

Executive summary

Political governance

Democratic politics and practises have taken a significant leap in Africa in the last two decades. Competitive multiparty democracy has been enthroned in many African countries. The political space has been gradually liberalised but despite these advances, challenges to political governance remain in many African countries. The democratic process is often fragile, uneven, tenuous and remains weak and barely institutionalised.

Democratic regimes and political representation expanding

The scope of political representation has widened through various democratic structures that represent the people. Subsequently, many African countries now have a multiparty democracy with varying degrees of stability, acceptance and legitimacy. While a remarkable development that almost all countries in Africa have embarked on the democratic process, conscious efforts are needed to build on emerging structures and processes and to consolidate the modest progress so far into democratic practise.

The survey of experts shows progress as the openness of the political system, political party freedom and security, power distribution and independence of the electoral process are the indicators that scored highest in the African Governance Project. Civil society and media independence and judicial and legislative effectiveness, have also scored quite high—with percentages above 53%. However, decentralisation, as a sub-indicator of executive's effectiveness in terms of power distribution, has the lowest score—below 40%.

The culture of political authoritarianism manifested in military dictatorships and one-party systems dominant in many African countries has in the last two decades gradually given way to competitive party democratic systems. And most countries have embarked on constitutional reviews to promote a culture of adherence to rule of law, due process and political accountability.

More social inclusiveness an aim

Deliberate efforts have been made through constitutional provisions, conventions or informal arrangements to reflect the diversity of African societies in the organs of government, especially in the executive and legislature. Despite this important progress made, large discrepancies occur along ethnic, regional, religious, gender and other marginalised social group lines. Asked if the composition of the public ser-

vice was representative, on average across project countries, only 30% of experts reported that the composition of senior public servants fully or largely reflects the cross-section of society, and 36% indicated it never did.

Many countries are also striving to achieve gender representation. With women constituting more than half of the continent—population and working force, democracy cannot be fully realised without their empowerment. Progress has been made to redress the historical injustice suffered by women but the process has been gradual, slow and sometimes frustrating in many countries. Several factors hinder the participation of women in the political process. For instance, the patriarchal nature of African societies—including traditions, customs, laws and mores that suppress women—prevents their further advancement.

Public voices more vibrant but challenges remain

The government no longer monopolises the public sphere; the people also participate in it. The role of the state in the media business is now limited more to regulation than investment in the sector. On average across project countries, about 56% of experts stated that the media operate within a completely or mostly free and competitive environment. Accordingly, there are challenges in terms of expanding public voices. A great number of civil society groups have emerged to promote and advocate for human rights, gender, the environment, children, and the like. However, some governments in countries where the legacy of authoritarian rule has yet to recede still suppress the operation of civil society organisations by imposing draconian laws on their activities and keeping the media under the sledgehammer of the state.

Voting is another major form of political participation and a parameter of the legitimacy of a democratic system. Some 88% of the households surveyed reported participating in elections, making it the most common form of input to public affairs, followed by attending political party meetings and rallies. High voter turnout engenders confidence in the political process, though voter turnout patterns differ by country. In Malawi, South Africa and Tanzania, for instance, the voting rate was found to be higher.

Integrity and legitimacy of the electoral process increasing

In most African countries although political parties have constitutions, internal procedures and rules that on the surface are democratic, many of them display authoritarian tendencies. In nearly all countries, the law guarantees freedom of operation, yet the reality may differ. Although with notable exceptions, more than 70% of the experts across countries agreed that opposition parties enjoy reasonably good security without interference from the state or the ruling party.

In theory most countries have a legal framework that espouses the autonomy of electoral institutions. They handle all aspects of elections, including voter registration, preparation of the register, political party registration and conducting of elections. The main challenge with electoral commissions is guaranteeing their autonomy in order to ensure free, fair and credible conduct of elections and resolution of post-election conflicts. These issues are highly contentious and spark serious controversy

in many countries. Accordingly, the opinions of experts on the legitimacy of the electoral authority are widely split.

On average across project countries, the majority of the experts (62%) believe that the overall electoral system is credible, as all parties fully or largely accepted it, while only 17% believe it is not. In terms of transparency, however, the majority of experts (48%) find that the electoral system is not transparent. As the democratic culture grows in Africa, elections would be better domesticated and results of elections less contentious. Some progress has been made in this regard indicating a growing capacity of electoral institutions to better manage the electoral process.

