

Southern African Civil Society Consultation on the Commission for Africa Report  
14<sup>th</sup> - 15<sup>th</sup> June 2005  
Johannesburg, South Africa

*Report by the Expert Group on Governance*

**The Context.**

The Group began by noting that Governance is clearly the 'coat hanger' on which all other aspects of a more successful Africa hang. While the CFA does provide some recognition to the historical development of governance matters on the continent, it strongly noted the need for its recommendations to be more firmly located within the context (and the need to strengthen the operation of) the many existing multilateral, continental and regional resolutions and protocols covering Governance matters such as ;

- The 1991 Harare Declaration and Principles on Governance (The Commonwealth Framework)
- The OAU 's Lome Declaration (2000)
- Nepad's Declarations and its associated African Peer Review Mechanisms (2001)
- The AU Principles for Democratic Elections (2002)
- The UN's Economic Commission for Africa's Annual Governance Review (2004)
- SADC's Principles for Governing Democratic Elections (2004)
- The AU's and SADC's Anti Corruption Declarations (2004)
- The AU's Draft Charter on Democratic Elections and Governance (2005).

It also needs to be firmly developed within an overall rights based and gender compliant approach to governance, thus limiting the potential tendency for the recommendations to be viewed as a set of arrangements for "managing" an elite establishment, per se.

Along with a general 'a -historicism' (making the CFA report appear, in part, just like another set of 'solutions' for Africa), some members of the group felt that the CFA objectives and approaches for the enhancement of Governance overall could have been more clearly located - and therefore subsequently applied -within a CFA interpretation and understanding of both;

-the impacts, demands and some very strong limits for African economies and society of an implicit endorsement in the report of a modern neo- liberalism associated with the present operation of a globalising market economy, and

-the more specific requirements of Africa's diverse economies and country situations, which can be typologised as ranging from collapsed states, to failing states, and to the more effective states.

In this regard the group queried whether the proposed CFA investment in institutions involve only public institutions (ideally ensuring a more universal access to the operation of state investment), or private institutions, (implying affordability criteria and moré elite access to resources) -or does it endorse a system of grants in a post debt cancellation world, and how are the repayments for these often opposing alternatives developed?

In essence, these conditions and questions imply that the African challenge re Governance was viewed by the group as one of building a “democratic developmental state”, and the CFA recommendations, while purposively non prescriptive, could clearly have included this as an overall frame.

### **What does the CFA seek to accomplish?**

The set of CFA Governance recommendations do much to cover the identified - and widely known- essentials for better Governance in Africa. In its focus on support for Capacity Building, Accountability and Transparency, and on Corruption and Information systems, group discussion covered many limits in both the CFA summative preamble and its substantive chapters. In the main, these were about an alarming lack of specifics, or depth, and technical precision about the matters for attention, and the associated instruments and arrangements to actually achieve the recommendations. Much is too generally stated, appearing as both a wish list and as hopeful. (No doubt the result of the ageing rock star influences!)

The group highlighted “Enforcement”, “Sanctions” and “Censure” as the essential requirement for all the recommendations, which were viewed as lacking, or too weakly defined, in the CFA report. Some practicalities raised were the need for more monitoring mechanisms and for positive sanctions associated with breach of protocols and principles to be funded and located within suitable institutions created for the purpose. This also needed to happen with additional direct participation of the UN, G8 members and others. More specific issues such as addressing the limits to the Public Sector structure and to associated Reform, were noted, along with matters related to election rigging, and therefore to Constitutional reform, and the need for instruments for “gate-keeping the gate keepers”, however demanding this may be, for example.

Again, while the overall focus is on CFA support for enhanced political and administrative governance, too little attention is focused on establishing workable instruments which can temper some broader economic and commercial pre-determinants of poor governance, which sometimes inhibit the achievement of these, however laudable, aims.

Furthermore, no specifics are placed in the report regarding the actual roles for Civil Society Organizations in Peer Reviews, or in Accountability Mechanisms, leaving the reader with a sense that the endorsed/intended arrangements are only capable of ‘just managing’ an established elite. The debate on this aspect needs to go beyond establishing or supporting voluntary mechanisms. Capacity Building, Accountability, Corruption and Information reforms and investments, while partially achievable as they stand, all need to be located within a framework of participation and consultation, if they are to have the requisite strength and impacts.

Lastly, the Corruption section was viewed as very patronising to Africa, since it is a universal, globalised phenomena, and more often subtly initiated by northern country companies and governments themselves in the context of an overall African ‘development’.

