



**Economic Commission  
for Africa**

# Report of the Ad Hoc Expert Group Meeting on the Status of Governance in Southern Africa

**7 – 8 April 2006  
Manzini, Swaziland**





Economic Commission for Africa  
Southern Africa Office

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Publications  
Economic Commission for Africa  
P.O. Box 3001  
Addis Ababa, Ethiopia  
Tel.: 251-11-544-9900  
Fax: 251-11-551-4416  
E-mail: [ecainfo@uneca.org](mailto:ecainfo@uneca.org)

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# Acronyms

<b>AfDB</b>	African Development Bank
<b>AEGM</b>	Ad Hoc Expert Group Meeting
<b>AGR</b>	African Governance Report
<b>AICC</b>	African Institute for Corporate Citizenship
<b>ANC</b>	African National Congress
<b>APRM</b>	African Peer Review Mechanism
<b>COMESA</b>	Community of Eastern and Southern Africa
<b>CSO</b>	Civil Society Organization
<b>ECA</b>	Economic Commission For Africa
<b>EISA</b>	Electoral Institute Of Southern Africa
<b>FDI</b>	Foreign Direct Investment
<b>GMA</b>	Governance and Management for Africa
<b>HSRC</b>	Human Sciences Research Council
<b>IFI</b>	International Financial Institution
<b>IOD</b>	Institute of Directors
<b>IT</b>	Information Technology
<b>MDG</b>	Millennium Development Goal
<b>MP</b>	Member of Parliament
<b>NEPAD</b>	New Partnership For Africa's Development
<b>PEM</b>	Public Expenditure Management
<b>PPP</b>	Public/Private Partnership
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>REC</b>	Regional Economic Community
<b>SMEs</b>	Small And Medium Enterprises



# 1. Attendance

1. The Ad Hoc Expert Group Meeting (AEGM) on The Status of Governance in Southern Africa was held at Tum's George Hotel in Manzini, Swaziland, 7– 8 April 2006.
2. A selected group of experts in governance from academia, research institutions, civil society organizations, and sub regional and international development institutions attended the meeting. Staff members of the ECA Southern African Subregional Office (ECA-SA) and ECA Addis Ababa participated in the AEGM.
3. The list of participants is attached as Annex I.

## 2. Opening Session

### 2.1 Introductory Remarks and Objectives of the Meeting

4. A representative of ECA-SA, Mr. Ernest Dhliwayo, welcomed experts to the meeting on behalf of the Director of ECA-SA, Ms. Jennifer Kargbo. He said that the meeting was very timely as it was occurring just a few months after the publication of the ECA Africa Governance Report (AGR). He highlighted that governance is critically important for peace, stability and economic prosperity and is important in creating an enabling environment for its citizens, establishing law and order, managing macroeconomic stability, and delivering essential public services.

5. Mr. Dhliwayo indicated that Southern African countries that obtained political independence before 1990 implemented stringent controls in their economies and created a substantial State-Owned Enterprise sector. However, the 1990s witnessed a complete reversal of those systems. He highlighted that Southern African leaders have made efforts to create and reorganize their institutional structures to achieve complete autonomy in order to exercise their constitutional mandates of representation, legislation and oversight.

6. It was noted that as a result, significant progress had been made and today the principle of the rule of law is generally respected in most countries in the subregion along with a fair level of commitment for human rights. He further noted that despite this laudable progress, lack of effective checks and balances in some countries in the subregion was undermining good governance. As well as human resource shortfalls, the lack of participation at all levels, and other constraints, still hindered the countries from achieving good governance.

7. In conclusion, Mr. Dhliwayo stressed that the ECA Southern Africa Office, as part of its work programme for the biennium 2005-2006, had called experts from across the subregion to this meeting on “The Status of Governance in Southern Africa”. He indicated that the main objectives of the meeting were to review and validate the draft technical publication, provide recommendations on the nature and scope of policies, legal and regulatory frameworks required to improve the status of governance in the subregion and to develop policy recommendations that could improve the practice of good governance based on internationally and regionally sound codes and standards. He indicated that the final report would be an important contribution to the review processes taking place in some of the countries of the subregion.

### 2.2 Organizational Matters

8. A representative of ECA-SA, Ms. Doreen Kibuka-Musoke, further highlighted the objectives of the meeting. She explained that the two main objectives were to review and validate the draft technical publication and provide recommendations to held policymakers focus their actions on the key governance pillars identified.

9. The participants were informed that the first session of the meeting would include a brief presentation of the AGR and a brief presentation of the draft technical publication on ‘The Status of Governance in Southern Africa’. She said that the discussion sessions would enable the experts to have in-depth dialogue on each chapter of the draft technical publication and also bring out important issues in each thematic area. The discussants would also provide a brief on the important issues pertinent to each section of the report and introduce other relevant dimensions.

10. The sessions were dedicated to the following thematic areas, as follows:

- a) The Status of Political Governance;
- b) The Status of Economic Management;
- c) The Status of Corporate Governance;
- d) Institutional Checks and Balances; and
- e) Key Challenges of Governance in Southern Africa.

11. Finally, Ms. Kibuka-Musoke informed the experts that the break-out sessions would provide the opportunity to expand upon the discussions and, more specifically, formulate recommendations for the “Way Forward” in each of the thematic areas.

## **2.3 Election of the Bureau**

12. The meeting elected Dr. Ranga Taruvunga, Director and CEO of the Mananga Centre for Regional Integration and Management Development, Swaziland, as Chairperson.

13. The programme of work was adopted with amendments for the timing of sessions. The final programme of work is attached as Annex II.

### 3 Presentation of the ECA “Africa Governance Report”

14. A representative of the ECA Development Policy Management Division (ECA-DPMD), Ms. Monique Nardi Roquette, made a brief presentation of the AGR. The presentation illustrated the main objectives of the project and explained the methodology used. She highlighted which countries participated in the research project and notified the meeting that 72% of the African population had been covered.

15. The main findings and challenges of political governance, economic and corporate governance and institutional effectiveness were presented. In terms of political governance, there had been improvements in the arena of constitutional adherence, electoral process and liberalization of the political systems. However, there still remained some challenges such as human rights protection, civil society capacity, and weaknesses of the civil service. In the area of economic and corporate governance, improvements in transparency and greater use of instruments such as MTEF and PRSP across the continent were recognized. However, there was still a need for better infrastructure and stronger measures against corruption. In terms of institutional effectiveness, the presenter noted that there had been a strengthening of checks and balances on the use of executive power, and also improved recognition of the importance of customary courts. However, challenges still remained in terms of service delivery and independence of the judiciary and legislature.

