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Engaging SADC: A Discussion Paper On Civil Society Options

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Policy: issues and actors

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1. INTRODUCTION

This discussion paper seeks to establish the various methods available to southern African civil society organisations and non-governmental organisations affiliated to the Southern African Development Community Non-governmental Organisational Council (SADC-CNGO) for engagement with the Southern African Development Community (SADC). It is hoped that engagement will allow non-governmental and civil society organisations better opportunities to influence the SADC agenda and the implementation of its policies.

In order to achieve this objective, research was undertaken, funded by the Conflict and Governance Facility (CAGE), a partnership facility between the European Commission and the South African National Treasury Department. The purpose of this inquiry was to establish the various obstacles to viable engagement and how these obstacles may be overcome. The work herein provides a cursory exposition of the current state of affairs; a more comprehensive research initiative and appraisal can be developed if discussions identify the need for more in depth research in certain areas.

2. METHODOLOGY

The methodology adopted was essentially a combination of a literature review and interviews. Since civil society engagement with SADC is a relatively new area of study and with the workings of SADC itself often an enigma, literature on the subject was difficult to obtain. The interviews conducted were therefore crucial in ensuring more concrete development of ideas, themes and recommendations in this research. Francis Kornegay of the Centre for Policy Studies and Naefa Khan conducted the interviews.¹

3. SADC - PRINCIPLES AND OBJECTIVES

A discussion on engagement cannot proceed without understanding the tenets on which SADC is founded. These tenets are encapsulated in the principles and objectives stipulated in the Declaration and Treaty of SADC in Articles 4 and 5 and which read as follows:

Principles

- a) sovereign equality of all Member States;
- b) solidarity, peace and security;

¹ Kornegay met with individuals at the Development Bank of Southern Africa and conducted a telephone interview with a SADC desk official at the Department of Foreign Affairs in South Africa.

- c) human rights, democracy, and the rule of law;
- d) equity, balance and mutual benefit;
- e) peaceful settlement of disputes.

Objectives

- a) achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
- b) evolve common political values, systems and institutions;
- c) promote and defend peace and security;
- d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;
- e) achieve complementarity between national and regional strategies and programmes;
- f) promote and maximise productive employment and utilisation of resources of the Region;
- g) achieve sustainable utilisation of natural resources and effective protection of the environment;
- h) strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the Region (Declaration and Treaty of SADC in Articles 4 and 5).

As these principles and objectives indicate, SADC endeavours to produce an economic and political environment which promotes the regional development and facilitates the realisation of better livelihoods for the people of southern Africa. The role civil society and non governmental organisations (NGOs) have to play in achieving these objectives is discussed hereunder.

4. THE ROLE OF CIVIL SOCIETY AND NGOS IN SADC

Some have suggested that because SADC was established to encourage regional integration, NGOs seeking to fulfil a similar mandate should be the only ones engaging SADC. This limited

interpretation of the role of NGOs is possibly gleaned from a restrictive, isolated reading of article 23 of the SADC Treaty which deals specifically with non-governmental organisations. The section reads as follows:

1. *In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the people of the Region and non-governmental organisations in the process of regional integration.*
2. *SADC shall co-operate with, and support the initiatives of the peoples of the Region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and people of the Region (Declaration and Treaty of SADC, Article 23).*

However, the claim that only NGOs involved in regional integration are encouraged to engage SADC becomes spurious when the overall purport of integration is alleviation of poverty and better livelihoods for the people in the region. An amendment to the treaty stipulates that the Heads of State and Government are “Determined to alleviate poverty, with the ultimate objective of its eradication, through deeper regional integration and sustainable economic growth and development”. This concept of poverty alleviation is further strengthened in the treaty in article 5. 1. (subsection a), which states that SADC seeks to “achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration”. In addition, article 23 stipulates that engagement with NGOs is sought to further the objectives of the treaty. In order to achieve the objectives as set out in article 5.1, article 5. 2. (subsection b) stipulates that SADC will “encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC”. Consequently all civil society organisations (CSOs) and NGOs seeking to improve the lives of individuals in the region, as one of the primary objectives of SADC, should be entitled and encouraged to engage SADC.

