



NETHERLANDS INSTITUTE FOR MULTIPARTY DEMOCRACY



**OPERATIONALISING THE OUTCOMES:
A report on
four working conferences held
as part of the NIMD
East and Southern Africa Regional Programme (ESARP)**

December 2005

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Summary, context and overview

The Centre for Policy Studies (CPS) and the Netherlands Institute for Multiparty Democracy (NIMD) have been running a regional programme involving the representatives of political parties from 6 countries in the East and Southern African region - Kenya, Malawi, Mozambique, South Africa, Tanzania, and Zambia – working with local partners in each participating country.

Providing the space for political parties (both ruling and opposition) to dissect issues they believe to be important to both their individual countries and the region, the regional programme is aimed at strengthening democracy by allowing parties to engage on the critical issues facing them. A major objective is for these parties to take back to their countries some of the lessons learned and experiences shared at these regional forums that they feel to be of relevance to them, in order to inject this into the debate or into their parties.

In the past year this regional forum has discussed a bouquet of issues ranging from corruption and transparency to electoral systems to vulnerable groups. So far, four regional working conferences have been held as part of the ESARP:

- **Enhancing transparency**, Kenya, May 2005
- **Electoral systems and reform in representation**, Malawi, June 2005
- **Rules of engagement between governing and opposition parties, with a focus on party finance**, Zambia, September 2005
- **Democracy and vulnerable groups**, South Africa, October 2005

Note that a prior meeting was held in November 2004 in Tanzania, in which an Interim Steering Committee was established and its mandate discussed. A final statement from this original Tanzania meeting has been included in this pack for use by delegates in this workshop, as well as to assist in preparing a way forward on the remainder of the agenda discussed at this Dar-es-Salaam meeting.

In this overall report, we provide a summarised version of key themes/issues discussed and operational aspects suggested at these four regional conferences. It is hoped that this approach will provide a useful backdrop for this evaluation conference, which is intended to take stock of these forums and plan the way forward for the next year.

Specific objectives of this weekend's conference include:

- agree on a timeframe for activities at national and party level to integrate results of regional activities;
- evaluate the concrete results of the four working conferences held so far;
- agree on the composition of tasks of the Steering Committee for the regional programme; and
- plan overall new activity priorities for the coming year.

We look forward to your lively and active contributions at this important conference.

Final Statement: Dar-es-Salaam conference, November 2004

Representatives of 36 political parties from Eastern and Southern Africa, meeting on November 25th and 26th, 2004 in Dar-es-Salaam, Tanzania, agreed to further their cooperation. This cooperation will take shape through a regional programme aimed at enhancing the quality of democracy and the performance of the political parties.

This programme will be developed in tandem with the establishment of the country programmes and the multiparty democracy centers which are emerging at the country levels within the region.

The meeting resulted in an elaborated and comprehensive set of issues that need to be addressed through this emerging regional cooperation. A resource person shall be invited to compile these recommendations into a coherent framework for attention and implementation over the coming years.

This comprehensive programme shall be presented to the political parties present at the conference within four months for their reflection and response. The feedback of the political parties will subsequently be incorporated into a longer-term programme that shall be presented for discussions and decision-making at the next plenary meeting of this group of political parties. This meeting will be scheduled to take place in the course of 2005.

Meanwhile, the conference decided to constitute itself into a **Multiparty Regional Forum in Eastern and Southern Africa**.

The conference appointed an **interim steering committee** to guide the process until the next plenary meeting which shall decide about a more formalized and institutionalized regional inter-party cooperation.

The interim steering committee will take the process forward by initiating amongst others the following immediate functions and activities:

1. **organize regional bonding and capacity building workshops.** Plan a series of regional meetings that each will focus on one of the following subjects: the need for electoral systems reviews, the need for wider constitutional reviews, the funding of political parties and related issues, and the development of a code of conduct to regulate inter-party relations during and beyond elections;
2. **share information and ensure communication within the Forum.** Establish a resource center in the region through which information is shared and best practices accessed. The center will establish an interactive Forum website.
3. **establish links with the AU and sub-regional governing institutions.** Establish contacts with the regional institutions and organize meetings for political parties with these institutions to provide opportunities for political parties to familiarize and to engage themselves with this new institutions and their work.