### **What will the CFA probably achieve?**

Despite the overall cautionary and critical caveats above, the defined CFA support to Pan African and Regional bodies and programmes was strongly endorsed, and the

spirit and intent of “partnership” in and between governments were welcomed as a new development in the context of North-South relations. Again, targeted and focused instruments and arrangements, building on past initiatives, are necessary for sustainable achievements. The requirement that African Governments should be active participants in designing comprehensive capacity building strategies, with its over reliance on changed donor programme design in capacity building appears - in itself, insufficient. Civil society participation, and structural institutional reforms in the public spheres, should be a *sine-qua-non* for effective investments in capacity building. In addition, the targets for achieving a suitable cadre of skilled professionals suffer from all target related prescriptions for Africa (and many other regions). These are invariably never met, implying that the CFA is over ambitious and, again, lacking in sufficient specificity.

The ambitious proposal for a consortium of independent and corporate media interests joined with public service broadcasters and with civil society in the establishment and provision of funds and expertise to create an African media development facility, while laudable, is seen as highly unlikely, given competing political, ideological and commercial interests in such a development. To work it needs to be developed in piecemeal, managed fashion, building on the work done by Media Institute of Soutehr Africa (MISA), beginning with its location as a new Commission in the AU It should aim to create a, difficult to achieve, balance between public and private interests, and to ensure the effective participation of appropriate civil society.

The anti-corruption recommendations were viewed by the group as needing to build on, for example, the existing African Parliamentary Network Against Corruption (APANC) which exists, yet has no funding, The recommendations for deepening international (multi-lateral, and sector specific codes and instruments such as the UN conventions and the EITI), and their extension to other sectors such as fishing and forestry, were viewed as being presently too weak to be effective, without a much stronger system of enforceable sanctions and censure, particularly in the more developed countries (and around measures such as anti dumping enforcement). In addition, the EITI type of commitment needs to go beyond the extractive sectors to include and incorporate SERVICE industries, given their growth on the continent and globally. Common partnerships with African countries are required here, to give effect to the (ideally strengthened) requirements of these codes and protocols, where independent investigations and prosecutors are supported. In this regard there needs to be harmonious laws and levels of punishment across countries, to limit commercial criminals from “cherry picking”.

**The positives and negatives in the thematic areas, arising from the CFA recommendations.**

#### **Positives**

This Governance group did see the CFA report as a much needed “collective acknowledgment of the political and economic strands and layers which determine or underpin the extent of governance in Africa”.

The report was held up as capable of capturing the issues of building new democratic institutions. Governance - as covered in the report and with many of the above qualifications - was seen as capable of generating a positive chain reaction in improving many other spheres of African life.

The report also sets the scene for an unprecedented redefinition of North- South relations in its recommendations for partnerships, and in its endorsement of an African definition of ownership and delivery. These substantive changes cannot be viewed lightly. The CFA has also made great strides in advancing a “do no harm” approach to Africa.

**Deficits:**

The report needs to be produced and disseminated in many of the continents languages, to give hope to many who can see that there are matters of substance being addressed.

The report’s focus on Civil Society and the scope for Pan African Social Movements is not accentuated enough, with much more room available for consultation with grass roots so vital to Africa’s potential.

Moreover, there needs to be more specificity in the report as noted, and a greater ‘demystification’ of many aspects of the envisaged processes if it is to have serious impacts and effects.

In its proposals for implementation there is too little focus and structure, relying on an overall commitment from many diverse parties to give a broad effect to its recommendations. Also absent is a dedicated institutional home for monitoring overall progress and co-ordination arising from the adoption and funding of the CFA, as well as of a dedicated facility to undertake high order evaluations around “what is working , what is not and why, and what needs adjustments over time”, in the course of the implementation of the CFA.

Relatedly, but at a higher level which concerns the organisation and continuity in the CFA, there appears to be no clarity in how it will be capable of continuity in the light of its “chairmanship” of the G8 shifting to different countries over periods of time. The Commission’s life could well be strengthened by incorporating certain African States or leaders in this necessary arrangement, concretising the partnership approach to its effective implementation.

**Group participants**

	NAME	ORGANISATION	COUNTRY
Chair	Dr. Khabele Matlosa	Electoral Institute for Southern Africa (EISA)	Lesotho
Rap.	Mr. Jeff Zingel	McIntosh Xaba and Associates	South Africa
	Ambassador Susan Sikaneta	African Union	Malawi
	Mr Brian Kagoro	Action Aid Southern Africa	Zimbabwe
	Mr. Richard Humphries	Southern African Regional Poverty Network (SARPN)	South Africa
	Prof. Joshua Mzizi	University of Swaziland	Swaziland