Furthermore, CSOs and NGOs provide a very important avenue for the voice of the marginalised, most often the poor and vulnerable such as women and children, and consequently represent a sizeable proportion of the citizenry of each country within the region. The preamble states that the Heads of States and Government should be “Mindful of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;” thereby evidencing the fact that the foundational treaty establishing SADC takes cognisance of the need to involve the people of the region. Finally, as pointed out by CIVICUS, SADC programmes are “supported through the member tax based contributions”, merely another reason to support the notion of citizen participation in developments in the region.

As a result, civil society and NGO engagement with SADC at all levels in order to fulfil the objectives for which SADC was formed is legally entrenched. Therefore, the salient questions become (a) is it useful and possible for civil society to engage and (b) if so, how can this be done?

5. CURRENT PERCEIVED IMPEDIMENTS

SADC is often perceived as an “elite club”. The dominant perception is thus that decisions are made and policies adopted by a privileged few without regard to the views of the citizens they are accountable to. As Landsberg and Mackay accurately note, any efforts at regional integration in SADC have been “highly elite-driven” since its inception in 1978 - though under a different name (2004:18). Moreover, uncritical solidarity remains a problem, as Williams has astutely pointed out,

SADC was founded on the basis of political and economic solidarity in the face of increasing aggression from the apartheid state. This remains a profound characteristic of the behaviour of all member states i.e. to protect each other, even though the context has changed very fundamentally (2005).

6. CURRENT PHYSICAL IMPEDIMENTS

The fact that research needs to be undertaken to establish the best methods available to engage SADC illustrates the inaccessible nature of the organisation and once again reinforces a perception of exclusivity of the club. SADC, by implication, becomes an organisation situated above the citizens and removed from the people. Structurally, the hierarchical nature of the organisation strengthens this divide. Abie Dithlake, General Secretary of SADC-CNGO, noted that most decisions are made in the Summit - of heads of state and government - without any information concerning the discussions being provided to any other structures in SADC.

Moreover, no entry point exists for civil society or NGO engagement at a secretariat level. The only structured entry point is through SADC National Committees which, as shall be demonstrated, have either not been established or form part of a government department. The factual constraint of an impenetrable structure and the notion of an exclusive decision making organ, have led some analysts to question the efficacy of formal engagement with SADC.

7. ATTEMPTS TO ENGAGE SADC

There have been ad hoc attempts to engage SADC and these attempts have often been spearheaded by NGOs seeking to engage SADC on issues such as environmental degradation, HIV/AIDS and the crises in Zimbabwe and Swaziland.

In 2002 the Global Mechanism of the United Nations Convention to Combat Desertification brought together relevant NGO members in SADC to develop strategies to prevent further land degradation and alleviate poverty. The partners to the project were international, regional and national. They included the Canadian International Development Agency; Southern African Development Community Environment and Land Management Sector Coordination Unit; Southern African Development Community Food Security and Rural Development Hub; The Global Mechanism of the United Nations Convention to Combat Desertification; Zambia Alliance of Women; Environmental Monitoring Group; and Global Legislators Organization for a Balanced Environment. The primary purpose of the summit was to strengthen the capacity of NGOs and civil society organisations to enable these groups to engage at a governmental and regional level and to ensure implementation of the various protocols on environmental protection of land, most of which had been ratified by SADC members. The partnership also sought to provide input at significant events such as the World Summit on Sustainable Development and the Southern Africa Development Community Environmental Ministers Meeting.

In August 2003 CIVICUS arranged a workshop at the meeting of the SADC Council of Non Governmental Organisations (SADC-CNGO) in Dar es Salaam. The result of the workshop was a letter detailing the abuse of civil liberties in Zimbabwe and Swaziland. The open letter was produced for submission at the Heads of State and Government meeting which took place a few days later also in Dar es Salaam. The workshop was attended by the Zimbabwean High Commissioner to Tanzania, Chipso Zindongo, who qualified his attendance by stating that he would not condone any “demonisation” of his government and president. When a fellow citizen, Nokuthula Moyo, a member of the Zimbabwe Crisis Coalition, spoke about the detrimental affects of the draconian legislation recently enacted in Zimbabwe to curb civil society, Zindongo, according to the CIVICUS report, left the room. The following organisations signed the open letter: South African NGO Coalition; National Association of NGOs in Zimbabwe; Tanzanian Association of NGOs; National Welfare and Social Services and Development Forum in South Africa; the Congress of NGOs in Malawi; the Botswana Council of NGOs; The Crisis in Zimbabwe Coalition; Civil Liberties Association of Malawi; the Mauritius Council on Social Services; the Union of NGOs in Seychelles; Zambian Council for Social Development; Tanzanian Council on Social Development; Namibia NGO Forum; Coalition of Concerned Civic Organisations of Swaziland, Eastern and Southern African Centre for NGO Reflection; CIVICUS: World Alliance for Citizen Participation.