Economic governance and public financial management

Along with the concern for good and effective political governance has been the concern for good economic management and corporate governance, which requires efficient and effective public financial management and accountability and integrity of the financial and monetary system.

Progress registered in public financial management and accountability

The key issues to be examined in assessing the quality of the budget process are degree of discipline, efficiency in revenue mobilisation and extent of transparency, accountability and control in the tax system. Of 25 countries examined, 17 reduced their budget deficits and 8 worsened them between 1980-90 and 1991-2002.

The Medium-Term Expenditure Framework (MTEF) is widely regarded as an important mechanism for ensuring budgetary discipline by linking policymaking, planning and budgeting. There have however been disappointing results in African countries from the introduction of the MTEF.

A lion's share of domestic product claimed by the government

In general, government revenue in African countries accounts for a rather sizeable share of gross domestic product, with the private sector accounting for less, as compared to other developing countries. For most African countries, taxes, especially indirect taxes, are the most important source of revenue. In 2000 indirect taxes accounted for 42.7% of revenue for Africa as a whole and 45.1% for Sub-Saharan Africa. Another main source of public revenue for many African countries is rent from non-renewable resources, such as oil, diamonds and other minerals. These resources are being depleted and income from them tends to be highly volatile. Overall, balance is needed in government revenue to avoid crowding out the private sector.

Tax evasion, corruption, and lack of transparency pose serious challenges

Revenue shortfall is a major reason for budget deficits and lack of budgetary discipline. For instance, in 18 countries, more than a half of the experts surveyed indicated that tax collection is mostly or always affected by tax evasion. Across all project countries, on average 53% of the experts said it is mostly or always affected by

evasion. Furthermore, only some 15% of the experts surveyed in 27 countries said that tax collection is never or rarely affected by corruption. Only in Botswana and Namibia did more than a half give this reply. The average share of experts surveyed who said that tax collection is mostly or always affected by corruption was 51%.

Related to tax system management, in only two African countries (Namibia and South Africa) did more than a half of the experts surveyed state that it is highly or largely efficient. An average of only 20% of all experts surveyed said that the tax system is highly or largely efficient, compared with about 42% who reported that it is poorly managed.

In a globalised world, fiscal transparency has become a universal concern. Several African countries have made progress in introducing greater transparency in their fiscal systems, though challenges remain. A key problem has been procurement systems, which in most African countries after independence lacked transparency, had outdated procedures and experienced a high degree of corruption and rent seeking.

Ineffective Institutions and arrangements for internal control and audit

There are shortcomings in the systems of internal control and in the supreme audit institutions as well. In most African countries, the auditor general's report is sent to parliament for discussion and action, although not always in due time for review. Parliamentary oversight is therefore not effective in all countries. On the whole, the performance of African countries in this area is negative, mostly due to the lack of resources and procedures in the auditor general's office, deficiencies in the powers and exercise of oversight functions by parliament and a lack of cooperation by the executive branch of the government.

Greater integrity in monetary and financial systems

Several African countries have increased the transparency of their monetary and financial systems. However, while most of the central banks in the continent have independence and autonomy on paper, in practice their independence is sharply curtailed. This and the weak capacity of the regulatory and supervisory institutions have limited the effectiveness of these institutions.

Among the obstacles to effective regulation and supervision of the financial system in Africa are the multiplicity of regulatory and supervisory bodies with overlapping responsibilities but no effective mechanisms for coordination, the failure to implement rules in place because of political interference and gaps in enforcement procedures.

The question of leadership and how seriously it is committed to sound public financial management and accountability and the integrity of the monetary and financial system is central, as is the question of the ability of other institutions of government and civil society in general to control the executive and make it accountable. Another equally important shortcoming that needs to be addressed is the absence of the necessary capacity in many African countries to implement well-intentioned reform programmes and measures.

Private sector development and corporate governance

An integral part of African countries' commitment to sound macroeconomic and public financial management since the mid-1980s has been the strategy of private sector-led growth and development.