## 4 Presentation of ECA-SA Draft Technical Publication on “The Status of Governance in Southern Africa”

16. A representative of ECA-SA, Mr. Bernard Chisanga, presented the draft publication on “The Status of Governance in Southern Africa”. He said that good governance had been globally acknowledged as a *sine qua non* for broad-based and sustainable human development and was key to economic, political and social inclusion. He noted that African leaders were committed to good governance and this had been expressed through the establishment of democratic institutions and through national, subregional and regional initiatives. There had also been recognition of the role of civil society in national development and of the need to enhance the role of women in national development.

17. The ECA Governance Project had contributed to governance by providing valuable inputs in the evaluation of governance and for improving research and analytical capacities for monitoring and measuring the state of governance across the African region. The project had also provided a forum for building consensus on key governance indicators (political, institutional, economic and corporate).

18. Mr. Chisanga noted that the Southern African subregion had witnessed improvements in political governance particularly in terms of multi-party democracy and periodic elections. Most constitutions in the subregion now provided for democratic institutions such as Electoral, Anti-Corruption, and Human Rights Commissions, Offices of the Auditor General, Ombudsman and a Director of Public Prosecutions. Challenges remaining included ensuring that national constitutions were “living” documents and that a culture of civil society participation in national affairs was entrenched. Additionally, in many countries, political parties were facing challenges with internal party democracy and party organization and management. There was also unequal access to public resources and inadequate gender representation. Further, many countries in the subregion had weak electoral institutions and weak post-election challenge mechanisms.

19. In terms of economic management, governments in the Southern African subregion had been promoting sound economic, monetary and financial management and were contributing to restoration of economic stability and growth, low inflation, and high GDP growth through reform programmes such as PRSPs. However, this growth had been uneven and there was still poor economic and social infrastructure and poor public expenditure management (PEM). Further, there had been inadequate follow-up of Auditor General reports, petty and grand corruption, tax evasion, and additionally, little involvement of civil society in national budgeting processes.

20. The presenter stated that in terms of corporate governance, there had been some developments in the subregion, such as the King Reports of 1994 and 2004, which provided codes of conduct for organizational integrity and ethics. Additionally, sustainability reporting as a key element of good corporate governance had

become widely accepted in Southern Africa, though mainly limited to larger companies such as NEDBANK, OLD MUTUAL and mining firms.

21. In terms of institutional checks and balances, the presenter stated that, historically, the Executive had been too powerful in comparison to the Legislature and Judiciary and hence there was a need for separation of powers across the subregion. Legislatures typically remained under-funded and except for Botswana, South Africa and Namibia, Judiciaries in the subregion were not free from executive influence.

22. Mr. Chisanga ended his presentation by outlining a number of key governance recommendations for the way forward.

## 5 Session 1: The Status of Political Governance

23. Ms. Bertha Chiroro of the Electoral Institute of Southern Africa (EISA) made a presentation on the chapter on political governance. Ms. Chiroro indicated that the draft publication adequately covered issues such as the entrenchment of democracy and participation, civil society engagement, political inclusiveness and economic management. However, to improve the draft, the following should be addressed:

- Delineation of the democratic deficits and challenges for governance, such as weak institutionalization of democratic culture, low operational capacity of watchdog institutions, lack of separation of powers, disorganized political parties, low levels of women's participation, and weak PEM systems;
- Indication of where progress has been made and where progress was lacking, with the use of indicators and findings from the household surveys of the AGR. Key indicators from the household surveys should also be used to elaborate the issues discussed in the document;
- Graphic presentation of the data and tables would help with the presentation of results, and more information was needed on poverty and income inequality, local governance, rural and urban differences, land redistribution, and unemployment;
- An explanation of why countries such as the DRC and Angola were left out of the study, and more attention to political governance in Swaziland;
- Highlighting the issue of lack of political will to improve the quality of governance through the implementation of policy reforms. The discussant substantiated this by pointing to the lack of robust political will to carry out fundamental reforms, implement treaties and conventions, control corruption, open up the economy, enhance the rule of law, respect basic civil and political rights, reform electoral systems, and to reform parliamentary systems in order to enhance the participation of women at all levels of governance;
- Comparison of civil society participation and inclusion. Whilst countries such as South Africa, Botswana and Mauritius were allowing civil society to flourish, the report should not be silent about those that are not performing well. For example, what is happening to political parties and the rule of law in Zimbabwe, Swaziland and the DRC?
- In terms of gender and governance, there should be a ranking of countries according to performance, indicating countries that have supportive measures for women's advancement in place and those which do not. She suggested that this could be supplemented by a graphic presentation of countries that have implemented quotas to improve women's representation, and that have made progress in operationalizing and ratifying international conventions and treaties;
- Issues of electoral processes, such as:
  - Which countries are considered to have independent and efficient electoral commissions? (Mauritius, South Africa)

- What are the levels of voter apathy in the subregion? Levels are reducing in South Africa, Botswana, and Zimbabwe. What are the reasons for this reduction?
- What are the movements for electoral reforms in Mauritius, Zimbabwe, Botswana, and Zambia due to disaffection with the “First Past the Post” electoral system?

24. Finally, Ms. Chiroro stated that the publication should highlight the importance of the African Peer Review Mechanism (APRM) and should clearly state where countries were in terms of the APRM or why certain countries were not acceding to the peer review. She further stressed that, the report should include an assessment of how countries were performing in terms of attainment of the MDGs.

25. In the ensuing discussions, participants suggested that there was need for a chapter on methodology. Furthermore, participants emphasized that the results of the survey should be included. The meeting observed that there was very limited analysis at country level especially in terms of political governance challenges, and that was important to include comparative graphs or tables. This would also assist with monitoring progress. Participants further noted a need to highlight strategies and interventions to help countries lagging behind, and to provide useful recommendations for action by governments.

26. Participants noted that countries in the subregion had different political systems. It was important therefore that the report should discuss which political systems were working better for good governance. It was also observed that the report made many generalizations, particularly on issues related to constitutions and did not discuss specific countries in detail, especially Swaziland and Lesotho. In addition, the report should highlight the difficulties facing the subregion in terms of constitutional reforms.

27. The meeting noted the need for updating the report by using more up-to-date information, because much of the report was based on data from the AGR, which was outdated.