In August 2005 SADC civil society organisations adopted a communiqué which dealt with the need to improve gender issues, the HIV/AIDS pandemic, food security and the situation in Zimbabwe and Swaziland. The communiqué was adopted prior to the Heads of State and Government Summit in Gaborone, Botswana.

These are merely a few examples of attempts by civil society and non governmental organisations to engage SADC. In terms of general high priority issues such as HIV/AIDS, food scarcity, Zimbabwe and Swaziland, it appears that civil society organisations and NGOs believe it is best to meet during the period of the Summit meeting when decisions are taken and policy formulated in order to produce a statement focusing on relevant issues which they believe should be prioritised. The effectiveness of this method needs to be established. As mentioned before, the General Secretary of SADC-CNCO has pointed out that:

Effectively, the Summit is a de facto closed structure with its deliberations largely known to heads of state and governments who meet in exclusion of even the Council and does not keep or circulate records of its deliberations. (Ditlhake, 2005:2)

Consequently, ascertaining the impact of these statements becomes difficult since there is no access to documentation of Summit - heads of state and government- meetings and it remains questionable whether any are kept.

8. FORMS AND PURPOSE OF ENGAGEMENT

Before delving into the methods of engagement, it is important to ascertain the form of engagement which will best serve to ensure the objectives sought by the NGO and civil society community. This is in and of itself problematic since depending on the structure, objective, finances and a myriad of other factors influencing the capacity of the organisations, the form of engagement will vary. SADC-CNGO intends to develop a database of all NGOs in the region as a first step toward creating some understanding of the potential of effective civil society engagement in SADC.

SADC-CNGO is comprised of national umbrella NGOs and is consequently an attempt at representation and inclusiveness. Nonetheless, this should not preclude a rigorous examination of the extent of civil society engagement at a state level. Natalie Vereen notes that in individual states, space for civil society and NGO engagement differs and that this should always be borne in mind.² In certain states, engagement is perceived as threatening and consequently suppressed. She argues that even in a country such as South Africa where public participation has been constitutionally entrenched, civil society and NGO engagement at a regional and national level is constrained. As a result of varying capabilities of NGO

² Natalie Vereen, Operations Officer, CAGE, at Botswana Workshop 24 November 2005.

engagement at state levels and the range of forces impinging on the mandates of NGOs and CSOs (such as funding, linkages with government, and agendas which create confrontation rather than encourage engagement) finding a common voice is difficult. Nonetheless, this common voice is required for engagement with SADC to be meaningful.³ A common voice does not mean the suppression of other ideas and voices, since, if SADC-CNGO wants to be an effective structure it's members must be representative of as broad a section as possible of the civil society and NGO communities - from grassroots to established, well-funded ones. This responsibility to ensure representation will lie mostly with national umbrella institutions that should attempt to incorporate a diverse NGO and civil society grouping. This may result in conflicting approaches to engagement, but could most certainly encourage dialogue and debate amongst and within its affiliates while strengthening perceptions of the organisation's accountability. A common voice will hopefully then be a compromise established through rigorous debate and extracting the best ideas capable of the most effective impact from all those involved.

Various forms of engagement can be adopted. In the SADC context the approach currently appears to be more adversarial than collaborative. Dithlake maintains that southern African leaders have an "inherent distrust of civil society" and will use all means at their disposal to bring these organisations into disrepute (Dithlake, 2005:2).

Lisa Jordan describes four methods which can be used to engage civil society. Although writing in the context of multilateral organisations, her analysis is equally applicable to regional blocks.

1. *The first form of engagement is "campaigns and public protest" which includes protests and open letters.*
2. *"Multi-stakeholder dialogues" involve creating a forum for discussion which can incorporate all relevant stakeholders.*
3. *"Formal interaction" involves attempts to work with institutions in an "advisory" capacity in more formalised settings. This Jordan admits is often the most difficult since these bodies often do not want to relinquish any power. "Convincing national governments" is possibly, according to Jordan, the most effective way to create policy. She asserts that, "[g]enerally, if public policy is to succeed, it ultimately needs government champions", an unfortunate truism. So, in the context of SADC, civil society grouping will do well to attempt to convince their individual national governments to push for their (civil society's) preferred policy choices at SADC/regional level. A concerted campaign to convince member governments in their own countries (before SADC deliberates and decides on a policy or infrastructural issue before it) could help sway the mood when members meet as a*

³ Ibid

collective under the auspices of SADC. A dilemma here is that governments are often more inclined to hear the needs and concerns of the private sector, rather than civil society and NGOs.