Inadequate support for the development of the private sector

African countries have adopted a wide range of measures to attract private investment. However, except in a few countries endowed with depleting mineral resources, these efforts have not increased the flow of investment, especially FDI. Of the 31% of the FDI stock in developing countries in 2002, only 2% was in Africa. Due to the absence of a conducive environment, by and large, the private sector remains weak.

The tax incentives that African countries offer as inducements for investment, both local and foreign, are impressive. Despite the many incentives being granted by African countries to attract private investment, only an average of 24% of the experts surveyed indicated that the tax system encourages local investment in all or most sectors.

African countries have used other measures to attract investment, such as assisting with access to land, labour, reserving some sectors of the economy for nationals to promote their development and assisting with training, management and information and marketing. These measures are particularly important to local investors, especially micro and small investors.

Assistance for the development of the informal sector improving but not sufficient

The informal sector plays an important role in the economies of several African countries as a source of employment and an important instrument in poverty alleviation. Recent data on a few countries suggest that the informal sector is growing rapidly, though it is still generally weak. There are still several bottlenecks to the development of this sector, including access to infrastructure, services and modern technology and inadequate managerial talent. For instance, the vast majority of households surveyed indicated that access to credit for agricultural activities was not easy. While only 14% said that it was easy.

Administrative barriers and costs still exist

African countries have realised that lengthy procedures and high costs to establish and operate a business are costly to investors and may drive them to locate elsewhere.

Efforts to reduce the administrative barriers and costs have been only partially successful. More than a half of the experts surveyed in 11 countries said that the development of the private sector is always or usually enhanced by government policies that provide an enabling environment. Insecurity has often been mentioned as a serious obstacle to private investment and growth in Africa as well.

Public and private partnerships growing

Although privatisation has been slow in some countries, the private sector is increasingly seen as a partner of the public sector. The main problem encountered by African countries in the privatisation process is that many state enterprises are not viable enough to attract private sector interest.

Similarly, some African countries have been taking steps to improve their infrastructure through public and private investment, better maintenance of existing facilities and removing regulations and other restraints. Despite these efforts, African countries have not attracted as much private investment in infrastructure. The overall investment climate in Africa, and the relatively low effective demand for infrastructure facilities, makes investment in them less profitable than similar investments in other developing regions.

Evidence from the national country reports shows that the partnership between the public and private sectors in African countries is not as strong as it should be. The reasons for this include the remaining suspicion and hostility towards the private sector, weak institutions and mechanisms to make the partnership effective and the fact that the private sector, especially the indigenous private sector, is still nascent and lacks the capacity, experience and analytical skills to become an effective partner of the public sector.

Institutional checks and balances

A vast majority of the post-independence constitutions embody the principles of the separation of power. However, over time these provisions were systematically weakened, revised, suspended or replaced with ones that had a concentration of power in the executive branch. Governance structures were undermined as well due to the lack of adherence to constitutional provisions. One of the major challenges confronting good governance in Africa is how to effectively constrain the executive's power and creatively balance its discretionary authority while not diluting its ability to fulfil its constitutional obligations and political mandate and to perform its functions efficiently and effectively.

Declining dominance of the executive

Contrary to historical tendencies, the national country reports found a decline of executive dominance in Africa due to several factors—including the end of the Cold War, globalisation and constitutional and political demands. Moreover, civil society organisations and the African media have dissented against authoritarianism, the abuse of power and corruption and supported demands for individual freedom, human rights and the right to participate in the development and democratisation processes of their countries.

More checks and balances on the executive required

The executive has undergone major transformation in some countries, including constitutional, legislative and judicial reforms. In addition, the introduction of decentralisation and local government reforms as well as empowering civil society

organisations and the media have introduced genuine and accessible mechanisms for greater participation.

However, results from the survey showed that only in Botswana, The Gambia, Ghana, Malawi, Namibia and South Africa did more than half the experts surveyed say that watchdog organisations enjoy substantial independence from the executive—and of those countries, only in Malawi and Namibia did more than half the experts surveyed say that the organisations were effective.

Effectiveness and independence of the legislature and the judiciary need strengthening

To effectively check and balance the executive, the legislature needs capacity, competence and independence. The survey of experts found that about a third of legislatures were perceived to be largely free from subordination to external agencies in all major areas of legislation. Overall, though, more than half of the legislatures in Africa are under various degrees of subordination to external agencies in all major areas of legislation. In a similar pattern, the experts perceived very few legislatures as being largely or above corruption.