28. The meeting also raised the following specific points:

- Lesotho and Swaziland were inadequately covered in the report;
- Para. 7 should mention the objectives of the AGR and the objectives of the Southern Africa Governance Report;
- Para. 11 should include what the outcome of the report would be;
- Para. 13 should specify the dates when countries underwent political transformations;
- Para. 18 was inaccurate and needed to be revised because there had been a decrease in voter turnout in the subregion in the last two to three years;
- Para. 21 should indicate that Botswana has 13 registered parties. Also in Malawi, the ruling party was not UDF because the President defected from it;
- In terms of gender, the report should mention the significant progress made by the African National Congress (ANC);
- There was need to mention political rights such as freedom of the media, freedom of political parties and to discuss how these rights were being exercised in Southern African countries;
- There was a need to make mention of the effects that culture might have on the attainment of good governance and to address societal problems that caused minimal progress in gov-

ernance. Additionally, the report did not adequately reflect the views of society and should be more Africa-specific by providing an analysis of which political systems were actually enabling change in society; and

- Finally, youth participation in leveraging good governance in the subregion should be acknowledged, especially in light of the African Charter on Youth Participation in Politics.

## 6 Session 2: The Status of Economic Management

29. A representative of AFRODAD, Mr. Vitalice Meja, presented comments on the chapter on economic management. Mr. Meja indicated that the document had excellently covered the systemic issues of economic governance, including stabilization and macroeconomic management, economic systems management and regulation, and public sector and budget management. He emphasized that although infrastructure, human capital and security were important, if the Southern African subregion were to have a competitive edge, capable public institutions backed by strong political will were crucial. He further noted that in the Southern Africa subregion synergies of economic reforms and poverty reduction linkages were still weak and that, even though some form of public-private sector and Civil Society Organization (CSO) interaction existed in virtually all countries at various levels, they remained mostly, informal, spontaneous, partial or unstructured.

30. The meeting was also informed that many countries in Southern Africa had achieved macroeconomic stability and yet were not enjoying growth and development, largely because they had neglected microeconomic improvements. He indicated that the legal and regulatory framework was biased against the domestic private investor, in terms of business registration, the widespread use of investment and import licenses, and legal proceedings that were often so complex, costly and inefficient that they favoured firms with better resources and connections.

31. Furthermore, women were particularly disadvantaged by inheritance laws, property ownership regulations and lack of access to productive resources. The regulatory framework also place a heavy and costly burden that discouraged smaller enterprises from entering into the formal sector of the economy. He suggested that simplifying the procedures for registering a new business was an example of a concrete and relatively straightforward action that countries could focus on.

32. In terms of public financial management and accountability, the discussant indicated that fiscal policy at the level of aggregate expenditure and revenue was constrained in most countries of the subregion by domestic design or international conditionality, to limit government deficits. Further, the World Bank and the International Monetary Fund dominated the economic governance of Highly Indebted Poor Country (HIPC) initiatives in the subregion and were increasing their power over economic policies. In this regard, it was important to examine the capacity of governments to formulate good macroeconomic policies based on real data from the ground.

33. It was noted also that there was a need to address public debt within the framework of public financial management and to simplify the tax system by working through a single tax authority, to better address compliance costs. Additionally, it was noted that monetary policy remained, to a large degree, the subject of separate attention from the Central Banks, Ministries of Finance and International Financial Institutions (IFIs) without much attentions to poverty objectives.

34. Mr. Meja concluded with recommendations to strengthen methods of data collection, data analysis and policy formulation; to enhance domestic partnerships between the government and the private sector so that all stakeholders could play a key role in creating a coherent policy framework; and to provide effective support measures and structures for macroeconomic stability, microeconomic improvement and proper policies. He also recommended that mechanisms should be established for structured public–private sector and CSO dialogue on all sectors of economic management. Training and capacity building should be promoted and the decentralization of services such as business registration and public services should also be encouraged. There was also need to strengthen the monitoring and evaluation of economic management systems at the national level.

35. During the discussion that followed, the meeting noted that governments were failing to create a conducive environment for attracting Foreign Direct Investment (FDI) and that the report should provide more information on Trans-national Corporations (TNC) and the role they play in the economy. Further, there should be an analysis of the linkages between FDI and peace and security in the subregion. It was also noted that issues such as land tenure, unemployment and regularization of the informal sector versus the formal sector should come out clearly in the publication. The role of the State within markets should also be carefully evaluated, as well as the role of the Regional Economic Communities (RECs), in order to assess the extent of their impact in member States.

36. The meeting further felt that although corruption had been mentioned throughout the report, there should be a specific section to address it and its implications in the Southern African subregion. It was also underscored that in order to fully appreciate the impact of economic governance policies, the economic and human rights aspects of governance should also be considered.

37. Finally, an overall weak use of data in the chapter on economic governance was noted and it was suggested that more use should be made of graphs to enrich and validate the data.

## 7 Session 3: The Status of Corporate Governance

38. The Director of Governance and Management for Africa (GMA), Mr. Anderson Afonso Mondlane, made a presentation on the status of corporate governance in Southern Africa. He began his presentation by referring to the milestones that had been achieved in corporate governance and the standards/guidelines that had been established. He made reference to the King Reports, the Sarbanes-Oxley Act, OECD principles, CACG guidelines and the New Partnership for Africa Development (NEPAD) with the APRM.

39. He summarized for the meeting the specific developments in corporate governance in Southern Africa, including the completion of the King I and II reports and their adaptation in various countries in the subregion and, establishment of the Institute of Directors (IoDs) in most countries in the subregion. Challenges remaining included outdated laws and lack of information on corporate governance.

40. Mr. Mondlane concluded his presentation by highlighting the need to empower governments with corporate governance information and to encourage governments to ratify international and regional initiatives such as the APRM. Additionally, it was important to establish and maintain subregional corporate governance networks, strengthen those networks that were investing in information dissemination, and empower the media through training.

41. Mr. Sean de Cleene, Executive Director of the African Institute for Corporate Citizenship (AICC) continued the presentation on corporate governance within the context of investment promotion. He indicated that corporate governance was key to investors and that beyond private companies there was also a particular need to strengthen such governance in the financial sector and also among Small and Medium Enterprises (SMEs) and civil society. He pointed out the importance of focusing not only on organizations but also on the quality of market regulation and infrastructure, the independence of the judiciary and enforceable property rights, corruption, shareholder activism, and stakeholder rights.

42. The meeting was informed that the pillars of corporate governance were accountability, transparency, responsibility and fairness. In the context of the APRM, these pillars also included discipline, independence and social responsibility. The discussant stressed that it was important for corporate governance to be framed within the context of the APRM, i.e. promoting an enabling environment and an effective regulatory framework for economic affairs; ensuring that corporations act as good corporate citizens with regard to human rights, social responsibility and environmental sustainability; promoting the adoption of codes of good business ethics in achieving the objectives of corporations; ensuring that corporations treat all stakeholders in a fair and just manner; and providing for accountability of corporations, directors and officers.