4. *Finally, “starting locally” involves working at grassroots levels trying to prevent certain policies from negatively affecting people lives (Jordan, 2003).*

In West Africa successful engagement at a regional level has occurred utilising formal engagement; civil society organisations and NGOs have had a significant impact on issues such as peace and security, good governance and human rights in the region. This was not the case initially, as writers on this issue have noted.⁴ At first, the relationship was one in which civil society acted against the state because the state was seen as responsible for human rights abuses and exacerbating socio-economic hardships. As such the relationship was antagonistic, rather than civil society helping to inform policy. This adversarial relationship has changed with civil society organisations and NGOs becoming more involved in policy formulation. Examples of successful engagement with the Economic Community of West African States (ECOWAS), often cited by writers on the subject are those of the West African Network for Peacebuilding (WANEP) and the West African Civil Society Forum (WACSOF).⁵

Civil society organisations are key players in detecting early warning signals of conflict. They work with the people on the ground and as such are more capable of sensing tension build up and small outbreaks which may lead to further escalated violence. But, unfortunately these organisations are often not co-ordinated and therefore their expertise remains localised as they are unable to deal with problems at national or regional levels. As a result, WANEP and the Economic Community of West African States (ECOWAS) entered into a working agreement which would eradicate this problem.

WANEP is a coalition of organisations in 12 countries dealing with detection of early warning signals. The information obtained feeds into the ECOWAS Secretariat via a liaison office situated in the secretariat. The briefs published by WANEP are used by the executive secretariat to formulate policy.

Similarly, WACSOF comprises civil society organisations from 15 member states and it is anticipated that the organisation will work closely with the ECOWAS secretariat on regional issues in all spheres of life, political, economical, cultural, etc.⁶ Although this approach will be considered later again in this work, the key aspect to note here is the presence of civil society and NGOs within the secretariat. ECOWAS understood that the expertise these

4. The information on WANEP and WACSOF was obtained from unpublished material produced by the Centre for Conflict Resolution.

5. Ibid.

⁶ Ibid

organisations possessed would be invaluable. The success of engagement does, therefore, depend on the desire of the regional bloc to work in partnership with civil society organisations and NGOs, a desire which appears lacking in a SADC context.

It must be remembered that formal engagement is merely one method of engagement. Engagement can, as explained by Jordan, occur at various levels. One does not necessarily preclude the other and therefore for engagement to be effective all methods should be considered and those most likely to effect change utilised. This may even involve a multi-pronged approach which employs more than one method simultaneously.

9. 'CALENDARISING' SADC: THE DECISION-MAKING ROUTINE

In order to concretely work on engagement, it is probably apt to provide an exploratory discussion of the SADC 'routine' that informs the organization's decision-making process. The following information was obtained from a Department of Foreign Affairs official working on the SADC desk.

It would appear that SADC does not have a calendar as such as much as a "routine that informs its work programme". "Calendarising" SADC, therefore, involves gaining a detailed sequencing of this routine.

1. The SADC 'routine' starts in July/August with the meeting of the Council of Ministers (consisting of economic ministers [e.g. Trade, Finance or Economic Development] but with some member states represented by Ministers of Foreign Affairs) and this is closely followed by the meeting of the Summit - of heads-of-state and government, in August. The Council of Ministers meet twice a year - in July/August prior to the heads of state Summit, and at the end-of-February each year.
2. The February Council of Ministers meeting is followed every May by a meeting of the Integrated Committee of Ministers (ICM) made up usually of 2 ministers from each member state (Landsberg, Mackay: 2004). The ICM oversees the SADC economic programme, in particular the Regional Indicative Strategic Development Plan (RISDP).