Similarly, the capacity of the judiciary varies widely depending on the levels of competence and the degree of independence from the executive. Despite constitutional guarantees, however, the perception prevalent in most African countries is that the judiciary is only partially independent. The national country reports suggest that while on the whole the performance of the judiciary is improving, its effectiveness in many African countries is still restricted. The judiciaries in Botswana, Namibia and South Africa were recognised by 75% or more of the experts surveyed there as being fully or largely independent from other branches of government.

Nonstate actors becoming more active

Civil society organisations' independence from the state is critical to their ability to operate autonomously, exposing abuse of power and reinforcing some accountability on the government. On the whole the national country reports found that the proliferation of watchdog and advocacy organisations has been effective in protecting citizens' rights.

Yet, their influence on policy formulation and implementation varies according to the laws and practices in a given country. On average, 21% of the experts felt that civil society organisations had a strong or fairly strong influence on government policies and programmes, while 43% deemed it fair, and 36% weak or non-existent.

An independent media contributes to an autonomous and active civil society, while vibrant associations keep media in check as well. Many African governments are increasingly becoming tolerant of criticism. But there are notable exceptions: in Kenya and Swaziland, for instance, 85% of the experts said that the media operate within an environment where freedom of expression is under threat or under state control or where rights are frequently violated.

Institutional effectiveness and accountability of the executive

The executive is at the nerve centre of service delivery to the people and the major agency through which the tangible dividends of democracy are actualised. But its performance depends largely on its institutional capacity, effectiveness and acculturation to the values of public accountability.

Institutional capacity remains weak

Institutional capacity depends on the quality, calibre and legitimacy of the elected executive and the cabinet as well as the character and quality of the bureaucracy. A weak civil service will likely undermine the lofty goals of good political leadership.

In virtually all countries, merit is the stipulated criterion for selection and promotion. Except in a few countries, like Botswana, Ghana and Namibia the perception of experts are that the meritocracy in appointment and promotion is largely compromised. In none of the other countries did more than 50% of the experts surveyed say that merit-based principles were fully applicable in appointments, promotions and career development of the civil service. Furthermore, women are still under-represented in the public service, especially in the senior cadre of the service. The trend is that women's representation in the public service decreases farther up the public service hierarchy.

From the 1960s through the 1980s remuneration in the public service was relatively good, although it was lower than in the private sector. But recent developments, especially the economic downturn and the implementation of structural adjustment programmes, have had devastating effects on remuneration in government. The financial squeeze has also decreased resources allocated for training programmes for civil service and staffing for training centres. Many African countries have also not been able to provide their civil service with modern facilities, especially information technology and equipment, partly because of resource constraints and lack of strategic planning.

More transparency and accountability needed

In many African countries, either the public service code or the constitution makes specific provision for transparency and accountability. However, there is little openness in much government business, and most people still do not regard the public service as transparent or accountable. Official information is often either not available or not easily accessible to the public. And when information is provided, it is mostly in a technical language incomprehensible to decision makers and the public.

Authoritarian leaders may end up appropriating extensive political power, dominating the bureaucracy and unilaterally determining state policies. Clearly under this system, the government misses the advantages of active exchanges on its policies among actors, especially civil society, which can improve the quality of public decision making and accountability.

Corruption greatly hinders executive effectiveness

Corruption flourishes because most public institutions are weak or not autonomous. Legislative committees that ordinarily should oversee government ministries and state-owned enterprises barely have the professional competence to do so. The audit departments in many African countries are also poorly staffed, lack resources or autonomy or are partners in corruption. Many of the public regulatory institutions and law enforcement agencies are perceived to be very corrupt. For example, the police force in many countries is considered to be the most corrupt by the households surveyed, followed by tax officials and the judiciary.

There are both short-term and longer-term measures that need to be taken to promote transparency and tackle corruption across all levels of society. Granting institutions relative autonomy to free them from undue political interference and improving the salaries of public officials is one immediate option to reduce their vulnerability. The use of information technology in public administration (i.e., e-governance) can also play a major role in reducing the discretion of public officials by helping to condense the number of steps taken in the completion of an administrative or service delivery process while simultaneously enhancing its transparency.

