop the leadership potential of young people;

- Design and formulate synergies for youth training programs that will lead to gainful employment;

- Increase scholarships and incentives for higher learning, especially in the areas of expert deficits.

Thematic Session 3: Youth, Democracy and Governance

The crosscutting and holistic nature of governance entails inclusiveness and participation among all stakeholders. Yet, despite their enormous qualities, capacities and potential, youth still often lack a meaningful voice and role in the social, economic and political development of Africa. They are often left out of the decision-making processes of political parties, the corporate sector and even within civil society organizations. Even with recent establishment of youth groups within political systems, representation does not always translate to a decisive voice. Further, as youth serve as watchdogs of the current political leadership, they must have access to information. The group identified the following priority actions by respective parties:

Governments:

- Consider youth as joint stakeholders in the preparation and implementation of relevant assessments, programmes and projects;

- Mainstream youth issues into all government ministries/structures;

- Popularize and fully implement all the resolutions, treaties recommendations to which they have already subscribed.

Civil society:

- Ensure coordination of youth movements/networks and organizations at

  the national and regional levels.

Youth:

- Initiate programmes/projects to ensure the capacity building of young people in terms of training for leadership and access to information;

- Initiate programmes/projects to create an awareness among Africa's youth, literate and illiterate, of their potential and responsibilities in Africa's development;

- Reach out to local communities, civil society organizations and politicians with a view to creating an awareness of youth issues/challenges;

- Organize strategic ways (encompassing all groups) towards a common platform;

- Ensure the popularization through advocacy lobbying and campaigning of the conclusions/declaration of the pre-symposium including all other pro-youth instruments, resolutions and recommendations.

Other organizations:

African Union:

- Formulate a National Youth Policy model to serve as a reference framework for African countries;

- Facilitate and speed up the finalization and adoption of the African Youth Charter;

- Define quotas for the effective representation of youth in parliament;

- Support and facilitate the creation of a common platform understood and approved by all the African youth;

- Involve African youth in the various decision-making and follow-up processes at the regional level.

ECA:

- Support the organizations participating in the ADF IV with a view to popularizing the final conclusions, resolutions and recommendations for effective reach and mobilization around ADF V;

- Support and facilitate the creation of a common platform understood and approved by all African youth;

- Create a special fund designed to support youth initiatives with a view to their participation in Africa's development;

- Establish a youth bureau managed by young representatives from Africa's five sub-regions to ensure the involvement and effective participation of all. The bureau could take a lead in the implementation of ADF IV and be involved in the preparation of ADF V.

Overall, the participants identified five reoccurring cross-cutting themes during the discussions, which were considered critical in the causes and solutions to the production and reproduction of poverty in Africa: (i) *capacity building and skill development*; (ii) *conflict management and peace building*; (iii) *expansion of ICTs;* (iv) *gender equity*; and (v) *brain drain.* Accordingly, these additional five topics require special thought during the ADF V process.

The Way Forward

The issues around the establishment of good governance towards a progressing Africa present a complex and multifaceted set of challenges. Effective human resource development and quality health and education services are preconditions for sustainable development and establish the foundations for empowering youth for leadership. Ultimately such an enabling environment requires participatory governance, which can only be achieved through political will, commitment and carefully planned policies and programmes. Given that Africa has witnessed abundant needs assessments, the participants of the pre-symposium emphasized actionable measures and concrete plans and recommendations in order to move plans, recommendations and declaration towards the implementation stage.

Addis Ababa Declaration on Youth and Governance in Africa

Pre-ADF Symposium on Youth and Governance

Preamble

We, the youth drawn from a cross-section of organizations/movements and networks at the national, sub-regional, regional level and from the Diaspora at the pre-ADF IV Youth Symposium, speaking on behalf of youths of Africa, here and now commit ourselves to contribute to building a better Africa. We dedicate ourselves to take advantage of all opportunities for our development including empowering ourselves to think freely, to be self-sufficient, to live in good health, to have access to education, and to play our part in the achievement of good governance in Africa.

We are interested in actively participating in the reconstruction of our continent, so that we can prepare ourselves to be tomorrow's leaders starting today.

HIV/AIDS

We acknowledge the effort that has already been invested in combating HIV/AIDS, and we believe that a common fight against this pandemic will be the only effective mechanism. Therefore, we propose the following:

- that each African country have youth-friendly policies on HIV/AIDS that should be practically translated into effective programmes at the national level with a view to enhancing access to affordable and quality health services and care;

- that support for youth organizations increase, and that all interested actors engage youth in *true* partnerships to ensure independence and sustainability of programmes, strategies and priorities for capacity building;

- that youth be empowered through the incorporation of adolescent sexual reproductive health and rights education into the school curriculum and community and traditional forums and activities.

On our part, we commit ourselves to enhance discussions about HIV/AIDS so that people living with HIV/AIDS are not stigmatized, and also involve other young people in this struggle.

Education and Employment

We believe that education and employment are essential to self-development and to the eventual creation of capable states. We also recognize the role of informal education in the development process. We propose the following:

- that states ensure quality and relevance of education to the labour market requirements so that graduates find meaningful employment in their communities;

- that the culture of entrepreneurship be encouraged through creative solutions like small- and medium-sized enterprise support systems targeting youth;

- that we maximize the opportunities for education and employment through the use of information and communication technologies to further Africa's development needs;

- that the work place be conducive through outlawing discriminatory practices against youth and sexual harassment by instituting mechanisms and processes to report abuse and get redress.

On our part, we commit to develop our skills and capacities to enable us to play our role in nation building and in the rebirth of Africa.

Democracy and Governance

We recognize and appreciate the efforts within Africa towards improved governance. If the lessons learned are to be sustainable and have incremental value, youth must be given more space to participate. We therefore propose the following:

- that there be more meaningful participation of youth in the public decision- making process, within social institutions including government, the private sector and civil society. Youth must be involved in the design, implementation and monitoring of public policies;

- that youth be mainstreamed within structures and processes of government and sub-regional, regional and international intergovernmental organizations,

- that within the framework of the African Union and NEPAD, youth develop an African Youth Charter;

- that to hasten the development of National Youth Policies in all African countries, a prototype National Youth Policy be developed that can be adapted to the realities of each country;

- that initiatives be supported and encouraged that allow all African youth to feel like a living part of Africa, and that whatever their sector or cultural setting, they strive to, and are, contributing to the healing and true emancipation of the continent.

On our part ,we commit to practice good governance within our own institutions, which entails participation, transparency, accountability, fairness, efficiency and decency.

Conclusion

Embracing good governance creates opportunities for an African renaissance to emerge, fulfilling the dreams and aspirations of the African youth. We are preparing and committing to the realization of this moment when young Africans will become free from the shackles of poverty – to a world where we will have a chance to make something of ourselves and become effective leaders of our nations.

Done, in Addis Ababa
10th October 2004