While this 'overall framework' is unfolding, the SADC Organ decision-making process unfolds as follows:

1. The first meeting is the 'Organisation of the SADC Organ Troika' at ministerial level in November each year. (This Troika is made up of three member states that are not members of the SADC Troika. The Chairperson of the Organ reports directly to the SADC Summit.) As a ministerial meeting, this November session is a planning meeting that prepares the work programme of the Inter-State Defence and Security Committee (ISDSC) and the Inter-State Politics and Diplomacy Committee (ISPDC).
2. The meetings of the ISDSC and ISPDC (at Ministerial level) take place in June/July, followed by a meeting of the Ministerial Committee of the Organ (MCO) towards the end of July. In the build-up to the Summit, a preparatory troika ministerial meeting takes place in early August, feeding into the troika summit.
3. The SADC Organ Troika Summit meeting occurs every August. At this stage heads-of-state formulate and approve their report for the August Summit which the troika will attend as heads-of-state.

Thus, the main activity routine of SADC takes place between November and June, culminating in the July-August meetings. A lull in activity sets in September and October.

In Summary, the SADC 'Calendar' can be outlined as follows:

November	1 st SADC Organ Troika Ministerial planning meeting
Jan/Feb	1 st Council of Ministers meeting (economic ministers - e.g. Trade, Finance or Economic Development - with some member states represented by Ministers of Foreign Affairs).
May	Integrated Council of Ministers (ICM) meeting to review RISDP
July	Meetings of ISPDC and ISDSC Meeting of MCO
July/August	2 nd SADC Organ Troika Ministerial meeting SADC Organ Troika Summit
August	2 nd Council of Ministers meeting Summit of Heads-of-State and Government of SADC ⁷

⁷ Additional information obtained from Henry William Short, Department of Foreign Affairs, via e-mail, 30 January 2006.

10. METHODS OF ENGAGING SADC

10.1. Summit

The Summit is the “ultimate policy-making institution of the SADC” (Landsberg, Mackay, 23: 2004). A full consensus of the Summit is required for a decision to be adopted (Isaksen, Tjønneland: 2001). As illustrated above, CSOs and NGOs tend to submit communiqués during the Summit. The Troika, Organ for Politics, Defence and Security Co-Operation are similar government and state head dominated organisations (Landsberg, Mackay: 2004).

10.2. The Council of Ministers

The Council is mandated with ensuring that the policies decided upon are properly implemented (Landsberg, Mackay: 2004). Since the ministers belonging to the Council are usually contact points for SADC issues, they are most often attached to the Department of Foreign Affairs in their home states (Isaksen, Tjønneland: 2001). Traditionally, however, the majority of member states have been represented by Economic Ministers, e.g. Ministers responsible for Regional Cooperation, Economic Development, Trade or Finance. Finding a member state representative sensitive to an organisation’s cause in the Council may be an entry point for civil society organisations and NGOs. As part of the secretariat, the representative may be able to push forward the concerns of the organisation and lobby for its cause at a regional secretariat level. The problem, however, is that once the issue has reached this level, political machinations are at play and it is virtually impossible to find anyone who will approve the project since commitment to a project may offend another member state (Williams: 2005).

As a result of the governmental dominance of these institutions, engagement at this level may be problematic. If, as in the case of ECOWAS, a contact point existed in the secretariat, then engagement at this level would be more effective. WANEP was able to gain this positioning because of its expertise and the fact that it was well represented in so many member states. Vincent Williams has noted that a possible entry point would be for the organisation to illustrate that its expertise will be invaluable to SADC and as such the organisation should be accorded priority status (Williams: 2005). In this case it would possibly be best for the organisation to be an umbrella organisation such as WANEP because it would be seen as more representative (Mackay, 2005). WANEP possibly claimed this position more easily because of the myriad of conflicts erupting in the region and the need to ensure an effective early warning system. It may be more difficult for Southern African CSOs and NGOs

to illustrate the importance of their active participation at a secretariat level, given the differing stances and positions of certain member states on issues such as HIV/AIDS, peace and democracy. Nonetheless, demonstrating expertise could be an excellent form of leverage in gaining space in the regional block. Some CSOs and NGOs often have well researched information on the myriad issues facing the SADC community and since they often work directly in members' fields of expertise, these members will be able to access information on the effectiveness of projects, and their problems and benefits.

In addition, although engagement may be difficult at this level, it is important that civil society and non-governmental agencies enable more accessible engagement. To this end the database envisaged by SADC-CNGO will be essential. This umbrella organisation will need to demonstrate that it is capable of mobilising the relevant civil society organisations and NGOs when an issue arises. It will, therefore, be dependent on its members, the national umbrella organisations, to ensure that they are representative as mentioned earlier. National umbrella organisations will need to attract smaller, less well-funded organisations to ensure they have a voice. Landsberg and Mackay list certain requirements which will help strengthen civil society capacity, these include, *inter alia*:

- “Forging partnerships with one another
- Strengthening their cross-border collaboration capacities
- Forging partnerships with pro-poor organisations
- Providing accessible information to people” (Landsberg, Mackay: 2004, 5).