Efficient service delivery as a tool for poverty reduction

The gravity of the situation is reflected in the confidence of the households surveyed on the ability of their government to deal with their concerns. Only about a third of the households surveyed are highly or quite confident that their government will promptly and effectively deal with the problems they face, compared with 38% who were not or rarely confident in the performance of their governments.

The overall picture on access to government services is also not very encouraging. The average share of experts surveyed across all project countries who said that citizens have ready or mostly ready access to services is about 30%. Additionally, the majority of experts in most of the project countries found that government services do not fully or adequately address the specific needs of women.

However, on average, 42% of the households surveyed described government health services as very good or good. Related to education, some 50% of the households surveyed said that the adequacy of buildings was very good or good, 55% said that trained teachers were very good or good, and 37% said that materials were very good or good.

On access to basic health services, in terms of distance to the nearest health centre or public clinic, many countries scored favorably. Virtually all countries in the household survey scored highly in terms of access of children to primary schools, with an average rating above 70%. But there is considerable variation across countries in terms of access to secondary schools.

On the cost of education, there is considerable regional variation, but the majority of households surveyed said that they have never been denied access to school due to inability to pay. On the affordability of other public services, a large share of the households surveyed said that services are fairly or very costly.

Related to economic inputs, in the 19 countries surveyed on agricultural issues, 51% of the household respondents said that they lacked access to agricultural extension services, 61% lacked government credit for agriculture, and 57% lacked access to irrigation facilities. Lastly, on access to gainful employment, virtually all the countries performed badly: an average of 68% said that they do not have opportunities.

Stronger response to the HIV/AIDS pandemic needed

Across the continent HIV/AIDS is posing a great challenge to governance in terms of human capacity losses, human rights and human development and security. It has created serious governance challenges for African countries, including the weakening of African states' institutional capacity as workforces are devastated; decline in economic growth as human capital and productivity diminish; the diversion of scarce resources to treat HIV/AIDS from the other basic needs of society; the deepening of the social crisis caused by the dislocation of families and threats to national security due to high rates of infection for military personnel.

African countries will have to make difficult and strategic political choices on how to tackle HIV/AIDS in a less costly but more efficient manner. Increasing public spending on treatment and containment, decentralising problem solving to the grassroots and community levels, involving a broad group of stakeholders (civil society, the private sector, the media, traditional rulers and the international community) in the AIDS reduction efforts, providing adequate information and education on the problem and a sustained political will to address the issue are all necessary steps.

Human rights and rule of law

Respect for human rights and rule of law is among the most important indicators of good governance. While African countries have overwhelmingly subscribed to most international and regional human rights norms and standards, ratified numerous treaties and enshrined these principles in their constitutions and national legislations, a significant gap remains in their realisation. In contrast with the growing body of human rights instruments, regional mechanisms for promoting and enforcing human rights remain weak.

The state of human rights in Africa: principles versus reality

At the political level significant progress has been made on human rights issues. The principle of rule of law is generally respected in most countries along with a fair level of commitment to the respect for human rights. It is also very rare to hear any challenge to the relevance of human rights by African leaders. On average across project countries, nearly 30% of the experts said the government fully or mostly respects the law, while 46% reported it sometimes does and some 24% indicated it rarely or never does.

In many African countries there is very low level of transparency with regard to the violations of human rights that take place in prisons. The lack of observance of human rights by security forces is generally attributed to poor training and exposure to both domestic and international human rights norms. In fact, about a third of the

experts across project countries reported that they did not view the police as being adequately trained, while only 26% felt the force was.

While in many African countries constitutional provisions for the protection of political and civil rights and liberties are adequate, governments regularly violate them, especially in difficult political situations. For instance, harassment of journalists intensifies as elections draw near and supporters of opposition candidates are often threatened and harassed.

Progress has been slow on economic, social and cultural rights. In terms of social rights, though, the rights of marginalised groups, such as children and disabled people, are increasingly being recognised and provided for. However, in the areas of economic and material social rights, many African countries have made the right to employment, education, health services, housing, food and the like non-justiciable—or rights the government will strive to achieve based on resource availability.