43. Mr. de Cleene then examined the relationship between profitability and the triple bottom-line performance in the Southern African context, and raised the issue of whether investors were looking for the

same performance in Southern Africa. He also questioned whether companies are able to measure social and environmental impact as well as put a cost to their associated risk. It was noted also that there was a shifting perspective of business. Generally, businesses were in a fourth generation of corporate responsibility from the sustainable competitiveness approach, where a fully integrated business strategy included promoting national and sector competitiveness through sustainability. The discussant then identified a number of developments in terms of sustainability trends, particularly adoption of the “Equator Principles” and other principles of responsible investing.

44. The roles of government and civil society were defined and it was stated that both parties needed to understand the business case for corporate citizenship and the role they could play within that. Additionally, there was need to build or provide capacity for engagement in the field of corporate citizenship and also to create an effective and enabling environment for multi-stake holder action in support of broader corporate governance in all sectors. Further, it was also recommended that accountability and transparency should be promoted in all organizations.

45. Mr. de Cleene ended by stating that corruption was not accorded enough importance in the draft report and presented a case study of the Malawi Business Action Against Corruption initiative, a best practice in the subregion of an initiative to fight against corruption. The Malawi Business Action Against Corruption had established a “business action against corruption” taskforce as a move towards a national framework on corruption that integrated government, business and civil society initiatives.

46. The meeting agreed that even though corporate governance was situation specific, the report should highlight all aspects of corporate governance and underdevelopment should be taken into account when assessing corporate governance. The report should also provide information on specific corporate governance indicators such as company disclosure, property rights, insolvency, and bankruptcy. It was further noted that given the extent of HIV/AIDS in the Southern African subregion, there was need for an assessment of which companies were investing in HIV/AIDS as part of their human resource development programmes. Some of the participants felt that it was important that the report included an analysis of local versus big business and that should also assess the cultural issues that were affecting corporate governance in businesses in Africa.

47. Participants also noted the need to include regional dimensions of corporate governance and to strengthen regional rules on transnational companies investing in the subregion. In particular, participants noted that the report should address how regional bodies should balance external and internal issues. In this context, the outcomes of the ECA-SA Economic and Corporate Governance workshop that was held in Lusaka, Zambia in December 2005 should be included.

48. It was also emphasized that indigenous people should participate and benefit from privatization, in particular vulnerable groups such as women and youth. In this regard, regional bodies such as the Community of Eastern and Southern Africa (COMESA) should be in a position to assist with the setting of standards and protocols and the African Development Bank (AfDB) and DBSA could also assist with generating projects with benefits at the local level. Participants stressed the need for strengthening legal frameworks at national level that would advance corporate social responsibility. The draft report should highlight companies in the subregion that were promoting corporate governance and were addressing issues of social responsibility. In

addition, forward and backward linkages between Small and Medium Enterprises (SMEs) and communities should be explored and addressed in the report.

49. Finally, during the discussion, participants noted the need to develop whistle blower protection mechanisms at the subregional level and also standards that could be used as benchmarks to assess progress being made according to the set corporate governance indicators.

## 8. Session 4: Institutional Checks and Balances

50. Professor Mushala, Director of Mazingira Consultants, presented his comments on the chapter on institutional checks and balances. He indicated that, generally, the chapter was well written and identified the major checks and balances in a logical manner. However, Professor Mushala informed the meeting that some of the negative developments in institutional checks and balances in the subregion needed to be highlighted further in the chapter.

51. The informed the meeting that the main thrust of institutional checks and balances was to ensure accountability and to prevent abuses by the Executive the stressed that legislative effectiveness could be gauged by its extent of freedom from undue interference from the Executive, civil society, the private sector, religious organizations and ethnic groups. The Executive was responsible for initiating and enacting laws, rules and regulations and ensuring their compliance; controlling administration; providing public goods and services through the civil service; ensuring law and order; formulating and implementing national policies; and controlling financial resources. It was further noted that in evaluating institutional effectiveness, there was need to address capacity, efficiency, effectiveness; accountability; and transparency based on the expert and household opinions contained within the AGR.

2. The meeting was informed that a number of challenges remained in all three branches of government. Challenges for the Legislature included limited funding, executive interference, and economic incentives such financial loans for Members of Parliament (MPs), lack of control over expenditure outcomes and, corruption. The challenges and constraints that the Judiciary faced included executive interference in the selection of judges, poor budgetary funding resulting in sub-optimal adjudication and lack of financial autonomy. The main challenges for the Executive branches of government included how to constrain its excessive powers effectively and creatively counterbalance its discretionary authority.

53. Professor Mushala concluded by stating that CSOs had now been accepted as part of the “Governance Tripod” and were playing a key role in protecting citizens’ rights, in preventing abuses of power and in educating the public through the media. A decline of executive dominance in Africa had been observed due to pressure from CSOs and the media as well as to the end of the cold war and the rise of globalization.

54. During the discussion that followed, participants agreed that separation of powers was never total among the three arms of government and therefore the discussion should be more about how to make the three arms of government work together effectively. It was also noted that some countries in the subregion lacked law reform commissions and that the capacity in Ministries of Justice was generally low. This compromised the effectiveness and operational independence of the Judiciary. It was recognized, however, that Public Accounts Committees of Parliament were generally quite effective.

55. It was also agreed that emphasis should be placed on the importance of Information Technology (IT) in order to improve information exchange within government and its harmonization across the branches of government. It was also noted that most of the analysis of the publication was focusing on the conceptual and theoretical level, and it was agreed that more attention should be given to discrepancies at the implementation level.

56. Further, some of the participants felt that there was an over-emphasis on the “usual” best practices from case studies of Botswana, Namibia and South Africa, which tended to overshadow other good cases. For example, a recent study had revealed that the Parliament in Lesotho was actually one of the best performing in terms of reducing corruption in the Southern African subregion. It was further noted that, the role of local government in governance was not included in the draft technical publication.

57. It was suggested that the report should include concrete mechanisms for encouraging more robust role for civil society outside the three arms of government, and should examine how to create an enabling environment. In this context, there should be some reflection on what exactly was the role for policy watchdogs and think tanks. Finally, the participants discussed the capacity of MPs in the subregion and debated the educational minimum standards that should be established. It was suggested that newly elected MPs should go through an induction and orientation process so that their roles and responsibilities were fully understood.

## 9. Session 5: Key Challenges of Governance in Southern Africa

58. Mr. Claude Kabemba, Chief Researcher from the Human Sciences Research Council (HSRC) made a presentation on the chapter on key challenges of governance in Southern Africa. Mr. Kabemba categorized the key challenges under the following subheadings - Democratic Governance, Institutions, Economic Management and Development, and Corporate Governance.