Strengthening capacity will prevent governments and regional bloc leaders from claiming that it is difficult to engage civil society and NGOs because they cannot engage with a hundred different organisations. This was one of the reasons advanced for denying civil society participation in NEPAD (Williams, 2005).

10.3. Directorates

From discussions with Development Bank of Southern Africa (DBSA) members and members of SADC-CNGO it would appear that the best contact points for engagement will be the newly-established Directorates. The Directorates are an amalgamation of 21 units into 4 directorates, namely:

1. the Directorate of Trade, Industry, Finance and Investment;
2. the Directorate of Infrastructure and Services;
3. the Directorate of Food, Agriculture and Natural Resources; and

4. the Directorate of Social and Human Development and Special Programmes.

A Report Commissioned by the Norwegian Agency for Development Co-operation (NORAD), in December 2001, indicated that the formation of the directorates would facilitate strengthening of the secretariat. It is hoped that the establishment of the directorates will shift the focus of the Secretariat "... from project management to policy formulation and harmonisation, and resource mobilisation." (Isaksen, Tjønneland: 8, 2001). The following are examples of the way in which these directorates can be used to engage SADC:

A five year programme (2005-2009) has been established to strengthen vulnerability assessments in the region. Regional warning systems have already been established under the Directorate of Food, Agriculture and Natural Resources (SADC-FANR). Nonetheless, there has been a clear commitment to sustainable and equitable socio-economic development and poverty eradication as evidenced by the adoption of the Regional Indicative Strategic Development Plan (RISDP) in Dar es Salaam in 2003. This has meant the adoption of further measures to ensure fulfilment of the obligations set under RISDP. As a consequence, a Regional Vulnerability Assessment Committee was established under the SADC-FANR to provide technical support to member states in the areas of "vulnerability assessments" in the context of food security. To further strengthen the capacity of the SADC region to deal with the issue of food security, National Vulnerability Assessment Committees were established at national levels. Although these committees have only been established in certain SADC countries (Zimbabwe, Malawi, Zambia, Swaziland, Lesotho and Mozambique) the plan is to establish these committees in all member states. The National Vulnerability Assessment Committees comprise government members, NGOs and United Nations officials (Southern African Humanitarian Information Network). Since these committees have been established in six SADC countries already, have incorporated the NGO community, and have indirect access to a SADC Directorate, this may be a method through which NGO's dealing with issues of food security are able to access and engage the usually impenetrable SADC structure. It is, however, once again unfortunate that at a secretariat level there is no civil society or NGO representation within the structures dedicated to food security.

The World Trade Organisation has adopted a framework for managing the HIV/AIDS pandemic in the SADC region. This initiative was supported by various organisations including the European Union and the World Bank. The following is purely an institutional framework for a four year action plan which started in 2003 and was scheduled to end in 2007. The framework similarly provides an entry point for civil society organisations and NGOs dealing with the issue of HIV/AIDS.

The project envisages that the HIV and AIDS Unit will be established in the Department of Strategic Planning, Gender and Policy Harmonisation. Information is usually fed from the

Directorates into this department. It is anticipated that each directorate will have an HIV/AIDS specialist. At a national level the SADC National Committees will attempt to formulate a regional agenda and also provide a forum for discussion with government, the private sector, civil society organisations and NGOs as to what the national plan for a region will be. The body which will be used to ensure engagement between the SADC Secretariat and the SADC National Committees is the Technical Committee on HIV and AIDS.

As has been demonstrated, various initiatives have already been developed which can be accessed to engage SADC. With the four directorates, and functional SADC National Committees, it will be possible to align civil society organisations and NGOs with a specific directorate since, in theory, SADC National Committees are supposed to replicate these departments at all levels to ensure that issues are channelled in the right direction. Although there is still no civil society or NGO representation within the SADC secretariat, the committees are supposed to provide an entry point - at least on paper. If this method is adopted, the most basic requirement would be the establishment of these institutions. This is the focus of the next aspect of this paper.