4. **prepare and organize the next Forum meeting** The interim steering committee will submit in good time a comprehensive workprogramme and a proposal for an institutional framework for regional cooperation at the next plenary meeting of the Multiparty Regional Forum.

The interim steering committee shall be composed of two representatives per participating country, one from the governing party and one from the opposition parties.

The interim steering committee shall select its chair and deputy chairperson at its first meeting.

The interim steering committee shall work in a strictly multiparty and inclusive manner.

The interim steering committee will be able to assign specific tasks to resource persons or consultants.

The minutes of the meetings of the steering committee shall be shared with all the participating political parties of the Multiparty Regional Forum.

The steering committee will meet quarterly and shall be facilitated by the regional representative of IMD.

**White Sands Hotel
Dar-es-Salaam, Tanzania
November 26th, 2004**

ENHANCING TRANSPARENCY

Kenya, 2005

Delegates noted that there is nothing intrinsic about Africa that predisposes the continent to corruption. It is a general problem, not just an African scourge, evident in poor and rich countries alike. Nevertheless, it impedes development by reducing the amount available, hampers the efficient use of resources in service delivery; the existence of corruption and/or perception thereof affects investor confidence and can lead to donor aid being frozen. It was noted Africans have to be more courageous than elsewhere – speaking out against corruption can cost you your position!

Participants noted a number of potential strategies and practical steps to be taken, mindful of local context and capacity. Features and dimensions discussed incorporated three core areas, namely: building awareness and generating momentum to sustain the reform agenda; institutional aspects and regional/international dimensions. These have been grouped below in terms of activities at the: national level; regional/international level; and finally at political party level.

-National level

- While many countries have everything on paper to enhance transparency and push back corruption – lack of political will, a one party state, cronyism/nepotism, weak and ineffective institutions, including opposition political parties, can work against transparency initiatives and undermine the implementation of these declarations.
- Corruption tends to increase where there are many discretionary powers, where regulations are vague and open to interpretation.
- While public opinion and an active media have become forces to be reckoned with in the fight against corruption, so too chambers of commerce and political parties, there is nevertheless a **need to build awareness and generate momentum** to sustain the ‘enhancing transparency’ agenda, incorporating the following:
 - anti-corruption strategies to be based on a holistic strategy incorporating the sequencing of reforms. This approach will assist in generating quick wins and thus help to sustain momentum for more longer-term reform;
 - need to mobilize not just government, but the private sector and civil society too. There is also a need to link corruption to issues affecting ordinary citizens – for example, make the link between corruption and whether or not a woman in a rural village receives her maize meant to be delivered to her village - to demonstrate the negative effects of corruption;
 - transparency and anti-corruption initiatives should be well-publicized;
 - access to accurate information, at the right time and in the right format is critical. How can opposition political parties be effective if they do not have the information?
 - need to create islands of integrity – one way of doing this is to ensure that high profile projects, for example procurement, are corruption free.
 - importance of genuine and sustained political will to tackle corruption, sufficient political will is required to tackle high profile cases.
- Who has the legitimacy to fight corruption? Enforcement institutions such as the police are sometimes compromised. Participants noted the need for an appropriate

regulatory and institutional framework, adequate resources and training to embrace the value of transparency and embed it further in the policy process as key elements of the reform agenda relating to **institutional aspects**, incorporating:

- exposure and effective prosecution of offenders is key, requiring: laws which define corruption and protect whistleblowers; investigation of police conduct to be done outside the police; transparency issues enshrined in the constitution and Bill of Rights; and an independent judiciary to uphold the rule of law. Also important is reform of public procurement systems;
- private and/or public funding of parties to be regulated in such a way that it avoids deepening inequalities. If not, individuals within parties can create power bases around themselves due to their resources. Campaign finance reform to be looked at. (see later report on Zambian conference);
- delegates noted that there was a strong focus on the public sector. Nevertheless, the private sector should be subject to codes of conduct, accountability and effective regulatory bodies;
- the African Union and UN Convention provisions on corruption need to be ratified and implemented in national legislation in order to ‘domesticate’ transparency initiatives;
- findings and recommendations of the national chapters of Transparency International;
- the importance of a transparency budgetary system was emphasized and it was suggested that anti-corruption resources be placed in a number of agencies;
- agencies in charge of electoral processes need to be strengthened to boost the credibility of election results.