59. The noted that the change from authoritarianism to democracy in Southern Africa had been far from smooth and questioned whether there was really a consensus on the nature of democracy in the subregion and the institutions that underpinned it. He further noted that, the problem might not be so much about the nature and form of institutions but the quality of democracy in the subregion the stressed that quality did not simply refer to processes but also to the quality of actors, i.e. political parties, civil society and political leadership.

60. The discussant then touched upon the relationship between multiparty democracy and the economy and questioned whether democracy could genuinely exist in an environment where the ruling party controlled the modes of production. He also questioned whether democracy was meeting the demand of ordinary people, particularly the poor, and could reconcile conflicting of social equity and economic growth. Further, he mentioned that a developmental State could be defined as one that not only embodied the principles of electoral democracy but also ensured the citizens participation in the governance process. It was therefore pertinent to ensure that governments increased the scope of citizen participation to ensure that the exercise of power was based upon permanent dialogue between governments and their citizens.

61. It was noted that although most of the political systems in Southern Africa allowed for free competition for power and promotion of democratic governance, a number of challenges remained in terms of the realization of democratic governance. Some of the challenges identified were a lack of internal democracy within political parties, the challenge of universalism, low-quality citizen participation, weak local governance systems, access to justice, the comprehensiveness of constitutional, legislative and institutional frameworks for the protection and promotion of political, economic, social and cultural rights, the reinforcement of the separation of power amongst the arms of government, and civic education.

62. Elections, he said, were the core of democracy and represented the main form of political participation for the majority of citizens. Elections were the only way to legitimize a government and to establish a government that reflected the true will of the people. A government that was chosen by the people was expected to be accountable, equitable and transparent, and, if organized on these principles, was expected to reduce social and political tensions and minimize conflicts. Good governance should follow from elections, since there was a logical link between elections, governance and sustainable human development. The interface between political governance and human development was important because it determined the organization

and distribution of production inputs and provided the framework within which the productive potential of the population could be energized.

63. In terms of institutions, the major challenges were identified as a lack of expertise in such critical fields as management and human resources, endemic corruption, weak gender representation, and access to services particularly for vulnerable groups such as refugees and people with disabilities. The discussant also stressed that CSOs were experiencing challenges similar to those of state enterprises and must work towards ensuring their independence itabis the State and foreign donors and corporations.

64. On economic management, Mr. Kabemba identified the overall challenge as how to ensure that the macroeconomic framework was sound and was supportive of sustainable development. In addition, he emphasized the need to create measures that allowed for monitoring and impact assessments on a continual basis. Mr. Kabemba also noted that there was need to address the problem of inequality in the Southern African subregion, particularly in South Africa, which had one of the highest levels of inequality in the world. Also observed was the link between macroeconomic policies and socio-economic governance. Most macroeconomic policies in the subregion placed emphasis on prudent monetary and inflation targets. However, these policies must be linked to socio-economic indicators such as housing, water, sanitation, electricity, clinics, education and skills development.

65. Another challenge stated in terms of economic management in Southern Africa was how to deal with the set of binding constraints that were inhibiting faster growth and development. These included currency volatility, macroeconomic instability, cost and efficiency of logistics, shortages of skilled labour, disjointed spatial settlement patterns, high levels of inequality, barriers to entry, and a regulatory environment that inhibited the development of SMEs.

66. In terms of corporate governance, the major challenges in the subregion were identified as balancing the interests of corporates with the interests of citizens, improving standards of corporate governance in SOEs and government, and ratifying of international standards and benchmarks.

67. Mr. Kabemba concluded his presentation by identifying such regional and global challenges of governance affecting the Southern Africa region, as brain drain, trade liberalization and the issue of aid and development.

68. In the discussion that followed, there was consensus amongst the participants that there was need to enhance transparency in the privatization processes. Also mentioned was the issue of budget support. It was felt that thus should be done gradually and with adequate technical support, for it to be successful. Globalization was identified as another major challenge and the issues of trade and subsidies should be considered carefully. Countries should each develop a plan of action flexible enough to respond to the different challenges.

69. In addition, it was suggested that the paper should have an executive summary and that experts should be identified to develop a more coherent structure to the report. It was also suggested that the paper should follow the structure of the AGR, as it was noted that some of the most important sections, such as those addressing human rights and capacity building had been excluded. The report should also include a stronger analysis of the governance principles of participation and accountability.

# 10. Session 6: Which Way Forward for Southern Africa?

70. Representatives from ECA made a presentation on “Which Way Forward for Southern Africa”. The following general areas were highlighted:

- Improve the independence and capacity of electoral institutions to manage the electoral process efficiently;
- Strengthen the capacity of parliaments to perform their core functions;
- Deepen legal and judicial reforms;
- Improve public sector management;
- Improve the delivery of public services;
- Remove bottlenecks to private enterprise;
- Maximize the contribution of traditional modes of governance;
- Tap into the potential of information and communication technologies;
- Foster a credible and responsible media;
- Confront the governance dimension of HIV/AIDS; and
- Get donors to live up to their commitments.

71. In terms of political governance, the following areas were highlighted:

- What practical measures should States put in place in order to build and sustain a culture of multi-party democracy?
- What should be done to strengthen internal political party governance?
- Should funding of political parties be legislated? If so, what structures should be put in place to ring-fence accountable and transparent utilisation of disbursed public funds?
- What measures should be taken to enhance women participation in politics and national economic development?
- What should be done to engage people effectively in politics and fair and free elections?
- How should post-election conflict resolution/management (e.g. Parliamentary and Presidential petitions) be strengthened?

72. In terms of economic management, the following areas were highlighted:

- How should compliance to the economic objectives of NEPAD and the APRM be enforced? Should it be mandatory for participating States to establish national NEPAD and APRM Committees?
- What additional measures should be undertaken to deepen the fight against corruption public and private sectors?

- What mechanisms should be put in place to broaden the tax base and bring the burgeoning informal sector into the tax net?
- The private sector has been acknowledged as the engine room for restoration of economic growth, employment creation and poverty reduction. What should be done to accelerate private sector development at national and subregional levels?
- Public Private Partnerships (PPPs) are key to promotion of economic growth and effective social service delivery. What innovative measures should be undertaken to enhance PPPs at both national and subregional levels?
- Currently, the Southern African subregion's share in foreign direct investment to the African region is dismally small. What should be done to scale up the inflow of foreign direct investment to the subregion?