10.4. SADC National Committees

The SADC National Committee, in its structure, has made allowances for stakeholders from government, private sector and NGOs (Landsberg, Mackay: 2004). As such, these committees provide an entry point for engagement with SADC at a national level. It is envisaged that in South Africa these committees will be established within the SADC National Contact point of the Department of Foreign Affairs. According to Kornegay and Landsberg these committees were established to:

...serve as a strategic think tank in national policy formulation and implementation of South Africa's priorities in the continent and within SADC. In promoting integration within the sub-region it is being proposed that the National Committee should be structured in a manner that avoids duplication of effort and resources (Kornegay, Landsberg, 2002:27-28).

The committee, sub-committees, and technical committees will work within the four broad categories of Trade and Investment; Food, Agriculture and Natural Resources; Infrastructure and Services; and Social and Human Development, effectively mirroring the four directorates. But they will also include an additional category - Politics and Security - an area that falls within the realm of the Organ for Politics, Defence and Security Co-Operation. Technical committees will be established under the sub-committees and it appears that these will do most of the legwork. While the sub-committees and technical committees will

be comprised of members from civil society as well, the SADC National Committee will be government official driven. The work undertaken by the committees will hopefully inform policies and strategies adopted by SADC (Kornegay, Landsberg, 2002:27-30).

Sources at the Development Bank of South Africa (DBSA) maintain that in the South African context, the SADC National Contact point of the Department of Foreign Affairs will in future be transformed into NEPAD/SADC National Committees. But the concern here is that these committees had yet to be activated at the time of writing. Moreover, the eventual transformation of these committees to include a NEPAD agenda may distance civil society from engaging at this point since NEPAD is generally viewed as pushing a neo-liberalist economic agenda which is anathema to many civil society organisations and NGOs. These concerns are trivial compared to the most decisive hurdle: certain SADC states are averse to incorporating civil society and NGOs into a system which provides them with a voice. As such, establishment of these committees has not occurred and is likely to be an arduous process.

11. ENGAGEMENT METHODS: THEIR PROS AND CONS

11.1. Summit

Since all policy decisions are ultimately made by Heads of State and Government in the Summit, lobbying during Summit meetings at a regional level incorporating national umbrella NGOs of every member state may arouse significant media attention and support and will also highlight the exclusive nature of SADC. A tactic that worked for EU NGOs was the co-ordination of simultaneous action in Brussels with action in the capitals of each EU country. The publicity & pressure it generated were so enormous that the EU had to meet with the NGO reps to iron out their issues over funding.

11.2. Council of Ministers

A member state representative lobbying for a specific cause will ensure that the matter reaches the secretariat. Unfortunately because the only players at this level are government officials, political manoeuvrings come into play and the cause may be side-lined as a result.

11.3. Directorates and SADC National Committees

The Directorates in and of themselves are merely SADC organs and only through the SADC National Committees will civil society and NGO voices be heard and then only in a

diluted capacity since these Committees also comprise government and the private sector. It may possibly be more useful to work through programmes that are already in place such as those dealing with HIV/AIDS and food security. Nonetheless, for these programmes to work efficiently, SADC National Committees should be fully functioning committees, which unfortunately they are not.

Moreover, once an organisation's concerns reach SADC, the burdened bureaucracy mitigates against anything concrete happening as individuals continue to defer instead of dealing with the issue because of the fear of incurring the wrath of another member state through acquiescing to a particular project (Williams: 2005).

The situation therefore may appear bleak. On the positive side, there are various methods available which, although may not result in active constructive engagement with SADC, will allow for a contact point. Where frameworks have been established, it may be best to tap into these to facilitate implementation of proposed programmes. Indirect routes - via SADC National Committees - could benefit SADC-CNGO and therefore should be pursued.

It may also be possible to adopt a holistic approach, one in which all avenues are explored and used to illustrate to the SADC secretariat that the civil society and NGO community will continue to ensure that the objectives of the SADC Treaty and more precisely, those formulated in RISDP, are pursued in consultation and engagement with the people of the region as stipulated in the Treaty.