-Regional/international level

- Developing networks to encourage countries to tackle transparency issues in a co-operative manner and training for political parties and leaders were suggested as useful avenues for the regional programme to explore.
- Cross-border initiatives such as NEPAD and the African Parliamentary Network against Corruption to be drawn on. APNAC is organized according to country chapters, every country must come up with a code of conduct.
- Donor money often comes with strings attached, the role of donors in corruption is worth noting.

-Political party level

- Political parties must be strengthened so that they lead by example. In short, there is a need to ‘clean out the house’ within political parties at the outset. Political parties and legislatures are consistently regarded as the most corrupt components of society, according to Transparency International data. There is a need to rejuvenate the reputations of political parties since unfortunately, the impression is that politicians can be bought. It was noted that only political parties themselves can change this image. By including transparency issues in party manifestos and constitutions, parties take the first step towards reducing graft. Those parties who already have transparency provisions, might accord them higher priority and consider adopting codes of conduct. And, importantly: Don’t trust yourself when in parliament!

- There should be commitment to integrity at an individual level and an encouragement of discipline in political parties.
- Internal party structures to permit the free flow of information.
- Transparency in terms of party funding was deemed useful.
- Political parties and civil society organizations need a roadmap in terms of how they will be taking forward transparency issues.
- Enhancing transparency is not a single party issue, but all political parties are to be involved in the long slog to enhance transparency.

ELECTORAL SYSTEMS AND REFORM IN REPRESENTATION

Malawi, June 2005

It was noted that almost all electoral systems are fraught with shortcomings which might emanate from: the constitution, electoral laws, the mechanics of the election, capacity of political parties, in some countries the ruling party dominates the state machinery and resources, and/or corruption of those in charge of elections. Part of the challenge in reforming electoral systems lies in the fact that opposition parties will always be looking for ways to facilitate their coming to power and the ruling power at ways of holding onto it. In addition, democracies in the region are still relatively new and need nurturing.

With reference to **first-past-the-post** (FPTP) system, delegates outlined the **pros** as: an easy system which draws more voters and encourages more parties to participate; it facilitates direct representation, compels candidates to work hard to maintain their support. The **cons** included: large wastage of votes, that it favours the rich, undermines representation of minorities such as women, encourages ‘cut-throat competition’, and is expensive to run.

With reference to **proportional representation** (PR), **pros** outlined included: that it encourages participation of smaller parties, is less costly with less wastage of votes, facilitates greater involvement of women, and personal conflicts minimized. **Cons** raised include: electorate dependent on political parties rather than individuals, voters cannot remove incompetent candidates, political parties become supreme over constituencies, the PR system leaves out a significant number of valid votes because of unreasonably high thresholds, for example, 5% in Mozambique.

It was noted that the mixed system was ‘too complicated’ and needs further explication.

A number of recommendations and practical steps were suggested:

-National level

- Dates of elections to be known well in advance to prevent the ruling party using this as a ‘secret weapon’;
- Election review to take place as a way of generating lessons for improving future elections incorporating: continuous review of electoral laws and systems, the mechanics of the election (for example: continuous voter registration, security of polling stations, sealing of ballot boxes, supervision of vote registers suggested), processes of constituting electoral authorities/commissions - to ensure fair representation, accountability and political stability and their suitability to specific country contexts. Electoral systems must be institutionalized in the constitution to give the force of law and to enable free and fair elections, electoral commissions to present reports on elections to parliament for debate, audit and review;
- mechanisms to manage electoral conflict to be incorporated;
- countries to have laws to incorporate SADC principles on electoral systems;