In virtually every African country access to justice in a quick and efficient manner can be problematic. The court system is slow and expensive, and access to it is often determined by the social status of the person involved. Across project countries, 58% of the experts reported that the courts can always, usually or sometimes be accessed while 42% said rarely or never. There are differences among countries on how social status affects access to and dispensation of justice. In only 11 of 27 countries did more than 50% of the experts surveyed say that citizens can always or generally obtain full access to justice irrespective of their economic or social status.

The level of discrimination against women in African countries remains disappointingly high. And violations of women's rights are rarely acted upon, if they are reported at all. In many African countries women are victims of rape, domestic violence and other forms of human rights abuses. Generally, women who are discriminated against based on their gender can initiate a court action or a complaint before a human rights commission.

Institutional mechanisms for safeguarding and enforcing human rights poorly institutionalised

Traditionally, the judiciary, in view of the constitution and the nature of its functions, is the main government agency called upon to protect human rights and advance rule of law, accountability and transparency in government. But many jurisdictions have realised that protecting human rights and promoting accountability in governance and rule of law cannot be left to the courts alone but must also involve other watchdog organisations and institutions designed specifically to provide such protection. A central factor in the effective operation of these institutions is their independence from other branches of government, especially the executive. For instance, an average of 37% of the experts surveyed across all the project countries said that watchdog institutions are fairly or substantially controlled by the executive branch of government. In addition, more than 30% of the experts indicated that these groups always or usually monitor and report human rights violations by the police and prisons, compared with 15% who said that government agencies do.

Africa has seen a rapid increase in the establishment of human rights commissions, including gender commissions. Nearly 30 African countries have made provisions in their laws to establish a national human rights commission of some sort. However, an average of 55% of experts indicated that human rights violations are rarely or never reported to the public by government organs, while only about 18% said that violations are always or usually reported.

Many country reports found that judicial capacity to protect human rights is still very weak as well. In many African countries the judicial system is slow and expensive, and it lacks basic infrastructure and operational materials. Although some 75% of the experts surveyed across all the project countries said that judges are sometimes or usually appointed and promoted on merit, the judicial system is still widely regarded as corrupt.

Institutional capacity building for good governance

Capacity development is an ongoing process, requiring the unleashing of a continuous supply of the appropriate legal, institutional, human and material resources and a conducive operational environment. In essence capacity building is about people—who have to be trained, adequately equipped, sufficiently remunerated and appropriately disciplined in the efficient use and management of resources.

Capacity gaps in state actors impeding good performance

In general, many African legislators lack the knowledge, information, freedom and independence and resources to perform their constitutionally mandated functions efficiently and effectively. Lack of adequately stocked libraries, electronic equipment and documentation facilities are common. The level of education of legislators in many African countries is generally low in relation to the functions they are expected to perform.

Lack of regular and reliable consultation with civil society, the private sector, universities, think tanks or the rural community—all useful sources of information and knowledge for policy purposes or legislation—has become a serious impediment to the effectiveness of most legislatures in Africa. Furthermore, opposition parties in many African parliaments are very weak and could hardly engage the government in serious debates on major governance issues and policy options.

In many countries the judicial system as a whole is poorly funded. The judiciary too often lacks a qualified and professional workforce. The overall consequences of these deficiencies restrict the access to justice for many poor and marginalised people.

Poor service delivery is due mainly to the lack of an adequately skilled workforce. Poor training facilities, the absence of a strategically oriented training policy for the civil service and limited budgets have impeded the advancement and development of the skills of civil servants in many countries. Several country reports also made a direct link between poor education and low wages and the rising culture of corruption and embezzlement of public funds.

Furthermore, the ability of local authorities to make autonomous decisions on various aspects of their programmes and developments has been limited. Local authorities rely heavily on funds from the central government. They also tend to lack financial management and organisational skills. These deficiencies have had an obvious deleterious impact on the capacity of governance institutions and on the morale of local government officials. Households were divided over whether local governments responded to complaints they had. Some 58% said that complaints were always, usually or sometimes dealt with satisfactorily, while 41% indicated that they rarely or never were.

Capacity gaps in nonstate actors limiting effectiveness

In most countries civil society organisations suffer from internal weaknesses, lack of managerial skills and training, very limited financial resources and a constraining external environment. In the same vein, many political parties in Africa have little capability to effectively articulate issues, engage in debate, promote their political principles and visions of society or defend the interests and rights of their supporters. Most political parties in Africa are not professionally organised and do not have functional internal democratic structures.