73. In terms of corporate governance, the following areas were highlighted:

- What mechanisms should be put in place to ensure the adoption of internationally accepted good economic and corporate governance codes and standards?
- What enforcement mechanisms should be put in place to ensure sustainability reporting by all formally registered companies?
- What role should corporate governance institutions such as the Institute of Directors, Audit and Accountants organizations, institutes of Chartered Secretaries and others play in the dissemination with of and compliance with internationally accepted corporate codes and standards?

74. In terms of institutional checks and balances, the following areas were highlighted:

- What practical measures should be taken to ensure the constitutionally guaranteed separation of powers among the Executive, Legislature and Judiciary?
- What measures should be taken to guarantee constitutionally the operational independence of such watchdog organizations as the Auditor-General, anti-corruption and drug enforcement commissions, Office of the Investigator-General, Office of Director of Public Prosecutions, Ombudsman, and others similar?
- How should the Legislative and Oversight role of Parliament be enhanced?
- What measures should be undertaken to address the human capacity gaps in the public service?
- What steps should be undertaken to formalise and strengthen the role of the civil society in governance?
- What measure should be undertaken to enhance the internal governance capabilities of CSOs?

# 11. Presentation and Adoption of AEGM Recommendations

75. The participants and discussants were divided into two thematic breakout groups according to the following areas of specialization to allow for further in-depth discussions and to identify key recommendations where policymakers should focus their actions through the four key governance pillars identified. Each breakout group was tasked with identifying a number of challenges, and a number of recommendations for their solution and the way forward.

The breakout groups were divided into the following two groups:

- a) Political Governance, and Institutional Checks and Balances; and
- b) Economic Management and Corporate Governance

76. The following challenges and recommendations were identified by each breakout group as shown in the table(s) below:

# Breakout Group I – Political Governance and Institutional Checks and Balances

## Political Governance

Challenges	Recommendations	Actors
Building a culture of democracy	<ul style="list-style-type: none"> <li>- Establishing Civic education, national dialogues for democratic development, consultative processes;</li> <li>- Developing rules, regulations, codes of conduct and enforcing these mechanisms;</li> <li>- Enforcing codes of conduct and regulations.</li> </ul>	MPs, CSOs, Anti-Corruption Units, Media, Judiciary
Actualisation of the democratic process (political structures political will and leadership, political participation)	<ul style="list-style-type: none"> <li>- Capacity and resources, infrastructure, institutional strengthening of existing institutions;</li> <li>- Appointment of dedicated leaders (review of recruitment and selection and elections procedures; remuneration of leaders);</li> <li>- Creation of an enabling environment for participation in the democratic process through compliance with codes of conduct and constitutions.</li> </ul>	CSOs, political parties, Parliament
Gender and social inclusiveness - ensuring the qualitative participation of women	<ul style="list-style-type: none"> <li>- Enable women and other social groups to participate;</li> <li>- Open up the democratic process at the primary level to be more inclusive (positive discrimination).</li> </ul>	CSOs, MPs, political parties
Ratification and domestication of international and regional and national conventions	<ul style="list-style-type: none"> <li>- Establish monitoring and evaluation systems for international conventions;</li> <li>- Regular measurement and evaluation of the AGR and APRM</li> </ul>	CSOs, MPs, political parties

## Institutional Checks and Balances

Challenges	Recommendations	Actors
Lack of capacity of institutions, leadership, moral values and sustainability	<ul style="list-style-type: none"> <li>- Develop guidelines on governance, codes of conducts;</li> <li>- Training and Induction courses</li> <li>- Merit-based selection;</li> <li>- Provision of information for civic education;</li> <li>- Resources.</li> </ul>	Parliament, Civics Training Institutions, Media, Political Parties
Lack of a culture of constitutionalism and lack of empowerment in parliament in order to ensure accountability	<ul style="list-style-type: none"> <li>- Ensure independence of democratic institutions as provided in the constitutions;</li> <li>- Establish rules for appointment of judges and security of tenure;</li> <li>- Proud Civic education on national constitutions.</li> </ul>	Human rights commissions, executive, parliament
Weak parliamentary system	<ul style="list-style-type: none"> <li>- Research support and staff support for Parliamentarians (adequate resources);</li> <li>- Induction and education of MPs;</li> <li>- Media liaison officers, and Circulation of parliamentary debated, information dissemination</li> </ul>	Media, MPs, Civics

# Breakout Group II – Economic Management And Corporate Governance

## Economic Management

### \*Targets and Indicators

Challenges	Recommendations*
Lack of dialogue on monetary policy	<ul style="list-style-type: none"> <li>- Promote multi stakeholder dialogue on monetary policy;</li> <li>- Empower communities and institutions to engage on budgetary and monetary policy issues.</li> </ul>
Regional harmonization of macroeconomic systems and processes	<ul style="list-style-type: none"> <li>- Fast track the creation of regional macroeconomic frameworks and systems.</li> </ul>
Lack of effective stakeholder participation in budget formulation and planning processes	<ul style="list-style-type: none"> <li>- Empower communities and institutions to engage on budgetary and planning processes.</li> </ul>
Lack of widespread outcome-based budgeting	<ul style="list-style-type: none"> <li>- Strengthen the public expenditure review instruments and structures including oversight roles of Parliamentary Committees</li> </ul>
Capacity constraints to deliver against budgetary commitments	<ul style="list-style-type: none"> <li>- Fast track decentralization of service delivery</li> </ul>
Ineffective budget oversight institutions itabies executive arm of government	<ul style="list-style-type: none"> <li>- Strengthen oversight roles of Parliament and integrity systems institutions e.g. Auditor General, Ombudsmen, Anti Corruption Bureau</li> </ul>
Limited and ineffective tax collecting systems	<ul style="list-style-type: none"> <li>- Simplify the tax procedures;</li> <li>- Harness innovations in IT to enhance governments' tax collection;</li> <li>- Introduce robust measures e.g. penalties for non-compliance;</li> <li>- Strengthen the capacity of tax revenue collection agents.</li> </ul>
Weak capital markets	<ul style="list-style-type: none"> <li>- Creating enabling environment for growth of capital markets;</li> <li>- Incentivization of listing on local stock exchanges;</li> <li>- Encourage retention of appropriate levels of locally generated capital.</li> </ul>
Weak link between economic growth and sustainable development and poverty alleviation	<ul style="list-style-type: none"> <li>- Strengthen the pro-poor economic policies;</li> <li>- Mainstream the informal economy through access to credit and business opportunities.</li> </ul>
Low capacity for macro economic policy formulation and execution	<ul style="list-style-type: none"> <li>- The need to strengthen data collection and analysis between national and regional institutions;</li> <li>- Conduct capacity building for national and regional institutions.</li> </ul>
Poor harmonization and coordination of donor support	<ul style="list-style-type: none"> <li>- Donors should actively promote compliance to the Paris Declaration/accord.</li> </ul>