- governments to ensure that all registered political parties are funded to buy space or airtime in both the private and public media. Airtime equitably shared amongst all contesting parties during elections;
- security forces to be under the direction and supervision of electoral commissions during the electoral process;
- stakeholders in the electoral process to discuss issues and make recommendations to relevant authorities to make needed changes;
- private members motions must be encouraged in countries where there are no established bodies to co-ordinate reforms;
- governments urged to make budgetary provision for necessary reforms to electoral systems;
- create and sustain an environment where election monitoring and observing is part and parcel of the electoral process;
- a vibrant civil society to be encouraged to provide checks and balances to activities of state organs to entrench a culture of multiparty democracy;
- Illiteracy in wider society to be addressed. Related to this, voter education to be made part of the national curriculum and strengthened, particularly in rural areas.

-Regional level

- Politicians to hold ‘regional retreats’ to compare notes, exchange ideas on how electoral systems are working in various countries.
- SADC countries to have electoral courts, electoral laws, and provide monitoring and observation.
- Regional organizations, such as SADC electoral commissions to exchange experiences, establish standards regarding electoral systems, including election reports to form a regional agenda and act as watchdogs to help disseminate ideas and practical solutions to problems that might emerge.
- Use Pan-African Parliamentary Forum to influence national parliaments to pressurize governments to engage in meaningful electoral reforms.

-Political party level

- Political parties in each country to meet and compare notes, focusing on the national interest rather than their narrow party interest in terms of electoral system reform. Thus, political parties to assist in identifying concerns as well as presenting them to relevant authorities for consideration:
 - **Mozambique** electoral concerns are forwarded to a select committee of Parliament which proposes necessary changes;
 - **Zambia** – a technical committee has been appointed to get submission from the public;
 - **Kenya** – stakeholders to present their concerns to CMD-Kenya which in turn forwards them to Constitutional Minister who tables them in parliament;
 - **Malawi** – electoral reforms initiated through MCMD and forwarded to the Electoral Commission for presentation in parliament.
- Parties to be strengthened to be capable institutions of democracy and should assist with voter education.

**RULES OF ENGAGEMENT BETWEEN GOVERNING AND OPPOSITION
PARTIES,
WITH A FOCUS ON PARTY FUNDING**

Zambia, September 2005

Delegates noted that the relationship between governing and opposition parties is generally bad, characterized by antagonism and pointscoreing. To complicate matters, there are further complexities. For example in Kenya there is no ruling party, a crisis in coalition. Malawi has the unique phenomenon in which the president does not enjoy the electorate's mandate; in essence, there is no ruling party – only opposition and government. While in SA the relationship was described as 'fairly acceptable' – there is nevertheless still mistrust and suspicion relating to lack of agreement on the deconstruction of the past.

Four countries noted that the relationship between ruling and opposition parties was a high priority for their countries in terms of political and economic recovery, maintenance of peace, harmony, and free and fair elections.

Challenges identified in terms of the rules of engagement include: money politics, tribalism/regionalism, gaps in political ideology, lack of co-operation and common national vision, difficulty in reaching consensus; engagement based more on individual relationships than party structures, poor leadership qualities, tendency for tensions to exacerbate during election time, lack of trust among different political parties – including within opposition parties themselves themselves, lack of civic education, lack of resources among opposition parties, and lack of political will; no constitutional provisions for dialogue; moving inter-party engagement beyond parliamentary and administrative issues. More broadly, most democracies in the region are still nascent – many struggling to move from liberation-oriented and/or one party political culture to a multiparty democracy; the concept of inter-party dialogue seen as relatively recent.

On the **opportunity** side, delegates highlighted: funding through independent bodies, continuous pressure through civil society organizations, developing a culture of negotiations and skills in this regard, ongoing inter-party dialogue, codes of conduct for all political parties (as is the case in Ghana), establishment of a commission of secretary generals to develop way forward, collaboration of the regional forum with civil society organizations, and the use of a mechanism for pre-consultation on national issues outside parliament.