On the whole African governments have improved the environment for the private sector, with close to half of the experts surveyed across all the project countries saying that the effective operation and involvement of the private sector is always or often encouraged by the government, and another third saying that this was at least sometimes the case. Unpredictable regulatory enforcement, unstable policy frameworks and weak public regulatory capacity are negatively affecting the growth and development of the private sector.

Approaches to capacity development

The legislature. Parliament needs the power to control and organise its own agenda independent of the executive or in consultation with it as an equal partner. An autonomous parliamentary service commission is needed with the power and financial resources to recruit, hire, fire and discipline staff and with the infrastructure and facilities to train and upgrade staff. The legislature must also develop rules and ethical codes and standards of conduct for its members and ensure that they are effective.

Continuous skills upgrading on parliamentary procedures and constituent relations is needed for members of parliament. It is thus imperative that they be reoriented and empowered to improve their interaction with civil society and their various constituencies and that parliaments revise the public consultation mechanism in their lawmaking processes. Legislative proceedings and major reports should be translated into local languages and distributed to schools and civil society organisations, so that the citizens are sufficiently informed of legislative activities.

The judiciary and law enforcement organs. A separate Judicial Service Commission should handle the appointment and promotion of judges, while the remuneration of judges should be determined by the parliament and charged to a consolidated fund. The number of judicial staff should be increased, and continuous professional training should be offered to those involved in case tracking. Operations

must be streamlined and facilities enhanced, including modernisation of information technology, especially an efficient and effective case management system.

The state's capacity to provide security, protect individual rights of residents in all parts of the country and ensure adequate safeguard of property rights must be improved. Police personnel must be trained in community relations in order to produce a people-friendly service. Governments should also develop a time-bound national action plan to promote and protect human rights, eliminate the culture of impunity by ensuring that all human rights violators are sanctioned irrespective of their standing in society.

The executive. To restore professionalism, governments should take appropriate measures to promote a merit system in appointments and promotions and stop unethical practices, biases, nepotism and other abuses of office. Governments should also move swiftly to improve public servants' terms and conditions of service. Civil service reforms should aim to improve human resource capabilities and management, remuneration, incentives and ethics. Moreover, as a targeted strategy, decentralisation and devolution of authority and responsibilities to grassroots levels, through the establishment of local structures is needed.

Public accounts should be made more easily accessible to the citizenry. An independent and sufficiently resourced anti-corruption commission should be established with powers to investigate and prosecute public officials, civil servants and citizens accused of misuse of public office or financial malfeasance. Other public watchdog offices, such as the Auditor General, Ombudsman and the like, must be appropriately resourced and equipped in order to function efficiently and effectively.

Nonstate actors. It is necessary to adopt a concerted set of measures that build the capacities of nonstate actors—like the media, universities and institutes of research, public policy and higher learning—because they will help promote good governance, democracy and the rule of law. They necessitate training and resources to build their management capacity for fundraising and resource mobilisation, strategic planning, leadership development, policy research and advocacy, project and programme design and monitoring, gender analysis and media and communication, among others. Governments should fund and promote such training programmes or provide tax incentives to groups conducting such training as well as programmes of civic education.

To stimulate demand-driven creation and stakeholder control of nongovernmental and community-based organisations to reduce their dependency on external funding and influence, governments should provide accountable seed-funding. Civic organisations also need to establish their own internal codes of conduct to ensure good corporate and democratic governance, accountability, and transparency in the management of their affairs and resources. Nongovernmental organisations should also be required to publish their audited accounts annually, with sources of funding and activities undertaken.

The registration of political parties must be simplified and regularised, and the rules and regulations governing them must be standardised to make their application and

reinforcement more transparent. Professionalism is needed in party organisation and management, including the creation of research units and the promotion of a culture of information and knowledge-based policies.

Governments should also provide the basic infrastructure for optimising private sector performance. This entails the supply of dependable, uninterrupted electricity and water, good roads, cost-effective and efficient telecommunications and security. Supportive policies for the effective operation of the sector include creating an appropriate policy and regulatory environment, granting credit facilities with low interest rates for small informal sector entrepreneurs, providing easy access to land and other productive facilities for capacity enhancement and allowing property to be used as collateral for credit purposes.