<b>Challenges</b>	<b>Recommendations</b>	<b>Actors</b>
Lack of common definition, understanding and promotion of common corporate governance concepts, standards and raising awareness at regional and country level	<ul style="list-style-type: none"> <li>- Develop regional framework and encourage of harmonization Countries to develop laws/codes;</li> <li>- Ensure effective promotion, enforcement and political will to drive standards;</li> <li>- Set up a regional corporate governance forum.</li> </ul>	<p>Regional economic blocs RECs, SADC, COMESA</p> <p>National Regulatory Authorities</p> <p>ECA, ADB,AU, NEPAD, APRM, DBSA, etc.</p> <p>Regional civil society bodies</p>
Inclusion of social sustainability as a core component of corporate governance	<ul style="list-style-type: none"> <li>- Mandatory sustainability reporting – determined at appropriate threshold levels</li> </ul>	As above
Comparability of corporate governance standards and practice	<ul style="list-style-type: none"> <li>- Develop of a common regional framework that forms the basis for national corporate governance standards.</li> </ul>	As above
Broadening CG to include SOEs	<ul style="list-style-type: none"> <li>- Develop as a subcomponent of the subregional framework, SOE guidelines using international best practices.</li> </ul>	As above
Incentivization and creating value proposition for CG	<ul style="list-style-type: none"> <li>- Identify innovative incentives for enhancing CG regionwide;</li> <li>- Establish a Corporate Governance Index for Africa</li> </ul>	As above

77. In addition to the recommendations presented above, participants and experts noted that there indicators and benchmarks should be developed, to be used to monitor and evaluate progress in all the different aspects of governance.

78. The meeting adopted the recommendations with all the amendments.

## 12. Closure of Meeting

79. In the closing session, Mr. Bernard Chisanga, a representative of ECA-SA, highlighted some of the activities that had taken place over the previous two days during the AEGM, and identified some of the main issues that had emerged.

80. Ms. Doreen Kibuka-Musoke, a representative of ECA-SA, informed the participants that the products of the workshop would include two documents: a) a statutory document with the proceedings and discussions of the AEGM and b) a revised technical publication on “The Status of Governance in Southern Africa”. Participants were advised that both documents would be sent to them in draft form for their final inputs before publication.

81. In conclusion, special thanks were extended to the Chairperson, Dr. Rangarira Taruvinga, for his tireless efforts and dedication towards ensuring that the AEGM was a success. She also thanked the discussants and all the participants for their invaluable insights and inputs into the revision of the technical publication. Finally, she extended her thanks to the staff of the Secretariat for providing their support in organization of the meeting.

# Annex I:

## List of Experts and Participants

1. Dr. Ranga P. Taruvinga, Director and CEO, Mananga Centre for Regional Integration and Management Development, P.O. Box 5100, Mbabane, Swaziland, Tel: 268-602-0990, 4974, Email: mananga@africaonline.co.sz
2. Mrs. Matseliso Mapetla, Director/Senior Research Fellow, Institute of Southern African Studies (ISAS), C/o National University of Lesotho, P.O. Roma 180, Lesotho. Telephone: 266-22-340 247, Fax: 266-22-340 000, Email: m.mapetla@nul.ls
3. Mr. Anderson Afonso Mondlane, Director/Coordinator, Governance and Management for Africa (GMA)/Interim IOD, P.O. Box 3058, Mbabane, Swaziland, Tel: 268-607-0579 Swaziland or 258-82-5232733, Mobile: Cell 825232733, Mozambique, Email: gma@executivemail.co.za
4. Mr. Claude Kabemba, Chief Researcher, H.S. Research Council (HSRC), 134 Pretorius Street, Pretoria, South Africa. Tel: 27-12-302 2434/2455, Mobile: 27-828768414, Email: ckabemba@hsrc.ac.za
5. Mr. Sean de Cleene, Executive Director, African Institute of Corporate Citizenship (AICC), P.O. Box 37357, Birnam Park, Johannesburg, South Africa, (main office) Private Bag 382, Lilongwe 3, Malawi. Tel: (direct) 265-1-772404, Mobile 265 996 4055, (South Africa) 27-11-643-6604, Fax: 27-11-6436918, Email: sean@aiccafrica.com
6. Ms. Bertha Chiroro, Researcher, Electoral Institute of Southern Africa (EISA), 1004 St. Bernard Drive, Garsfontein, Pretoria, South Africa. Tel: 27-11-4825495, Mobile: 27-827131050, Fax: 27-11-482 6163, Email: bertha@eisa.org.za
7. Mr. Vitalice Meja, Programme Director Lobby and Advocacy, AFRODAD, 31 Atkinson Drive, Hillside, 1517 CY, Harare, Zimbabwe. Tel: 263-4-778531/6, Fax: 263-4-747878, Email: vitalis@afrodad.co.zw, vitalice@yahoo.com
8. Prof. Hezekiel Mushala, Director, Mazingira Consultants, P.O. Box 6997, Manzini, Swaziland, Tel: 268-607-9079, 268-5283768, Email: mushala@swazi.net
9. Prof. Jonathan Mayuyuka Kaunda, Senior Researcher, Botswana Institute for Development Policy Analysis (BIDPA), BIDPA House, 134 Millennium Office Park, PB BR-29, Gaborone, Botswana, Tel: 267-39-71750, Fax: 267-39-71748, Email: kaundajm@bidpa.bw