In terms of funding, delegates noted that it is provided to enable political parties to: mobilize voters during political campaigns, establish and run the party organization, communication with members and the public; undertake research on issues and policy and so on.

Conventional sources of political party funding across the 6 countries include: the state (public), private (individuals, donations – both secret and disclosed), membership subscriptions, volunteers (mostly women and youth), loans (individuals, institutions and banks), party investments, foreign companies.

Non-conventional sources include: blackmail of business (minority share in countries); crime (eg: Goldenberg in Kenya); drugs; corruption (contractors, concessions, allocation of land/plots, importation of sugar, rice, oil, dumping of goods in transit, tax exemptions and use of state resources.

Key issues in terms of party funding were highlighted, including:

- effective usage of party funding – how to ensure that funds are used for party-oriented activities? How to ensure that party funds are used to empower women parliamentarians and youth?
- interference of corporate business/foreign donor in the national political and economic life
- conditionality attached to private foreign and business funding eg. promotion of neo-liberal trade business ideology.
- synchronizing business interest with party interest
- inability of small parties to attract funding
- clarification of role of party in and outside government?
- parties should not be established solely for the accumulation of wealth
- sustainability of party funding as it applies to private/corporate/foreign withdrawal
- how to ensure that the rules of engagement apply to party funding?

Recommendations

- *National level*

Rules of engagement

- Need to deliberately build institutions and mechanisms to ensure engagement between ruling and opposition parties, as well as mechanisms for conflict resolution
- Note: Ghana has a party secretary forum, party chairperson forum, facilitating agency, party advisory council, party whips forum, political parties forum as well as codes of conduct for political parties
- Need to have an effective communication system for information sharing within parliament, as well as an informal process which is available outside parliament
- Constitution and legislative framework to be reformed to cater to issues of multipartyism
- Values and principles of engagement include: nation building, mutual trust and respect of all political stakeholders, representation of vulnerable groups (women, youth, people with disability), openness and genuine intention for dialogue, fairness of rules/regulation and their application

Party finance

- Need to have threshold on how much parties spend on electioneering
- Enact legislation in political party funding
- Political party funding/allocation to be spread through the parliamentary term not weeks/months before the election
- Assets acquired during the era of one party state (Zambia/Tanzania) be returned to the state (Kenya)
- Disclosure rules/policy to be applied to conventional and non-conventional source of funding and tax be levied on party donation

- Establish party codes of conduct in parliament, of which political parties have ownership
- Create an inter-party dialogue platform based on an enforceable code of conduct
- Establish a mechanism for engagement between governing and opposition parties
- Involve national civil society organizations
- President to meet more often with political party leadership
- New vision on inter-party forum for national issues – strengthening of inter-party forum/dialogues facilitated by CPS and NIMD.
- Amendments of electoral laws and political party acts where necessary
- Party funding to be limited to only parliamentary political parties
- Promote political, civil and democratic culture education widely in society

- Donor level

- Donor funding to political parties be directed towards generic activities

-Political party level

- Political parties need resources to function effectively, they should insist on state funding
- What model/mechanism for funding parties outside national parliament, especially parties with local government representation?
- Gender mainstreaming to be a condition attached to party funding
- Related, women and youth to be given priority in party funding structure.
- The efforts of volunteers (mostly women and youth) need to be quantified/costed to assess the extent of these efforts to party life and activities
- Analysis of the implications of electoral systems (PR, MMP, FPTP) on funding of political parties
- Training and capacity building for leaders and political parties to strengthen party institutions

DEMOCRACY AND VULNERABLE GROUPS

South Africa, October 2005

The key distinguishing feature of this conference from the others was the higher level of representation from women, youth and people with disability.

Delegates made a number of recommendations, which are grouped in terms of national; regional/international and political party level below.