12. The African Union Option

A SADC legal adviser has suggested that engagement with the African Union (AU) could aid in pressuring SADC to have more civil society and NGO representation (Williams, 2005). The AU has admirably worked on a principle which views civil society and governments working as a partnership. The preamble of the Constitutive Act of the African Union (2000/2001) states that the Union will be:

... guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples. (Landsberg, Mackay: 2004)

The AU emphasizes the need to build relationships between governments and civil society, especially women and children, in order to ensure that governments are responsive to the needs of the people. The importance of involving civil society in policy formulation and decision making was in fact institutionalised with the establishment of the Economic,

Social and Cultural Council (ECOSOCC). As Landsberg and Mackay point out, ECOSOCC is the “interface between the AU and civil society” and “consultation is intended to be permanent and systematic in manner”. The two most important objectives, for present purposes, of ECOSOCC are:

- The promotion of a permanent dialogue between the African people and their leadership on vital issues concerning Africa and its future; and
- Promoting strong partnerships between governments and all segments of society, in particular women, youth, children, the Diaspora, and the private sector; (Landsberg, Mackay, 30: 2004)

ECOSOCC was established to ensure that the people of Africa have a say in the formulation of policy and that these decisions are not merely at a Head of State or Government level (Landsberg, Mackay: 2004). This stance adopted by the AU should be reflected in the behaviour of the regional blocks. It may, therefore, be useful to find alliances at an AU level capable of ensuring that the principles adopted by member states, as encapsulated by the Constitutive Act and AU organs, are also practised at a regional level. Once NGOs are endowed with more power and representation within the SADC structure it necessarily follows that engagement will become easier and the contact points identified then become viable avenues. But given the often competitive stance adopted by some of these regional bodies toward the AU, this will not be easy and may thus require simultaneous alliance building at both AU and regional levels.

13. Recommendations

The need for a more exhaustive and detailed study and consultation process on the options that have been explored in this paper with the objective of facilitating more effective civil society engagement of SADC is certainly required.

From this initial and limited study, it is clear that the SADC National Committees are the structures within SADC which officially allow for this engagement. Since these committees are supposed to interact with the four economic and social directorates and the Organ Directorate within the SADC Secretariat, it may be advisable for civil society to structure its mechanism for engagement with SADC along similar lines. This will allow for constructive engagement with the SADC Secretariat and the SADC National Committees following an issue-based formula. Civil society organisations should also push for SADC to make provision for professional groupings to interact with SADC following the ECOSOCC model, which differentiates between civil society and professional groupings. The ECOSOCC statutes were actually drafted along this differentiation. Since SADC is a regional building bloc for the African Union (a fact which may lend credibility to these calls), the civil society mechanism for engagement with SADC may in fact constitute itself as the Southern African regional body for ECOSOCC.⁸

A starting point would, therefore, be to assess the state of these committees in member states and to work towards activating them. A recommendation made by Kornegay entails convening the following two-stage consultation process:

1. A South African Government-Civil Society meeting of stakeholders on activating South Africa's SADC National Committee, and
2. A SADC-wide stakeholders' conference between government and civil society on activating SADC National Committees in all SADC countries or at least in as many as is politically and practically feasible.

Moreover, the 5th Pan-African Conference of Ministers of Public Service and Administration recently convened by the South African minister for public services and administration, Geraldine Fraser-Moleketi, in Addis Ababa, seeks to create linkages from national to regional to continental level; SADC National Committees will be instrumental in providing SADC with these linkages and interactions. Thus, the departments of public service in member states could be useful allies in seeking partners to help activate the committees.

While working on establishing these committees, cognisance should be taken of the proposal made by Kornegay and Landsberg. They suggest that because of the dominance of government officials at the SADC National Committee level, that a SADC National Forum

⁸ Information obtained from Henry William Short, Department of Foreign Affairs, via e-mail, 30 January 2006.

should be established. Such forum would comprise members of civil society organisations who are involved in the sub-committees and technical committees. This, they maintain, will make "...SADC National Committee structure a genuine government-civil society partnership through the establishment of SADC National Forums on:

- Peace and Security;
- Trade and Investment;
- Food, Agriculture and Natural Resources;
- Infrastructure and Services; and
- Social and Human Development”(Kornegay, Landsberg, 2002:35 -36)

Alongside this, SADC-CNGO should continue to actively pursue the objectives as set out in its Draft Strategic Plan of 2005-2008, since this will ensure capacity building. Finally, if SADC-CNGO wishes to eventually transform the SADC structure so that it provides space for engagement with civil society and NGOs at a secretariat level, it may be useful to approach ECOSOC and request that the organisation lobby on SADC-CNGO's behalf at a continental level for more civil society engagement at a regional level. Hopefully, the ethos of the AU in relation to civil society and non governmental organisations can filter down south. Perhaps this could be replicated in other regions as well.

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