10. Mr. Solomon Sacco, Project Officer, Human Rights Trust of Southern Africa (SAHRIT), 12 Ceres Road, Avondale, P.O. Box CY 2448 Causeway, Harare, Zimbabwe, Mobile: 263-91-268 357, Work : 263-4-332 179 Email: [solsacco@sahrit.org.zw](mailto:solsacco@sahrit.org.zw)
11. Mr. Muzwakhe Alfred Sigudhla, Executive President, SADC Youth Movement, Centre for Leadership Development UP, 21 Lynnwood Road, P.O. Box 14131, Transfield 0126, Pretoria 0002, South Africa, Tel: 27-12-420 4241, 27-12-224140, Fax: 27-12-420 4491, 27-12-3224241, Email: [sigudla2000@yahoo.com](mailto:sigudla2000@yahoo.com)
12. Mr. Sabelo Mathews Mkhonta, Managing Director, Southern African Enterprise Network (SAEN)/KQ Consulting (PTY) Limited, Swaziland, P.O. Box 710, Manzini, Swaziland, Tel: 268-505 4974/602 8223, Fax: 268-505 4540, Email: [sabelomk@koblaquashie.co.sz](mailto:sabelomk@koblaquashie.co.sz)
13. Mr. Armstrong Dlamini, Consultant-Research, Mananga Centre, P.O. Box 5100, Mbabane, Swaziland. Telephone: 268-611-2695, Fax: 268-550-3962, Email: [kuni@swazi.net](mailto:kuni@swazi.net)
14. Mr. Bernard Mhango, Group Compliance Officer, Corporate Secretariat, Development Bank of Southern Africa (DBSA), P.O. Box 1234, Midrand, Halfway House, 1685 Tel: 27-11-3133911/27-11-3133164, Fax: 27-11-3133926, Email: [bernardm@dbsa.org](mailto:bernardm@dbsa.org)
15. Mr. Harris Kamanga, Director, Kamanga and Associates, P.O. Box 3773, Mbabane, Swaziland, Tel: 268-404-0892/268-404-3658, Fax: 268-404-6158, Email: [kmn@africaonline.co.sz](mailto:kmn@africaonline.co.sz)
16. Mr. Brian Chigawa, Legal Affairs Officer, COMESA Secretariat, COMESA Centre, Ben Bella Road, P.O. Box 30051, Lusaka, Zambia, Tel: 260-1-229726/32, Email: [bchigawa@comesa.int](mailto:bchigawa@comesa.int) or [bchigawa@yahoo.com](mailto:bchigawa@yahoo.com)
17. Mr. Jabulane C. Dlamini, Economic and Governance Advisor, United Nations Development Programme (UNDP) Corner Lanham/Muir Street, P.O. Box 261, Mbabane, Swaziland, Tel: 268-404-2301/2304, Fax: 268-404-5341, Email: [jabulane.dlamini@undp.org](mailto:jabulane.dlamini@undp.org)

## Secretariat

18. Mr. M.E. Dhliwayo, Senior Economic Affairs Officer, United Nations Economic Commission for Africa, Southern Africa Office, (UNECA-SA), P.O. Box 30647, Lusaka, Zambia. Telephone: 260-1-228502/5, Fax: 260-1-236949, Email: [srdcsa.uneca@un.org](mailto:srdcsa.uneca@un.org)
19. Ms. Gladys Mutangadura, Economic Affairs Officer, United Nations Economic Commission for Africa, Southern Africa Office (UNECA-SA), P.O. Box 30647, Lusaka, Zambia. Telephone: 260-1-228502/5, Fax: 260-1-236949, Email: [srdcsa.uneca@un.org](mailto:srdcsa.uneca@un.org)

20. Ms. Doreen Kibuka-Musoke, Development Management Officer, United Nations Economic Commission for Africa, Southern Africa Office, (UNECA-SA), P.O. Box 30647, Lusaka, Zambia. Telephone: 260-1-228502/5, Fax: 260-1-236949, Email: [dmusoke@uneca.org](mailto:dmusoke@uneca.org)
21. Mrs. Monique Nardi Roquette, Development Management Officer, Development Policy Management Division (DPMD), United Nations Economic Commission for Africa, P.O. Box 3001, Addis Ababa, Ethiopia. Telephone: 251-11-5443737, Fax: 251-11-5511593 Ext. 33737
22. Mr Bernard Chisanga, Consultant, United Nations Economic Commission for Africa, Southern Africa Office, (UNECA-SA), P.O. Box 30647, Lusaka, Zambia. Telephone: 260-1-228502/5, Fax: 260-1-236949, Email: [BernardC@hssp.org.zm](mailto:BernardC@hssp.org.zm)
23. Mrs. Anne Mwansa, Secretary, United Nations Economic Commission for Africa, Southern Africa Office, (UNECA-SA), P.O. Box 30647, Lusaka, Zambia. Telephone: 260-1-228502/5, Fax: 260-1-236949, Email: [srdcsa.uneca@un.org](mailto:srdcsa.uneca@un.org)

# Annex II

## Programme of Work

### DAY 1 – Friday 7<sup>th</sup> April 2006

- 08.00 - 10:00      Registration /DSA payments/Banking
- 10:00 - 10:45      **Introductory Session**
- Welcome Remarks - Mr. Munorweyi Dhliwayo, ECA-SA
  - Objectives and Processes - Ms. Doreen Kibuka-Musoke, ECA-SA
  - Introduction of participants
- Organizational Matters**
- Announcement of the Bureau
  - Adoption of the Agenda and Programme of Work
- 10:45 – 11:15      Coffee Break**
- 11:15 – 11:35      **Presentation of the ECA “Africa Governance Report” –**
- Presenter:** Ms. Monique Nardi Roquette, DPMD, ECA
- 11:35 – 12:00      **Presentation of ECA-SA Draft Technical Publication on “The Status of Governance in Southern Africa”**
- Presenter:** Mr. Bernard Chisanga, ECA-SA.
- 12.00 – 13.00      **Session 1 – The Status of Political Governance**
- Discussant:** Ms. Bertha Chiroro, Electoral Institute of Southern Africa - EISA)
- 13.00 – 14:00      Lunch Break
- 14.00 – 15.00      **Session 2 – The Status of Economic Management**
- Discussant:** Mr. Vitalis Meja, AFRODAD

- 15:00 - 16:00      **Session 3 - The Status of Corporate Governance**
- Discussant(s):** Mr. Anderson Mondlane, Governance and Management for Africa, (GMA) and Mr. Sean de Cleene, African Institute of Corporate Citizenship
- 16:00-16:30      Coffee Break**
- 16:30-17:30      **Session 4 – Institutional Checks and Balances**
- Discussant:** Professor Mushala, University of Swaziland, UNISWA
- 17:30-18:30      **Session 5 – Key Challenges of Governance in Southern Africa**
- Discussant:** Mr. Claude Kabemba, Human Sciences Research Council, HSRC

## **DAY 2 – Saturday 8<sup>th</sup> April 2006**

- 08:30 - 09:30      **Session 6 – Which Way Forward for Southern Africa?**
- Lead Discussant:** Mr. Bernard Chisanga, ECA-SA
- 09:30-11:00      Break out Sessions
- 11:00-12:00      Coffee Break**
- 12:00-13:00      Presentation to Plenary
- 13:00-14:00      Lunch Break
- 14:00-17:00      Free Time
- 17:00-18:00      Presentation and Adoption of AEGM recommendations
- 18:00-18:15      Closure of Meeting, ECA-SA Representative, ECA-SA