-National level

- Delegates noted the need to create policy and legal frameworks in their countries to facilitate the participation of vulnerable groups according to the principle: **Nothing about us, without us** – the overall approach to be informed by dignity.
- Governments to implement legislation to effect international/regional conventions such as the UN Millennium Declaration, SADC Gender framework, the African Union, the Beijing Platform of Action and thus ‘domesticate’ this agenda. There is no need to reinvent the wheel.
- Quotas for vulnerable groups? In the party platforms and positions? In electoral lists? Quotas in parliaments? Delegates noted that quotas must be implemented in tandem with sufficient training to enable meaningful and effective participation.
- A number of important institutions and practices were noted. For example, Mozambique has an Institute for People with Disabilities, government policy provides tax exemptions to companies employing people with disability. SA has *inter alia* Disabled People of South Africa; equality and the use of sign language are recognized in the constitution; employment equity legislation incorporates people with disability. The Ministry of Women in Mozambique and the Gender Commission in SA have promoted the interests of women in their respective countries.
- The impact of social/cultural settings, mindsets, bias and stereotyping was noted; how society puts up barriers against the participation of vulnerable groups. Women in politics were encouraged to ‘harden themselves’, to not allow labels – such as ‘aggressive’, ‘iron lady’ - to stick, but rather move on, make a difference in society and serve the people. It was noted that the term ‘disabled’ creates distance – perhaps a fine of R50 every time somebody uses it? The accepted term is ‘people with disability’.
- Disability-specific legislation? It was felt that this does not necessarily work and can serve to marginalize people with disability further. A better approach is to integrate the concerns of people with disability into each and every piece of legislation.

Regional/international level

- Delegates noted that cross-party collaboration was useful to allow for learning from other parties/countries; sharing experiences; assisting in making issues of VGs known, ensuring national policies are implemented. They however, felt that there should be greater cross-party collaboration on cross-cutting issues, since this had allowed the exchange of new and effective practices which can be taken ‘back

home'. While delegates appreciated the opportunity to network regionally in a common forum, some felt two days was insufficient time.

- Networking, communication and training workshops, study tours were recognized as important. Particularly on gender issues since it was noted that women often do not socialize/network in the same way as men. Vulnerable groups would benefit from this kind of engagement where important information is exchanged in an informal way. Engaging the young people means knowing their context, exchange programmes might be one avenue to explore this.
- Delegates expressed their appreciation for the NIMD's support, 'good work, to be praised' and motivated for the continuance of the regional programme. It was suggested that NIMD only release funds to those parties with a stated commitment to vulnerable groups in their manifestos.
- The possibility of a regional forum/committee to advance the interests of vulnerable groups was raised. This would promote centres within countries to explore issues relating to vulnerable groups in greater depth and focus and thus domesticate the agenda further.
- One practical suggestion was that three working groups be established – women, youth, people with disability - incorporating ruling and opposition parties to take the issue forward. These groups would work in cyberspace, using email/internet and the Johannesburg-based Centre for Policy Studies as a resource. The objectives of these groups would be to share good practice, outline what machineries are in place in the participating countries with a view to replicating those that are working well. Once generic principles/policies are worked out then these will be distributed to all political parties participating in the regional program. To address the concerns of vulnerable groups at the national level – not just regional – the suggestion was made that an inter party secretariat operates at a practical level nationally.

-Political party level

- Political parties should be 'forced' to introduce clauses on vulnerable groups in their manifestos; they should be encouraged to not abuse their majorities and promote inclusiveness at all times.
- Delegates noted that monitoring and evaluation is an important aspect in this.

Some ideas on a way forward for the regional programme

- Networking opportunities
- The domestication of regional programme outcomes
- Taking the Cyber Groups forward
- Election of a new regional steering committee
- Way forward on the remainder of the Dar es Salaam agenda
- New regional initiatives
- Prospects for cross-party collaboration
- Ideas and experiences of domesticating regional programme outcomes
- Commitments on the domestication of the outcomes of the regional programme
- Draft Programme for 2006
- Co-operation with other regional programmes by sister organizations & continental & regional bodies
- New formula for regional delegations